PART FIVE

MASTERS AND SLAVES

14. A Nobel Prizewinner

A COLD WIND KNIFED THROUGH ten thousand crannies, broken walls, shattered towers. Another few years of lifting and carrying brick and beam, and nearly everybody would have a fairly decent home. Meantime, only one room out of three was habitable. Some people slept on the streets. By the gate of the Old Town, several families lived underground in the three-level air-raid shelter near the monument to the painter, Albrecht Durer, once Nurnberg's most famous resident. The women hung their wash on his statue.

But not many public places offered refuge. The Rathskeller lay in smithereens. Only two beer halls were open, outside the city walls.

Few citizens came to the Palace of Justice. Better to shiver over a little fire made of sticks than to be comfortable watching the birth of an awful new tradition. Many had warmed their bones in the attic-like courtroom when it had been a post exchange and the G.I.'s had used the judges' bench for a bar; one could accept Lana Turner in a sweater where the picture of Der Fuehrer used to hang. Then the following year — ten feet from the spot where he'd been the swaggering accuser in the Reichstag-fire trial in 1933 — Hermann Goering sat charged with a world conflagration. After a bombastic tirade that reminded many of the glorious days, Goering had cheated the gallows. But he could not carry the others into martyrdom with him. History littered the floor, and this room was no place for those who liked orderliness as much as warmth.

Though the place had been swept for the new tenants, the air of anticlimax remained. At the Goering trial, in the walls above the prisoners' dock, forty "still" and motion-picture photographers had perched behind glass. Only a few had stayed on.

At nine o'clock this morning, the benches of the dock were bare. From the jail, the defendants walked the covered way to the Palace.

Their hands were free to argue or wave. They filed in as if to a board meeting. The others pointed at Hermann Schmitz's stooped back and shook their heads. Schmitz took his seat. His dirty-white goatee wilting on his chest, his bleary-blue eyes downcast in a sort of automatic concentration, he seemed a stupid caricature of his old self. His counsel announced that Schmitz had elected to remain silent. Then Baron von Schnitzler, accepting the Tribunal's implied invitation to say nothing more, also decided not to take the witness stand.

Nobel Prizewinner Hoerlein gathered up from his lap a sheaf of papers. Hoerlein had a fox's face that Hermann Schmitz should have been born with, a face that did not go along with the directorship of Farben's pharmaceutical factories. In any other large drug enterprise, Professor Hoerlein, responsible for producing more than 2000 preparations, would have been president. As it was, his only technical boss was the omniscient Dr. ter Meer. Buna rubber had first taken Ter Meer to Auschwitz, but Professor Hoerlein had not gone with him.

Though Hoerlein's expression was crafty, his paunchy body made the dominant impression. Limping past the others in the first row of the dock, he walked with an orderly respect for his legs, mounted the witness box without pause as if he had calculated the step many times. The Presiding Judge directed him to rise and take the oath.

The oath — "I swear by God, the Almighty and Omniscient, to speak the pure truth, to withhold and add nothing. . ." was read to him in German, but he shook his head; the judges tapped their earphones, then observed that his lips had not moved. Finally, the oath escaped him like steam under heavy pressure.

Q. Heinrich Hoerlein, how old are you?
A. Sixty-five years old.
Q. How long have you been living in Elberfeld?
A. Since my 26th year — the first of January, 1909.

I was worried. The charges against him were the only charges in the long indictment that I was not sure we had fully proved.

"What are you worried about?" Minskoff sounded confident.

"The judges are watching him as if he's an old woman caught in the middle of traffic. And I must say I'm sympathetic myself."

"He's acting, Joe. He's not that sick."

"You're probably right," I said. "But if I can't see it, I doubt

that the court will. They'll say, 'Even if this bent-over old man ever got to Auschwitz, he couldn't have got around and seen very much.' Let's just hear his story without objecting too much."

Hoerlein winced. To this day, sometimes he relieved his aching limbs with morphine, one of the drugs he had developed at Elberfeld. Forty years ago he had been engaged by Carl Duisberg to set up a pharmaceutical department at Elberfeld on the Rhine. He hadn't known then that someday he would need morphine. In the glow of young health he had worked for the sick. There was an impressive inference that nothing during the Nazi years had changed him.

When Hoerlein spoke, the fox's face disappeared. His eyes were bad, but his glance held an inner intentness that was more than nearsightedness. Thick lenses, like double mirrors, the inner giving back the edges of his own thoughts, the outer turning back even the giant Leverkusen factory that sprawled along the Rhine within view of his Elberfeld laboratory window. His laboratory had been a gift to humanity of the Farben predecessor firm of Friedrich Bayer and Company. "Counsel, there had been offers in Leverkusen and abroad, but I rejected them. I was very fortunate to have found an ideal place in Elberfeld for my life's content — to work in synthetic pharmaceutical research, and to help suffering humanity."

Yes, more than his own infirmity separated him from the little Polish town. In the huge mimeograph room down the corridor, the defense had been turning out the story of his eminence. He had been the star pupil of the founder of synthetic drugs. His first discovery was luminal, still the best remedy for epileptic fits. Under his direction, Farben's predecessor firms had led medicine's most revolutionary advance — the great German renaissance which gave to the world novocain, phenacetin, sulfonal, the sedative veronal. To Hoerlein was due much of the credit for the use of dyestuffs to stain living and dead tissues. This had opened up a whole new field in the study of cancer and genetics.

Q. What did you personally know about the concentration camp?
A. I knew the name Auschwitz.
Q. Did you know medical experiments were performed on the inmates?
A. No, I did not.
Q. What impression did you have of what went on there, at Auschwitz?

A. I had no exact idea. I thought that it would not be pleasant, because being locked up is never pleasant.
Q. Did the plants under you ever send any drugs to concentration camps?
A. The distribution of drugs was not my affair. The salesmen did that.
Q. But outwardly you had the responsibility?
A. Yes, but all our preparations were sent first for testing to the Leverkusen plant, to the scientific department.
Q. Who was head of this scientific department?
A. Dr. Mertens. Dr. Mertens from time to time visited me at the Elberfeld laboratories, and the necessary matters were discussed on those occasions.

Hoerlein fumbled over his papers for fully five minutes. After all, we did have a case he must answer.

One of the Farben drugs, Methylene Blue, had been developed in the hope of curing people who had typhus. Dr. Mertens' department at Leverkusen had sent several hundred doses of this unproved drug to faraway Auschwitz. There the shipment was received by a young doctor named Vetter who had lately worked for Mertens. Vetter had chosen healthy concentration camp inmates and injected the typhus disease, which struck the veins like a bolt of fire. When the disease had reached its delirious stage, he had injected the drug. Vetter had sent a full report to Dr. Mertens.

From Dr. Vetter's reports, Dr. Mertens must know that healthy inmates were being infected with typhus so as to test Farben's Methylene Blue "cure." But what did Hoerlein know? Mertens' reports to him were weirdly brief, saying nothing of "patients" or "cases." But "experiments" were mentioned — plus the fact that many of the subjects of the "experiments" had died.

Both the prosecution and the defense counsel realized that the question of Hoerlein's responsibility for Dr. Vetter's concentration-camp experiments might stand or fall upon the proof of the relationship between Dr. Mertens and Dr. Hoerlein in the I.G. Farben hierarchy.

Hoerlein responded promptly and directly to the questions put to him by his defense counsel:

Q. Did you know Dr. Vetter?
A. Dr. Vetter was a young man who, in 1938, joined the scientific department. Before the war, I saw him once or twice at a conference, and on one of these occasions he asked to be introduced to me.
Q. Did you know that Dr. Vetter had contact with Dr. Mertens'

scientific department in Leverkusen after he had been drafted into the Waffen SS and had become an SS doctor?

A. It is possible that his name cropped up at a conference between Dr. Mertens and myself, but I have no definite recollection of this.

Q. Was it not at some conference between Dr. Mertens and yourself that it was reported to you that Vetter was a camp doctor at Auschwitz and was trying out B-1034 (Methylene Blue) on concentration-camp inmates?

A. I am quite sure no. That would be an affair I would most certainly remember now.

Duke Minskoff was now cross-examining the Professor, who was backing away from responsibility so swiftly and so deftly that it was not at all certain that he would admit that the chief of his scientific department even worked for Farben:

Q. Dr. Hoerlein, let us go back to Dr. Mertens. I call your attention to a portion of his affidavit and ask you whether it refreshes your recollection as to the precise nature of his responsibility. Dr. Mertens says: *"In scientific matters, I was responsible to Professor Heinrich Hoerlein . . ."* Now, were there conferences where the results and the reports which kept flowing in from the various places of testing, were then discussed?

A. Yes.

Q. At these conferences Dr. Mertens attended?

A. Yes, sir.

Q. And at that time were the results of the testing of the various products discussed?

A. That was his duty.

Q. After the tests were discussed, it would be the function of these conferences to decide whether the project was ready for the open market?

A. It was not so definite whether we discussed this in the morning at the scientific central conference or in the afternoon at the main conference. I don't know where the decision was actually made.

Q. And you were chairman of both conferences?

A. I was the chairman of both conferences.

Minskoff persisted:

Q. Dr. Mertens was the one man through whom all the clinical testing went?

A. That is correct.

Q. To whom in I.G. Farben did Mertens report?

A. Professor Mertens under his own responsibility picked out the most able and appropriate —

Q. May I interrupt? The question was: To whom did Dr. Mertens report?

A. I do not understand you.

Professor Hoerlein saw to the very end of the line, answering later questions before they were asked, explaining unresponsive answers to past questions, questioning the prosecution himself, sparring with an evasiveness so furious that, taken alone, it was no useful criterion of his guilt. Hoerlein demanded that the validity of each question be proved by a document.

Q. This decision that a product was safe for the market could be made only at the scientific conference, of which you were chairman, *or* by Dr. Mertens?

A. Dr. Mertens was under Leverkusen. The sales at Leverkusen were under Dr. Mann.

Q. Then do I understand correctly that the scientific testing department was under the defendant Mann?

A. Only part of it. With a minor part of its activities, Dr. Mertens himself was charged with responsibility.

Q. Then here is part of Leverkusen which has no responsibility to anyone in the *Vorstand?* This is the one part of I.G. Farben which has no responsibility to either the sales *Vorstand* member or the Technical *Vorstand* member — is that your answer?

A. That was Mertens' own responsibility.

Q. Then *all* decisions on scientific research were finally made by Dr. Mertens. Is that right?

A. No, no. Mertens collaborated with us within the organization.

Q. From whom does he receive his instructions? Who in I.G. Farben is above him in his own work? Or is he a law unto himself?

A. I said that three times already.

THE PRESIDENT: Do you have any objection to my asking him?

MR. MINSKOFF: Not at all.

THE PRESIDENT: Mr. Witness, the prosecution seems interested in one simple fact. Who, if anyone, was the immediate superior to Dr. Mertens in Dr. Mertens' field?

HOERLEIN: Mr. President, organizationally, he was under Dr. Mann's jurisdiction. He had a small task, a second task, to be the liaison officer between the scientific laboratories in Hoechst and Elberfeld and the clinics. In this latter function, Dr. Mertens, as a physician, was himself responsible because Dr. Mann could not take this responsibility from him; he was a businessman — and I could not take it from him because I was a chemist.

THE PRESIDENT: I think that answers your question, Mr. Prosecutor.

It was Hoerlein's second day on the witness stand.

Whether or not he had known Farben's drug Methylene Blue had been tested on helpless inmates of concentration camps, the fact remained that the experiments had proved unsuccessful and the German government was still appealing to its scientists for an effective means of combating typhus.

The prosecution had conceded that by December 1941 there was thought to be grave danger of typhus spreading throughout Ger-

many, and that the German authorities were interested in finding vaccines to prevent a possible epidemic, rather than producing only "cures" like Methylene Blue. Germany already possessed an effective vaccine, the Weigl vaccine, which, however, could not be mass-produced. Another, called the Cox vaccine, was not as good as the Weigl, but it was capable of mass production. Hoerlein's scientists had made up a vaccine, too. It had not been recognized by the authorities because it was merely a diluted variation of the Cox vaccine. It was our contention that Farben, through Hoerlein and his colleagues and subordinates, had taken the initiative in trying to get the Farben vaccine recognized by the authorities and, to accomplish this, had caused the vaccine to be tested on concentration-camp inmates.

On December 29, 1941, were held two conferences attended by government and private scientists, including representatives of Farben, to discuss the comparative effectiveness of the Farben vaccine and the two others. From the minutes of the meeting, it appeared that the Farben vaccine had already been used in 3000 inoculations in a typhus-infected area in Poland. Although the persons inoculated in this experiment did not get typhus, the scientists at the meeting were not satisfied that the 3000 inoculations furnished enough proof that the Farben vaccine was effective. It was the consensus of the meeting that a further test should be carried out, covering fifty additional doses of the Farben vaccine.

As he left the prosecution table to resume the cross-examination of Hoerlein, Minskoff observed tensely: "If we can show that Hoerlein knew what happened at the meeting of December 29, 1941, then we can show he is up to his neck in guilt for the criminal experiments."

It took Minskoff several hundred questions like the following to get Professor Hoerlein anywhere near the scene:

Q. Dr. Hoerlein, on direct examination you stated categorically that as to the meeting of the 29th of December, 1941, you were not sent the minutes?

A. Counsel, in view of the importance which the prosecution seems to attach to those minutes, I have looked them through without finding the slightest hint that I had seen them before.

Q. Does that reply mean that you yourself were not at the meeting?

A. That reply means what it says.

Q. Do you recall whether you ever received copies of the minutes?

A. I see them now, naturally. They are in the document books.

Q. I am referring to the time, Dr. Hoerlein, when the documents were first sent out. Three lesser Farben doctors, Dr. Nemnitz, Dr. Biber and Dr. Zhan, each wrote a set of minutes. Did they send copies to you?

THE PRESIDENT: Aside from the records, do you have any independent recollection of those doctors having sent those documents to you?

HOERLEIN: Mr. President, I really can't remember, because lots and lots of documents have been sent to me. It may be or it may not be.

MR. MINSKOFF: Apart from the minutes, was it customary that you should receive reports of such meetings?

HOERLEIN: Persons who participate usually receive a record, but I did not participate in that meeting.

After what seemed an endless series of questions, Duke succeeded in establishing that Hoerlein had held a special conference later on the same day with his own people who had attended the meeting, and that he had actually been sent at least one copy of the minutes.

The judges were obviously unhappy as Duke continued to press Hoerlein:

Q. Now this December meeting. You testified that you studied the minutes recently and that you found nothing that would lead you to believe that anything criminal was contemplated; isn't that right?

A. I cannot answer with a simple "yes" or "no." Yes, I have stated that, yes, but I must add this: Today one reads something dated 1941 under a different viewpoint. Now we know what happened in the concentration camps.

Q. Do you recall that there was a discussion, Dr. Hoerlein, as to the comparative effectiveness of the several vaccines taken up at the meeting —

A. Yes. But —

Q. Do you recall it now?

A. I must withdraw the "yes" if you won't let me go on. If you can't permit me a few sentences in reply, I shall not answer at all.

Q. Just a moment, Professor. I will ask further questions to give you a chance to elaborate. May I ask you: What kinds of tests did you think were contemplated for those 50 additional doses, after the report that the 3000 were unsatisfactory?

A. From the document, every objective expert can draw only one conclusion — that clinical tests were intended and not experiments.

The courtroom was so tense that even the recess did not break the atmosphere of explosive silence that had been packed between the lines.

"You keep going back to that one meeting," I said to Minskoff. "I just don't understand why that meeting is so important, and why are those particular fifty doses of vaccine so important?"

"Just let me hit him once more to make my point," Minskoff said. "Look, Joe, we have proved that even if Hoerlein wasn't at the meeting, he knew what went on, because he got copies of the minutes."

"That's right. His name was on the distribution list."

Duke began expounding his thesis further: "Remember the 3000 doses were used to inoculate persons who were in *danger* of getting typhus. But the authorities who attended the December 29 meeting were still not satisfied that the experiment was conclusive. Why did they insist upon a further test with fifty additional doses? What crazy scientist would be willing to rely on a test involving fifty inoculations when he had already rejected a test involving 3000 inoculations as inconclusive? I'll tell you why. Because in the case of the 3000 inoculations, the persons used were those who lived in the Auschwitz area, where a lot of people would get typhus — but not everyone. Even in the worst of epidemics, there will be tens of thousands who won't contract the disease."

After a pause, Duke nodded: "You want to know what was so special about the 50 additional doses of vaccine upon which the scientists were so willing to rely? Nothing at all — *unless* it was intended to use these 50 doses on persons who were *sure* to get typhus."

"In other words, you reason that another 50 doses would prove nothing if they again left it to *chance* that the people tested would actually get typhus."

"It's better than that! Bear in mind that they sent the 50 doses, not to Auschwitz in Poland, but to the Buchenwald concentration camp in the center of Germany, *where there was no epidemic.*"

"And," I exclaimed, "where they could conduct no tests at all *unless* they artificially injected typhus after injecting the drug!"

Duke chuckled. "So you finally caught on."

"By the way, what were the results of these 50 tests?" I asked.

"The serum was not successful. Most of them contracted the typhus after injections. Five of them died."

After the recess, Minskoff faced a professor who fought every question with an enraged strength that brought back memories of the time his subordinate, the "dying" Dr. Bockmuehl, left his interrogation carrying away his own stretcher, blankets, and pillows.

Q. May I go back to this meeting at which the Lemberg Institute was conceived. These additional 50 doses that went to concentration camp Buchenwald — what kind of tests did you think were contemplated?

A. I have answered that question. Shall I read my answer again: "From this document, every objective expert can draw only one conclusion — that clinical tests were intended [on people already ill], and not experiments."

Q. But after tests had already been made on 3000, would it be clear to you that the 50 doses were not intended as normal clinical tests?

A. No, counsel!

Q. If I.G. Farben stated in the forwarding letter, as they did, that "In reference to the 29 December meeting for the making of comparative tests, *we are forwarding these 50 doses,*" would it be clear to you, after tests had already been made on 3000, that the 50 doses were not intended as normal clinical tests but for special controlled conditions?

A. No, counsel, no!

As the harrowing cross-examination neared its end, Judge Morris was openly angry. He put the blame on both sides. Again and again Minskoff had led up to the same question, and again and again Hoerlein had stepped away. Calling for a recess, Morris exploded before the judges reached the door to chambers. When court was called to order again, he announced that he wanted Hoerlein dismissed without facing any more questions. "However, my colleagues feel that the interests of justice require some further opportunity for examination."

As I had feared, Hoerlein's reputation was hard to overcome. Still, the Tribunal had been treating him with a vacillating respect such as I have never seen in a courtroom. After Hoerlein's repeated refusals to answer, Judge Shake had reworded perfectly clear questions as if harmony were more important than meeting the issue. Only once had he directed Hoerlein to answer "yes" or "no."

At the end Hoerlein snarled like a bear prodded out of his winter abstraction. Suppose he was guilty? There was a war going on, and as the German armies penetrated deeper into "the East" they sloughed off the sick, who returned to the Fatherland carrying vermin of all kinds. Against the possible deaths of hundreds of thousands, the few hundred "patients" they needed in the concentration camps would die anyway. How could you charge a man with bringing on any of the war's terrors even though you did prove he had made one or two mistakes in the interests of "suffering humanity"? Could he have foreseen any of this in

1933? Of course not! Through the years from 1933 until 1945, all of Farben's pharmaceutical activities had expanded, but you couldn't call it an expansion that brought on the Eastern front and then typhus. The pharmaceutical division, he said, had taken no part in the rearmament of Germany. In 1933 he had thought "the peace program proclaimed by Hitler allowed free economic development in all fields."

Hoerlein had hated the Nazis — there was no doubt of that. Many of the Nazis hated I.G. Farbenindustrie. He had fought hard and lost. He was not a real Nazi, and he had not begun as a "cold" scientist; he had faced the problem and then put behind him for good the decision that explained why none of the letters from Auschwitz spoke a word of "patients" — only of products to be tested. "The ban against animal experiments was imposed anyway," he'd testified in the beginning. "And now it was a question of whether it would be possible to carry out scientific research."

But there was something deeper than a struggle between a prosecution lawyer and the cleverest witness the defense could put on the stand. One of the judges said to me: "One more cross-examination like that, and you will not be able to hold this Tribunal together."

The aspirin saint had impressed the court more than the evidence against him. We could not afford to stumble when we tackled his superior, Fritz ter Meer.

15. *"The Fellows Have Let the Rats Loose"*

ONE NIGHT AFTER DINNER, Jan Charmatz and I were walking around the Palace of Justice grounds. We had been discussing Dr. ter Meer, and our conclusion that the whole defense would finally rest on how well Ter Meer could show that Farben's connections with the state were "pure private enterprise."

The back sidewalk ran between the rear of the Palace and the Nurnberg jail, where our birds were "all in the coop," as Charmatz put it. As we walked past the jail, a figure hustled toward us from the far end of the building. It was getting dark, and Charmatz recognized him before I did.

"Erich Berndt," he said. Berndt was Ter Meer's counsel. "What's he doing here at this hour?"

Berndt, a short stocky man, was puffing as he halted between Charmatz and me, gesticulating. "Herr Prosecutor. Mr. Charmatz!" His fingers ran through his white hair. He coughed. "I have a little problem," he said. "Dr. ter Meer is here with me and —"

"Ter Meer!" Charmatz and I exclaimed together. "What is he doing out of jail?"

"That is perfectly proper." Berndt nodded vigorously. "It was in accordance with the request I made to the judges in chambers. Perfectly proper, gentlemen."

He motioned behind him. Ter Meer came out of the shadows and stood there looking over our heads. Charmatz moved so close to Berndt that for a moment I thought he was going to take hold of him.

"What request?" he asked. "Do you mean to say, Mr. Berndt, that the court let the defendant out without even consulting the prosecution?"

Berndt's head bobbed up and down as he explained. It seemed that Ter Meer had wanted to get some of his papers at Frankfurt, to refresh his recollection, and the Tribunal had not only granted him permission to go there, 250 kilometers away, but had set no bond on him and had permitted him to go unguarded in the custody of Berndt.

Charmatz and I exchanged surprised glances. "Well, whatever he's been up to, he's back now at any rate. Come on, Joe, let's get on back to bed."

But Berndt grasped my lapel.

"The problem, Herr DuBois," he said.

"It's too late for us to do anything," I said. "He's already gone and come back, so what can we do?"

"But my client —" Berndt looked back anxiously at Ter Meer. As Ter Meer lighted a cigarette, we could see that his face was livid.

"My client," Berndt repeated, "has been refused admittance."

The irony of the problem dawned on Charmatz, but he pretended to be puzzled. "Your client has been refused admittance where?"

Ter Meer's voice was furious but he did not look at us, and from what he said we knew his anger was directed at the situation

rather than any person. "The authorities have refused me permission to re-enter the jail."

"And," Berndt finished, "I wonder if you gentlemen would mind using your influence with them."

"Do not worry," Charmatz said. "We'll pull every string we can." He was very pleased at using one of the few slang expressions he knew.

"That's right," I said. "We'll leave no stone unturned."

We went into the jail and managed without too much trouble to recommit him. The night guard explained that he was new and had never heard of Ter Meer. Ter Meer bowed gravely and in a tight voice thanked us for our co-operation.

Charmatz remarked that Ter Meer must have developed an awful dependence on efficiency. What other man would be so furious at a small administrative error which might have given him a night of freedom?

Q. Doctor, be good enough to give your full name for the record.
A. Friedrich Hermann ter Meer.
Q. Do you promise to tell the full truth, withholding nothing?
A. I do.
Q. May I ask since when you have been in prison?
A. Since the last days of April 1945.

Dr. Berndt bustled around the witness box. Ter Meer didn't look as if he'd ever been in jail. The low ceilings of his cell had put no stoop on the tall figure, and he suggested the mysterious added stature that comes from a high temper combined with a high degree of self-control. Ter Meer was sixty-three years old, though he didn't look it. He had been only fifty when he became chief of Farben's largest, most productive *Sparte*. Dr. Berndt continued:

Q. Could you make Professor Hoerlein take orders?
A. There were several people of international renown who were older than I. I could not make such people my subordinates, and I never attempted to. Professor Hoerlein is the best example.

Of course, Ter Meer admitted, his position allowed him to give Hoerlein orders, but the Professor's eminence required tact. This relationship — of one man who had the duty to give orders to another man who was too good to take them — had come about when Farben absorbed many firms with well-known directors.

"As testified to by Professor Hoerlein, you headed all the pharmaceuticals from technical points of view?"

Ter Meer nodded. They were all members of the *Vorstand* (board of directors). Ter Meer had control of all the pharmaceutical plants, because, as head of the whole *Sparte* that took in pharmaceuticals, he was "first." But Professor Hoerlein was "equal." So it was with Professor Hoerlein in his relationship to the other pharmaceutical directors. Bewildering contradictions!

Q. Now, was it your duty to supervise your colleagues on the *Vorstand?* How was it when something was not quite in order in the way one of your colleagues was handling his business?
A. Well, that would have been different. Then, naturally, I would have felt obligated to handle that matter. I probably would have approached the chairman of the *Vorstand* and asked him to intervene. Counsel, you know very well that different personalities vary from each other, and that one personality may be stronger than another. But that is probably not your question.
Q. Now, Dr. ter Meer, the trial brief states that the defendants, in regard to Auschwitz, closed their eyes to facts.
A. One cannot close one's eyes to things one doesn't know.
Q. It is charged that Farben tested pharmaceuticals by artificial injections on defenseless inmates. Did you hear anything about that before this trial?
A. In July, Major Tilley did ask me whether I knew anything about that. I do not believe that during the conversation he spoke about pharmaceutical experiments in the Auschwitz camp.
Q. Dr. ter Meer, were you ever in Auschwitz?
A. I was in Auschwitz twice. The first trip undoubtedly served to acquaint me with the site. This visit was made in October 1941, hardly six months after the work was begun in a terrain that had previously served agricultural purposes. We arrived in Auschwitz after lunch. We ate on the way. In a house between the city and the plant there was a temporary construction office. Subsequently, we walked over the terrain. I still remember it very well.

As he described it, Farben had nothing to do with the place. Several outside construction firms were building roads, laying tracks for a railroad connection, digging foundations for new houses. People who worked in columns unloaded gravel for the track; he saw only that they worked slowly and their heads were shaved. They were concentration-camp inmates.

The second time he went to Auschwitz, in November 1942, he observed a little more. Many buildings had been raised well above the ground. Again he saw the inmates on the construction site.

Certainly on neither visit, Ter Meer said, had he found any hint of what happened later. A war was going on. During a war many people led unpleasant lives. If anything more than plain

unpleasant had happened, he'd have seen it from on top of the highest building, where he had climbed "to get the best view of what had been accomplished."

Oddly enough, this building was a boiler house. One could not find a more appropriate vantage point to suggest Dr. ter Meer's interest in social welfare. In Uerdingen, the little town near the French border where he had been born, although he was the heir to the dyestuffs firm of Weiler-ter-Meer, he had been very popular among the employees because "he did not shy away from personally climbing into a boiler." Said another witness: "He was especially interested in sick colleagues and often divided his lunch with them." Ter Meer was proud of the title "Director Bon," conferred on him by the French prisoners who worked in his plant during the first World War. He'd learned as the average worker learned, right on the job, while taking his formal education a semester at a time. If *any* man worked well and hard, he should be free from unnecessary dictation by boss or government. He should be able to earn what he could, without restriction.

Before 1933, Ter Meer had followed the unsteady program of the National Socialists, and he didn't like their program or their methods. They seemed to him little different from the Communists:

Counsel, you may recall that in the Reichstag, the National Socialists used to vote with the Communists. When I lived in Cologne — that was between 1928 and 1932 — I personally observed in what way Mr. Ley and his followers "conquered" Cologne, as they used to say — that is to say conquered it for the Party. There had been brawls of the worst kind with the Catholic Centrum Party in public places. I saw that in November 1932 the Communist transportation strike in Berlin was carried out with the aid of the National Socialists. Also I had seen often enough in the newspaper that the recruiting of the National Socialists, or the propaganda for votes from the German farmer, was supported by a tax on big industry in general and Farben in particular, because Farben charged the farmers too much for nitrogen. The Party was opposed to the big concerns. A maximum income was to be set. I believe that if an industrialist from an old industrialist family heard all that, then that was enough.

Q. You once said that there came a time when you recognized that Hitler was a madman who was leading Germany to destruction?

A. Yes.

Q. And at the end of 1934 you thought of resigning. Was it the accumulation of matters of 1933 and 1934 that disturbed you so considerably?

A. Predominantly it was my very definite disgust — I might say a revolutionary feeling — toward this tendency laid down by the Berlin authorities with respect to industry. My attitude was so far dominated by private enterprise, and this emanates from the point of view that industry has to know what is correct in the sense of its own development.

Then Dr. Berndt put into evidence the testimony of Ter Meer's gardener, who said that the swastika flag was never flown from Dr. ter Meer's house (which the American generals were now using as a club), even on big national holidays. The Ter Meer mailman was present one day when the postmaster called on Mrs. ter Meer to complain that the Ter Meer contribution was too little, and "there was a violent argument about it."

This was petty coercion compared to the pressure brought by higher officials to force Ter Meer to order his employees to join the Party. He would not do this, either. When outrages against the Jews culminated in the first mass pogroms, Ter Meer expressed himself openly in the Farben administration building, at a luncheon of twenty men, of whom several were ardent Nazis. "He declared very excitedly: 'I cannot understand how anybody can find a single word to excuse these occurrences. It was a crime. The fellows have let the rats loose. No government can do such a thing without taking the consequences!' "

Dr. ter Meer and his assistant, Dr. Struss, were on a trip in Hanover when the Jewish pogrom took place there, and Dr. Struss testified how, after they had returned to Frankfurt, he had tried to cheer Ter Meer up. "I said that probably it was not so bad after all; whereupon, Dr. ter Meer jumped up, as he so often did on important occasions, and pacing up and down, delivered a lengthy lecture on the events taking place in Germany — events which he spoke of as grave, dreadful from the human point of view, and the political consequences which were incalculable."

So, what Dr. ter Meer wanted for himself in 1933 — the right to be enterprising, the right to be free — he had wanted for all men. He did not believe in "interfering with the private lives of people." Nine years later, in the very month of 1942 when he had climbed to the top of the boiler tower, the story had come across my desk in Washington which had called up stereotyped images of swastika and riding crop and fixed sneer (which had not characterized Ter Meer at any time during his life). After an

underground hand-to-hand relay, the crumpled testament of despair had been teletyped from Bern, Switzerland, to the United States Treasury: *"We worked in the huge 'Buna' plant,"* the inmate had written. "There was a chain of sentry posts overlooking every 10 square meters of workers, and whoever stepped outside was shot without warning as 'having attempted to escape.' But attempts were made every day, even by some who tried to crawl past the sentries because they could no longer walk."

Surely no urbane democrat was responsible for this! Ter Meer had liked one plank in the Nazi platform — "full employment." He could not be blamed for that. He talked over the problem with Hitler, but the chat had not turned Ter Meer's head or permitted him to rationalize the "grave consequences" already on the books. Hitler sought him; he didn't run after Hitler. When he thought of full employment, it was normal for him to think of rubber. He had kept his faith in buna more religiously than his colleagues. A few years before the first World War, at Elberfeld (before it became the rarefied laboratory of Professor Hoerlein), scientists had started on a synthesis. By the time the Archduke of Austria was shot at Sarajevo, they had produced hard rubber, which had a limited use. In 1926, when the Farben merger made expensive experimentation possible, Ter Meer influenced his colleagues to invest millions in the experimental development of rubber tires. In the same year he was attracted to Dr. Otto Ambros, and he sent Ambros to Sumatra and Java to study plantation costs. Ambros had learned much. By 1928 Farben was testing buna tires on a Rhine racecourse.

But Farben was unable to meet the competition of the natural-rubber producers. They were millions in the red on this one dream. In 1931, by a very close margin, Ter Meer persuaded his colleagues to go along for another year in one last effort to keep buna in experimental production. By the time he met Hitler, Ter Meer stood alone in his faith that soon buna could be mass-produced at a profit.

There was a second thing he liked about Hitler — he was an auto enthusiast. Every man would have a car, said Hitler, and the production of cars would make many jobs.

Ter Meer's dilemma was this: Farben could perfect the tires (they already had a tire that would last for several hundred miles), but without government encouragement his colleagues would quit the project. And if they handed Hitler the process,

how could Farben's interests be protected? Why shouldn't Farben take a few subsidies from Hitler?

The idea had its dangers. Buna would give many people jobs, but Hitler didn't care that the tires were still too expensive for the open market. Hitler felt that way about other goods, too. Under Hitler's plans, as the economy artificially revived, the worker would demand the other things that went into a higher standard of living. Germany was sadly lacking in raw materials, because of the Depression and the first World War — which they had lost for lack of raw materials. Whether the German worker wanted a war or not, the lesson of the Depression was the lesson of the first war — he could not exist without raw materials:

> During the first war, we had no preparations in the field of military economic supplies. At that time we had a very strong Army, as is well known. We had a strong fleet. But . . . no provisions were made for supplying raw materials, and since, in 1914, when the war broke out, the railways were exclusively reserved for military purposes, a large number of plants were paralyzed. And on the first mobilization days, since we had no important production tasks assigned, most of our employees were drafted. I remember only too well. . . . One day I was left behind with one chemical engineer and colleague . . . and the two of us could do nothing but close down several plants because the foremen and others were recklessly pulled out for wartime service. This negligence during the first World War was probably in the minds of our military men when, after 1933, they created a new rearmament.

Looking at the worst side of it, if Hitler wanted the highest peaceable living standard in the world, that would take a long time. Germany could get the scarcer raw materials only by buying them abroad or making them synthetically at home. Synthetics cost a lot of money; and money — particularly dollars — was as scarce as raw materials. The German economy depended on exports for 80 per cent of its foreign exchange, and foreign exchange was still the dominating factor.

Hitler hadn't even thought of this danger until Ter Meer pointed it out to his advisors. Would the worker, promised an unbelievable rise in living standard, wait patiently for its accomplishment? Would Hitler be content to solve the raw-materials problem peaceably and in good time? Buna was one of the most expensive synthetics. If the government subsidized buna, many other products would have to wait. To a farseeing industrialist like Ter Meer, the Government subsidy might be the first in-

sidious growth of an economy based on the mistakes of war, and there was the danger that in wanting to correct these mistakes too soon, the economy would bulge so that it must burst its borders.

Nevertheless, Farben must come to terms somehow with the government's demand that Germany soon make herself independent of the outside world. And there was a brighter side. Buna was not an "armament" product. There was a chance that within a few years it would no longer burden the economy. Buna could be used to make footwear, household goods, clothing.

Ter Meer didn't trust Hitler. Was the wild horse of economy any wilder for the scientist than the horse of nature he had so often tamed? No — let Farben keep buna and produce it for the "economy." More profitable things could be sold abroad, and the profits used to buy other things that synthesis hadn't yet made cheaply enough.

His counsel brought out the compromise:

Q. Dr. ter Meer, the Government had a program of self-sufficiency for Germany. What was Farben's attitude on this question?

A. I.G. Farben never believed in complete, absolute autarchy such as Russia, for example, was striving toward, without any regard to practicability. Russia wanted to attain complete self-sufficiency. We, of course, never had any such idea.

Buna rubber — a challenging loan on future scientific genius! Ter Meer dismissed his doubts. Buna would be a "free-enterprise (or *limited*) self-sufficiency," which Farben itself could create and control.

Still, he had never foreseen the kind of "self-sufficiency" that rose with terrible reality from the prosecution's case. On his second visit to the place in 1942, he saw nothing to confirm the prosecution witnesses. "Mr. Counsellor," one of them had testified, "I would not pose as an expert on the number of calories in the food we ate, or grams or liters. I can merely say what I saw. I saw that this number of calories, which you allege was 2500, resulted in these people walking around half dead. I would consider it completely uninteresting even if the calories were 6000 on paper. We could not eat the numbers on a paper." And on the very day Ter Meer was there, a physician imprisoned within a few feet of him was making notes of his observations of the past few days. Duke Minskoff later found this physician in a village above Prague: "I figured out with my friend and colleague, who did not

survive Buna, that the average loss of body substance amounted to 2-4 kilograms a week . . . the normally nourished prisoner at Buna could make up that deficiency from his body-reserve for only about three months . . . they were burning up their body-weight by working."

Yes, Ter Meer granted, this was expert technical testimony. Nevertheless, he had the feeling that buna and I.G. Farben were pretty far away. The "outside construction firms" were still there, their foremen directing the shaven-headed inmates. Ambros, who was with him on this second visit, wanted to discuss something with the camp commandant:

At any rate, some reason existed why something had to be discussed in the concentration camp, and Dr. Ambros had to do this, and since I had been in the automobile with him, I came along into the concentration camp with him. It was in the afternoon, probably around five o'clock, because it began to get dark shortly thereafter.

It began to get very dark, and an SS man "of high rank" was commissioned to lead Ter Meer and Ambros through the camp. This man, said Ter Meer, was a pleasant, talkative fellow. They were shown a large terrain next to the camp which was to be operated as a model farm — all sorts of experiments, with cultivations, were to be made:

We did not visit the fields, because, as I said, it was growing dark, but the SS man led us through the roomy stables. The workshops themselves were surprisingly large. We saw a large iron-working shop, with forges, drills, lathes, and a woodworking shop, well equipped with machines. Then we looked at the housing of the inmates and the SS man led us into barracks, into the dining rooms, the day rooms . . . These barracks were also very clean. The beds were very clean. The inmates we saw there, so far as I recall, were in good physical condition.

That was not the last time he saw Auschwitz. Auschwitz was the third important buna factory. It had been carefully financed. So had the first two buna plants, which were built by 1936. At Cransberg Prison, Schmitz had pointed out: "I was concerned about the financing, and therefore we (I and Dr. ter Meer) insisted on getting favorable amortization rates and on making sure that the new investments did not bring us to financial ruin. In regard to the buna plant at Huels, capital of roughly one hundred million had to be provided, of which Farben took 74 per cent and the State 26 per cent." In the second buna plant the Reich also had a financial interest.

But one couldn't look back to 1936 and say that Ter Meer, skeptically studying the influence of buna on Farben's fortunes and on the economy as a whole, could foresee that full employment sometimes brings greater evils than unemployment. Auschwitz existed then only as a "buna plant to the east." The name "Auschwitz" did not yet exist, except as the German translation for a little Polish town in Upper Silesia. Not until 1937 did full employment and "buna autarchy" begin to move eastward, driven by more than the danger of financial failure. In that year, said Ter Meer, "political reasons" dictated an abnormal expansion of most of Farben's plants, with the biggest emphasis on buna rubber.

The plans for buna rubber were part of the extant records of the *Vermittlungstelle Wehrmacht*, found in the Alexandria warehouse. Called "mobilization plans," they set up a program to use most of the Farben production, including *all* of its buna production. Having succeeded to the leadership of the *Vermittlungstelle Wehrmacht* in late 1935, Dr. ter Meer was called on to explain. It was true, he admitted, that the *Vermittlungstelle Wehrmacht* sent out to all the Farben factories the plans for full-scale production to go into effect "in event of war." And the contracts with the German government were called "war delivery contracts":

Q. Dr. ter Meer, I have gained the impression that the prosecution overestimated the significance of the *Vermittlungstelle Wehrmacht*. Is that correct?

A. Yes, that is absolutely my opinion. This mediating agency, counsel, was certainly not a directing agency of Farben. . . .

Q. As you know, the prosecution charges that Farben in this field, particularly, took the initiative by drafting these production-mobilization plans. Does this allegation correspond to the truth?

A. That is correct, but it was done on the initiative of the authorities. . . .

Q. I now turn to secrecy. I should begin with a remark of Judge Morris' on the 3rd September 1947: "I don't think we are interested in the individual measures that were taken for keeping things secret." Therefore, I shall not ask Dr. ter Meer too much in detail. . . . Dr. ter Meer, what did you have to do with this field?

A. I personally had not much to do with this. I had my office in Frankfurt.

Sprecher began the cross-examination:

Q. Dr. ter Meer, do you know of any case where Farben did not comply with the secrecy instructions circulated by the *Vermittlungstelle Wehrmacht?*

A. Mr. Sprecher, I don't think that's a fair question. I don't know all the business procedures of such a huge organization as I.G. Farben.

Q. Well, perhaps that was a mistake. Naturally, I meant only those directives you knew about.

A. It did happen that gentlemen who were obligated to keep secrecy in certain spheres of their work would tell me about it in private. I really can't give any specific example here.

Q. I would like to read you one excerpt from a circular sent out by the *V.W.* in December 1936: "Furthermore, a new process should be subject to secrecy if, through it, the self-sufficient military power of a possible enemy in case of war were considerably improved. . . ." You knew about that instruction, didn't you?

A. Probably I handled it. But such questions are very difficult to answer if you consider the enormity of our business.

Q. Now, our Exhibit 143 is a statement by Dr. Ley . . . Reich "Organization Leader" for all the Party organizations: "During the years from 1933 to 1937, everything necessary has been done in secrecy that seemed necessary to the conservation of the nation in the anticipated clash with an envious surrounding world." . . . Now when you yourself observed the constantly intensified secrecy surrounding so many of the products of the I.G. . . . did you consider that most of the projects were related to military matters?

A. As far as these projects were of a military nature, it seemed natural they would be subject to secrecy. Quite generally, I wish to say that these secrecy measures seem to be now somewhat exaggerated, and they probably seemed to us exaggerated at the time.

Was it an exaggeration to dwell on the secrecy of the *Vermittlungstelle Wehrmacht?* From three small rooms, the *V.W.* grew to thirty-seven, then moved to another address in the same zone. Its name remained secret from all except those who had official dealings with it. It was still known, along with Ilgner's office, as "Berlin Northwest 7." By 1937 every I.G. plant had a confidential representative working in the *Vermittlungstelle Wehrmacht*. These representatives were sworn to secrecy by the government, on pain of death. The orders for Farben products flowed through them. Someone in the government was pushing buna-rubber production so hard that even the ordnance officials complained that the economy could not stand it.

Nevertheless, from buna alone, could one forecast that war would break out in the East someday? Ter Meer was putting out 9999 other products whose military influence, he claimed, he could not chart. Take *nitrotoluol* — "normally a very nice red dye is made of that, but it can be given to an explosives factory which makes TNT of it." There were paints which could go onto swimming pools or battleships. "And the very last step before the

production of mustard gas is a product we have been using for years to print silk."

Or rubber. Even if production was high, Ter Meer might not know why. Ten tons of rubber would go to a tire manufacturer; how did he know whether the tires were put on garbage trucks or tanks? This was a paradox not unlike his standing on a boiler tower, scanning, for some official reason, an activity in which he was only indirectly concerned.

War or no war, said Dr. ter Meer, the production plans would have been the same. "I mention this expressly to show that these plans certainly did not have the character of a specific mobilization for war. I think the prosecution thought that if a war came, the plans would include a production larger perhaps than our peacetime production. As these documents show very clearly, that was generally not the case."

Had Ter Meer heard the rats scurrying in the pantry he had stocked so well — then turned away? From the very method by which the Farben intermediates were distributed, from the abnormal expansion of buna rubber, could he not sense that industrial terror would come to "the East"?

One day in the spring of 1937, Dr. ter Meer and Dr. Ambros began the search for another buna site that was to take them, four years later, to Auschwitz. The prosecution contended that the "possible war" turned their feet toward the East. Only one buna plant was in the Rhine Valley, which offered everything they needed: water power, calcium deposits, economy of operation. In and beside the Rhine River were water and rail transportation to take the finished rubber to its nearby destinations.

But to locate two buna plants on the Rhine was to concentrate too much production in a single area vulnerable to air attack. There was one area left: the wide eastern border, rich in coal and water, stretching from East Prussia down to northern Austria.

Ignoring the southern ripple, Ter Meer's advance men scoured the territory of Upper Silesia, which ran from northeast Germany fifty miles into Poland. This special territory had been charted by Farben months before.

By mid-1938, three months before the Munich Pact, Ter Meer had decided on the German town called Fuerstenberg, near the Polish border. To Nazi State Secretary Brinckmann, he proposed Fuerstenberg as the site for the new buna factory. "This

area," ter Meer wrote, "could not be considered as a troop deployment area against Czechoslovakia."

Yes, I wrote that letter. The letter followed a talk with Mr. Brinckmann. I do not know exactly what the occasion for this talk was. I would assume that I wanted to talk to Mr. Brinckmann about my forthcoming trip to America. I remember it took place after a supper that lasted late at night. On this occasion, I learned that Brinckmann was completely uninformed about rubber synthesis. I know only too well that, oddly enough, he thought buna was something like a stand-by for possible eventualities. This sentence was how I expressed myself, somewhat ironically, that Brinckmann should not, in the future, be governed by the military points of view.

Q. Did you consider this to mean a planned aggressive war against Czechoslovakia?

A. That had nothing whatever to do with an aggressive war. After all, the military needs a deployment area for defensive as well as offensive purposes.

I turned to Sprecher who was sitting beside me and remarked: "Can you imagine the gall of that guy? Just before the Munich Pact, he speaks of a 'troop deployment area *against* Czechoslovakia,' and now he'd have the court believe he was afraid little Czechoslovakia might *attack* Germany." Sprecher referred again to that day in the Grand Hotel when we learned of the approaching fall of Czechoslovakia to the Communists. The Communist newspapers in Germany were still referring to that rape as having been committed for "defensive purposes."

On that night when Dr. ter Meer and State Secretary Brinckmann talked, the war was a year and a half in the future. But there was more than a business connection between the two subjects they were to discuss — the site of the buna plant to the East and Dr. ter Meer's forthcoming trip to the United States.

Three miles from the restaurant where they ate dinner, the security clerk of the *Vermittlungstelle Wehrmacht* was about to quit for the day. He carefully checked the papers that were stamped "SECRET — I.G. FARBENINDUSTRIE." Among them were rough sketches of a proposed "buna plant to the East," the plans for the Fuerstenberg site in Upper Silesia, and *mobilization plans for more than 100,000 tons of buna rubber for the year 1939.*

Ter Meer learned, presumably from Brinckmann, that other industries at Fuerstenberg had exhausted the local supply of labor. Surely a man who had often shared his lunch with the workers wouldn't recommend that a day's work on buna be put on top

of their employment at other jobs! Ter Meer was still known as an industrialist who consorted openly with men, even workers, who were "anti-Fascist." Only a few months before this very evening, he'd had a run-in with the local Nazi officials in the town where he now lived, near Frankfurt, when they again demanded more money for the Party and he again refused:

> Then the president of the Chamber of Commerce of Frankfurt itself called upon me in my office, and told me that the *Gauleiter* had told him to win me over for the Party. He gave me the customary recruiting forms to apply for membership. I expressed doubts and politely showed him out and that settled the matter as far as I was concerned. At least, that is what I *thought*. A few weeks later, I think it was a few days before the first of July, the same man, who happened to be my neighbor in Kronberg, near Frankfurt, came to me one evening. He was rather excited. He said very reproachfully: "Why didn't you send in your application?" I said: "Well, I suppose you have heard from my reaction that I wasn't very much in favor of it." Then he said to me that the *Gauleitung* in Frankfurt had called him up late last night and urged him to see to it that my application was handed in the next morning, otherwise it would be too late. Probably the list was closed on 1 July or some such thing. I continued to refuse even though the man told me the result would be that I might no longer be able to continue my work as a *Vorstand* member with Farben in Frankfurt. I said I would take those consequences upon myself.
>
> Then this fellow, the president of the Chamber of Commerce, said to me that he felt obliged to give me a piece of friendly advice. He said I no doubt knew that to obtain a visa for trips abroad, one needed the approval of three offices — that was the local office, the *Landrat*, then the Chamber of Commerce, and the third, the Gestapo. I no doubt did not know, he said, that it required only a hint from the *Gauleitung* to prevent my going abroad in the future, and by making the obtaining of a visa so difficult that it would be impossible for me to attend regular business meetings, too. I admit that this fact influenced and impressed me a great deal. By my former periods of living abroad, I had a great personal inclination toward continuing my work abroad. I am an enthusiastic Alpinist. I went to Switzerland or to northern Italy to the mountains every fall, and last but not least, I had a married daughter and grandchildren in Sweden, and I wanted to go on seeing them.
>
> This last consideration induced me to send in my application, but with two definite conditions. First of all I stated: tell the *Gauleiter* that I will never swear to the Party program: "The attitude of the Party toward the Jews, the invasion of religious questions and the suppression of the free press in Germany alone are points which I will not endorse. Second, I have no intention of attending meetings of the local party and listening to lectures by people far below me with respect to their education." I know that the latter condition was fulfilled, because up to the war I was left alone as far as local invitations were concerned, and I never took the oath.

His dinner did not sit well. Things were not as simple as they had seemed at the Buna Exposition in Berlin in 1933, when he had hoped, with Hitler, to put a *Volkswagen* in every garage. Now in Berlin, only one family in thirty owned an automobile. Buna was still "private investment," but one had to deal with public figures like Secretary Brinckmann. The government rubber quota demanded another buna plant. Only by crossing the Polish border could they acquire a site. If Ter Meer still hoped Farben would simply buy the property, if he hoped that the other twenty-nine families might yet get their *Volkswagen* — indeed, if he hoped that buna was heading anywhere but straight for a war — a visit to the *Vermittlungstelle Wehrmacht* would have blasted all these hopes. Whether he knew it or not, an agreement he had negotiated with Standard Oil (New Jersey) was filed with the other secret papers in the safe.

In the late twenties, Hermann Schmitz and Baron von Schnitzler had sailed to New York to visit Standard's president, Walter Teagle. They brought the news that Farben had just succeeded in making gasoline from coal.

Teagle was amazed — then afraid. This discovery was a threat to Standard's dominance in the natural-oil field all over the world. Besides, although Standard Oil's many industries dwarfed its name, Farben already had greater industrial influence, greater scientific knowledge, and heavier financial participation. Anything could happen. Teagle came to Germany to talk the matter over.

These were the first moves which led to a contract that put Standard Oil into a strange partnership with Farben.

Teagle began his negotiations in the hope of buying Farben off. He would pay millions of dollars for an ironclad hold on all of Farben's synthetic fuels and rubbers (Standard was also trying to make rubber). After one meeting, he complained that although he'd been suggesting a "marriage," wedding bells weren't ringing. But after Dr. ter Meer entered the negotiations, they sped along to final agreement. Not only did Teagle settle for a good deal less than he'd been dickering for, but a good deal less than he realized.

Exactly how Ter Meer finally got Teagle's name on that contract was not known. Like Von Schnitzler, he spoke flawless English. Called upon for a practical description of a process, he could

answer in a minute or an hour, depending on whether or not you had to catch a train. He knew more than anyone else in the world about oil and rubber.

By 1930 Ter Meer had talked the eager fiancée into a long, unannounced engagement, to be solemnized by a new firm, the Joint American Study Corporation.

This "Jasco" was supposedly a fifty-fifty proposition. According to the Jasco agreement, Farben agreed to let Standard continue its oil business everywhere, without Farben competition, except in Germany. In Germany, Farben was free to take over the market if it could. So long as Farben didn't try to compete in oil, Standard would stay out of the existing market in all other chemical fields. Standard also promised to help Farben beat out its other chemical competitors.

This part of the arrangement, far from being fifty-fifty, meant that Standard would pay Farben an enormous price not to sell synthetic fuels anywhere outside Germany. This price was the loss of millions of sales in the chemical field, which Farben would suck up. But Farben's gasoline showed no immediate prospect of offering commercial competition anyway. It cost so much to make that it had no practicable peacetime use.

What was Standard supposed to get from all this? Well, someday the Farben gasoline might be cheap enough to rock the foundation of the Standard Oil empire. Then too, perhaps Standard gambled that Farben science would outstrip its own; for Standard took as its further share in the bargain a fifty-fifty stake in all future discoveries. All new discoveries of both partners were to be pooled through Jasco.

These "discoveries" were to include old but impracticable processes if new know-how were discovered. Buna rubber — made from coal, water, and air — was not yet produced on a commercial scale. Therefore, the whole deal would be less unequal, because Standard at least had a stake in the development of buna. Farben agreed to turn into the pool each new improvement so that Standard could also make, improve, and sell buna rubber at will.

Dr. ter Meer was not at the *Vermittlungstelle Wehrmacht* as the security clerk shut the doors of the safe, twirled the combination, tested the lock — measures in which Judge Morris was "not greatly interested" and which Dr. ter Meer believed to be "greatly exaggerated." If Ter Meer did know of these measures, maybe the prospect of going to America pushed aside the disquieting implications. Before the supper was finished, he envisioned a pretty world of perfect golf balls and more durable hot-water bottles. He could remember clearly how he had felt that night, he said. Buna belonged to the world; he was embarking on a mission to stretch rubber-gloves-across-the-sea. True, he was going to New York to hold off Standard Oil's demands that Farben release the buna process; yet that was a necessary business compromise with the Ministry of Economics.

As far back as 1934, Ter Meer had offered Standard Oil continuous assurances that when the buna process was ready, Farben would turn it over to Jasco. He had known in 1934 that his hands were partly tied. The *Vorstand* had written to Chemnyco: "We must not allow foreign industry to gain the impression that we are not free to negotiate." For three years Standard Oil, itching to get into the field, had been annoyed by the synthetic-rubber researches of Goodrich and Goodyear in the United States. Confident that Jasco would get an American monopoly, Standard talked Goodyear and Goodrich out of further expensive independent research by assuring these companies that Standard already had the superior Farben process (which it hadn't) and needed only Farben's permission to license it to other companies.

Ter Meer got approval for his trip from Brinckmann. It developed shortly that an immediate journey was unnecessary. A deputation of the interested American companies, led by a Mr. Howard, vice-president and negotiator for Standard Oil, came to Berlin. Howard plainly told Ter Meer that Standard Oil wanted for commercial development in the United States the patents and — what was more important — the know-how for the manufacture of buna rubber. Ter Meer did not try to conceal any longer the fact that the Reich might not at the moment look favorably on his making good this part of the Jasco agreement. He assured Howard that Farben wanted to oblige and would certainly get government approval very soon. Howard had brought with him Standard's own butyl-rubber process, as good as buna for the manufacture of smaller rubber goods. He turned over this butyl process to Ter Meer. Three days after the occupation of Austria, Mr. Howard wrote to his superiors:

In view of the genuine spirit of co-operation which Dr. ter Meer

displayed, I am convinced that it is the right thing to do, to pass on to them full information on the butyl at this time. I do not believe we have anything to lose by this.

The representatives of Goodyear and Goodrich were harder to satisfy. They had come for a license, and they brought with them proof that if they didn't get the license they would be producing a heavy-duty tire within a few years anyway. Ter Meer summarized this difficulty in a letter to the Reich Ministry of Economics, a copy of which he sent to Dr. Ambros:

Mr. Sebrell informed us about work done by Goodyear . . . in copying our buna, and he brought his samples which, it is true, were not exactly like our products but which nevertheless showed the firm of Goodyear had made rather good progress, so to say. In view of the experimental work done by his firm, Mr. Sebrell asked for an exclusive license on our buna patents for the U.S.A. This we declined because we were of the opinion that the moment for doing work in a foreign country had not yet come. . . .

Conferences which, up to now, had the sole object of easing the minds of American interested parties and to prevent as much as possible an initiative on their part had been held with Standard, Goodrich, and Goodyear. We are under the impression that one cannot stem things in the U.S.A. much longer without taking the risk of being faced all of a sudden by an unpleasant situation . . . and lest we [Farben] be unable to reap the full value of our work and our rights. . . . The American patent law does not make licensing mandatory. It would nevertheless be conceivable that because of the extraordinarily great importance of the rubber problem for the U.S.A. and because tendencies for restoring military power are very strong there, too, considering the decrease in unemployment, etc., a bill for such might be submitted to Washington. We, therefore, treat the license requests of the American firms in a dilatory way so as not to push them into taking unpleasant measures.

It did not require much imagination to visualize how Goodrich and Goodyear were thrown off the trail. Sometime during the conferences, Ter Meer convinced Howard to try to sell the others the idea that before long Goodyear and Goodrich would surely get the buna process through Standard. While Farben got butyl, none of the others got anything but a promise.

Howard's motives were clear; he was putting over a deal to delay future competition from Goodrich and Goodyear. But what were Ter Meer's motives?

Q. Did you at any time have the intention to damage the war potential of the United States?

A. No. At no time did that thought come to me. The United States ruled over the Pacific and Japan was much too weak to do anything against the strong position of England in the Far East, which was protected by the powerful fortress of Singapore. One would have had to be a prophet at that time to foresee the events after Pearl Harbor. I think if anybody had told the Americans in 1939 what happened at Pearl Harbor, and that later on, Jap forces would go through Malaya, attack Singapore, take the strongest fortress of the world in a short time; that shortly before that, the two most powerful battleships of the English Navy would be sunk by Japanese aviators; that then the Japanese Navy would occupy Sumatra and Java, and get about 85 per cent of the natural rubber production of the world in their hands — I am afraid a man would have called such a man a lunatic.

The judges listened — like children listening to Buck Rogers — as Dr. ter Meer testified for hours. Not until November 1938 did he take the trip he had planned the year before. A Colonel Loeb in the Ministry of Economics had insisted that the buna process be held back, but, said Ter Meer, he resolved to hand over to Howard in New York the buna process. He went to the Reich Ministry of Economics to get Loeb's permission:

This Loeb was a rather difficult man. Being an officer, he was not so very well informed about commercial and technical questions, and I had not accepted his style of speaking or his continued pressure on me and I.G. to increase our buna production. I did prepare a report of this very important conversation, but I cannot present it here because it could not be found in the papers of I.G. Farben. I therefore have only the report I dictated [to the Ministry] which the prosecution had introduced. In that conversation [with Loeb], I brought forth all the possible reasons for getting the permission to go ahead in the United States. The record I dictated of that meeting is certainly correct, [but] reading it now, I must say that I cannot understand myself why I also said: "The conversations on synthetic rubber with Standard Oil have been retarded by ourselves." I can only construe that probably I felt at that time it might be useful to talk a little bit the language of Colonel Loeb, whose mentality in this case was known to me.

In cross-examining Ter Meer, I wanted to point up for the court things he'd told the prosecution that contradicted what he had said on the witness stand. So far, his elegant courtesy had made a deep impression, but he had been ready to explode more than once at the delays in processing his documents, caused as much by the defense as by us. I wanted to get him mad if I could.

He headed me off, though I don't think he knew of my plan. With a debonair wave, he called one of our staff over to the dock

and offered to act as translator for some of the accusing documents that would bring out some of the very contradictions I wanted to make clear. "What magnificent nerve!" I exclaimed to Sprecher. "This guy is trying to deceive the Tribunal with the same skill he used to mislead the American companies!"

On direct examination by his defense counsel, Ter Meer had stated that in 1936 the German government issued an order prohibiting the giving of the know-how for processing and manufacture of buna rubber to anyone in the United States.

Q. Did you ever specifically advise any American firm with whom you were dealing during this period of this government prohibition?
A. I never deceived Mr. Howard about this state of affairs. If you will read what Mr. Howard wrote in his book [published a few months before the trial], you will find a clear evidence that he was very well informed.
Q. Now, I want to get this clear. You told Howard that the government wouldn't let you carry out your obligation to him, under the Jasco agreement, to supply the know-how?
A. Yes, of course.
Q. And you told him you couldn't deliver the know-how because of that governmental order? Is that right?
A. Doubtless.
Q. Dr. ter Meer, here in Mr. Howard's book, you see this paragraph which begins: "Dr. ter Meer agreed that our position was reasonable and justified and promised that he would present his point of view to his associates and if they agreed, to his government. Ter Meer acknowledged at the time, for some reason which he did not explain, the German government had not previously been informed that the Joint American Study Company was entitled to buna rights outside of Germany." Now I ask you, is that statement of Howard's correct?
A. Yes, I think that is correct.
Q. How do you explain this then: You didn't even tell the Government you were obliged to give the know-how to Standard; yet at the same time you told Howard you could not give him the know-how because of a government order?
A. I understand you seem to see some contradiction there. I do not see it.
Q. Why *didn't* you tell the government that you were obliged to give the know-how?
A. I am sure that it would have no effect on Mr. Loeb if I had told him.

On top of this series of contradictions came one more. I called Ter Meer's attention to some things he had previously told Sprecher:

Q. Would you say that the policy of the Nazi government, with respect to the transfer of patents, know-how, and economic secrets, was intended to keep the Wehrmacht as strong as possible, and to prevent the foreign contractual countries to those international agreements from getting those economic secrets in order to keep them as weak as possible?
A. I do not think that the consequences of this supervision of exchange of technical knowledge went so far. In certain cases that is certainly true, because if the government did not allow us to send patents to America, they would be kept a secret in Germany, and that would make Germany stronger and America weaker. . . . I would like to mention that the military authorities in Berlin were very generous in that they allowed almost anything we asked for, and very fair in that they did not deny our proposals which would bring us into a bad position with our partners outside of Germany.

My cross-examination of Ter Meer on this subject concluded as follows:

Q. Now, bearing in mind that "the German authorities were very generous and fair about it," I would like to read you from the exhibit you referred to in your direct examination, and then I will ask you a question I think you can answer simply. . . .
This was March 1938. You said (in writing to the German authorities): "We are under the impression that one cannot stem things in the United States for much longer, without taking the risk of being faced all of a sudden by an unpleasant situation." . . . This is all I want to know: Is it your present view that these statements are true or false?
A. I have already discussed that talk with Colonel Loeb — at the time, I believe Major General Loeb.
Q. Would you care to say whether these statements, as they are worded, are true or false? If you don't want to answer that way, it is perfectly all right, and I will drop it. Are they true or are they false?
A. I probably did say it in that way, because I wrote it down myself. That was of course not true in substance.

Certainly the truth here lay in more than one lie. If this man had been clever enough to hoodwink some of the best brains in American industry and thereby deliver a crippling blow to the economy of the United States, would the Tribunal of three American judges see the significance of Ter Meer's actions in relation to frightful shortages of rubber elsewhere in the world while buna was being produced at a faster and faster pace within Germany? I continued my questioning:

Q. May I ask the question your counsel asked you. Was the planning for the expanded production of buna geared in with the armed forces?

A. I simply don't know. No one ever told me.

Q. Well, I think the best procedure will be if I show you a few documents to refresh your recollection. First, let me show you a file memorandum from Ambros to you, dated 7 July 1938. This says, "Plant Schedules for buna factories," and it says: "The mobilization plan provides for, by 1 July, a buna production of 100,000 tons a year. It is therefore agreed" and so forth. Does that refresh your recollection that the planned buna expansion was related to the military mobilization plans?

A. Yes, that is the case. . . . But, counsel, no conclusion can be drawn by asking why such installations were built by us before a war we did not expect.

Q. Now let me show you NI 7670. [*"NI" was the designation for prosecution documents. When accepted in evidence, the documents received separate "Exhibit" numbers.*] Dr. ter Meer, this was a speech you delivered before the Frankfurt *Gauleiter* in September 1941 [*when at last the buna plant to the East was to materialize*].

A. Yes, I know the speech.

Q. You will note that the first paragraph talks about buna as a vital war material. On page 13, Dr. ter Meer, you stated that the war "started a bit too early as far as supplying Germany's rubber requirements from home production was concerned. Fortunately, it was possible to eliminate them by seizing considerable stocks of natural rubber in the enemy countries and by import via Japan and Russia." Then you state: "Production today nearly covers present requirements." Is this an accurate statement of the situation?

A. It is my impression that that is a photostatic copy of the lecture which I held before a large circle of gentlemen in Frankfurt.

When the Nazi Army marched into Poland, both the political leaders and the Wehrmacht procurement authorities were aware that, in touching off World War II, they might also be cutting themselves off from the rich rubber resources in Sumatra, Java, and Ceylon. In less than four years, buna rubber had transformed the German market from one which imported 95 per cent of all its rubber to one which imported only 7 per cent. Farben, besides supplying the general German economy, had supplied the rubber needs of an Army which had become in an incredibly short time as powerful as all the other armies of the world together.

But percentages didn't tell the whole story. Blitzkrieg warfare was an economic necessity. Rubber production was only about three weeks ahead of an army moving with unprecedented speed. The production of existing buna plants was already a miracle; yet the Wehrmacht had staked its life on the assurance that another buna factory would be built. Now Poland had fallen.

Within about a year Otto Ambros found himself in a little town

which could not be found on most maps at that time. A hundred miles to the north, Dr. Szpilfogel's Wola was a metropolis compared to this place. Ambros had studied his own maps, drafted from "previous military observations" and from his own deductions during two years of peacetime travel, off and on, in Poland.

On the outskirts, a concentration camp had just been built. The camp was called "Auschwitz" (the German translation). The town itself was still "Oswiecem" when Ambros drove around it.

The concentration camp housed 3000 inmates. By cold statistical comparison to camps like Belsen-Buchenwald, this was small. It was a time of terror generally in the East, but even terror must have time to spread. In Warsaw and Lodz and the other larger cities, the Nazi invaders had begun their frenzied war on the Polish culture — restricting religion, kidnaping children "fit" to be Germanized, sterilizing women and all children who did not have "blue eyes." The Auschwitz camp had been built mainly for prisoners of war and the overflow of other camps to the south.

According to Dr. ter Meer, the existence of the concentration camp had not crossed his mind when he accepted Ambros' invitation (this was his first visit, a year before he scanned the grounds from the boiler house) to come down to look the place over. Here was an industrial delight! The buna factory they wanted to build would have a capacity larger than any of the others. They would need a million tons of hard coal, and Oswiecem was on the southern border of the Silesian coal fields. The plant needed as much power as the city of Berlin, and here at Oswiecem three rivers united — the Sola, the Przemsze, and the Little Vistula. East of the town was another river which could furnish extra power and would take off the waste from the plant.

A buna factory needed a lot of water, even in winter. They planned to cut a canal to connect the Vistula to the Oder a few miles away. Oswiecem was on a level plain, and all the waters of all the rivers around could be harnessed without flooding. Oswiecem fell on a line between Krakow and Vienna, and the old short stretches of railways could be joined to ship the buna back to the Reich. Said Ter Meer: "There were really so many of our industrial prerequisites that one has to admit that this location, Auschwitz, was ideal industrially."

Ter Meer and Ambros looked over the people. "Nature had endowed this place," Ambros said. "There were men and women [in the whole territory] working partly in industry and also doing

part-time farming work. Sociologically, the most ideal condition is to find workers who also have a small plot of ground. This meant everything a chemist could dream of."

The impressions gleaned by the two Doctors were almost Biblical. They were rapt in contemplation of a business which would offer a pastoral craft to the rural inhabitants. Early in the morning, the farmer would get up and milk his cows, then stroll off — lunchbox in hand — to the plant. He would work there in the afternoon while his wife and daughter toiled in the vineyard. Everything about the picture was charming — except that there were not 15,000 such farmers near-by.

But Dr. ter Meer didn't believe that Ambros, in inviting him there, had mentioned a concentration camp. "I do not recall that he at that time discussed that some of the labor would be drawn from the near-by concentration camp, but I will say that Ambros, who in his reports was very exact, probably mentioned it, though I am not positive."

Ambros *was* very exact. A few weeks later, he reported twice to a group of buna colleagues at Ludwigshafen that plans were being made to build a second concentration camp at Auschwitz: "The inhabitants of the town of Auschwitz itself are 2000 Germans, 4000 Jews, 7000 Poles. The availability of inmates of the camp would be advantageous."

Three thousand people were in Camp I. Then the second camp swelled the prison population to 14,000 — Dr. ter Meer was never to share his lunch with *them*. During the first two years of construction, reports came to his office of daily trainloads of "workers" coming to Auschwitz. Then Camp III and Camp IV were built, both nearer the buna factory than the other two camps. Then at last, in 1943, Ter Meer made a third visit to Auschwitz. Returning to Frankfurt, he had himself transferred to Italy, where he became plenipotentiary for the Italian chemical industries. Ambros' appeals followed him: "More workers are needed." "Herr Doctor Ambros is asking for assistance at Auschwitz."

Q. While you were in Italy, did you see, hear, or read about the influx of thousands of Jews from northern and eastern Europe into northern Italy: Jews who were attempting to escape from Hitler?

A. No, I did not know of this.

Q. At any time when you were in Italy, did you read or hear about the position taken by the Vatican newspapers with respect to the German program in Poland for the treatment of the Jews?

A. I don't remember anything about that, either.

Q. You learned nothing of all this when you visited the last camp, Camp IV?

A. No. That last camp I had visited is always being called "Monowitz" by the prosecution. I can say that, to the best of my recollection, I heard the name "Monowitz" for the first time through the indictment.

Q. Would you please tell us what the outside appearance of this camp was when you approached it? Was there a fence around it?

A. Yes.

Q. Were there guard towers?

A. I do not remember such towers.

Q. Did you see guards outside the camp?

A. The camp was guarded by SS men.

Q. When you came into the camp, what did you see?

A. I remember this camp quite clearly still today. From the entrance gate there was a straight road leading into the camp itself, and to the right and left of this road, the customary wooden barracks were constructed in the customary space. At the end of this main road leading into the camp there was a large barracks. I assume perhaps that there were two beds together and that the barracks were used for a hospital. The barracks were relatively new.

Q. What type of persons did you see in this camp? Let's call it "Monowitz."

A. I was inside the camp in the afternoon at a time when these people were not in the camp, for they were working at the time and I know very well that there were not many people about. There were only a few persons present working, perhaps on the barracks or doing repair work or cleaning work. I assume that they were people who were not at work, but employed working inside of the camp, and in the previously mentioned affidavit, I made an error in this regard, because according to my recollection at the time I spoke about a small concentration camp for Jewish inmates. I can only assume that this error was caused by the fact that some of the people inside of the camp were recognizable as Jews, and that that gave me the wrong recollection. Since I have had a chance to speak to Mr. Duerrfeld, our chief engineer, after the indictment had been served, I asked him about this camp, and he said: "That is quite impossible — it's nonsense. We never had a camp housing Jewish workers — partisans."

Q. Did you notice, in the case of these few persons that you met in the camp, anything special in regard to their physical condition, their attitude, or the atmosphere in general?

A. No.

Q. Dr. ter Meer, when you made your visit to the concentration camp proper in October 1943, with Ambros, were you shown as a point of interest the crematorium?

A. From the main road leading from the entrance to the concentration camp, I saw a curious small, rounded, hut-like structure. Since it looked very peculiar, I asked what it was. I was told that it served to cremate the corpses in the case of deaths that had arisen.

Q. Dr. ter Meer, I don't know what methanol is. Perhaps the Tribunal doesn't know either. Can methanol be used for burning?

A. Methanol is a product which was planned at Auschwitz. I don't know what year any more. To what extent it is suitable for the burning of corpses is hard to answer. But in my opinion, it is most unsuitable, because methanol burns at a low temperature and is not suitable for burning difficult combustible materials.

Q. We have heard from four other witnesses that there was supposed to have been a large chimney in this camp, too. Do you have any recollection of it?

A. I have no recollection of it.

16. Gasoline and Rubber Mix

ON THE FIRST COLD DAY of a year in the 1930's — if you lived in the motorized Germany envisioned by Dr. ter Meer — you would drive your new *Volkswagen* down to the petrol station to have it serviced for the winter. The little car bounces, and if you are the average German you think the bouncing comes less from the cobblestone street than from the tires, for tires are of the synthetics that for one reason or another seem makeshift. "Rubber is rubber," you mutter; and that thought provokes a chain of consumer complaints about the new "substitutes" like the synthetic fats you have to eat instead of butter.

As you turn into the petrol station, you observe with a frown that the pumps have been repainted. The frown passes as you decide that this new color, the half-military gray, is probably a change Der Fuehrer has ordered under the self-sufficiency program. Yes, it *is* easier on the eyes.

The pumps are busy (almost everyone has a *Volkswagen* now); when one of the attendants comes to check your tires, you and he complain together. Before you got these tires you'd heard of the buna tests on the Rhine racetrack, and you'd been excited by that example of German scientific ingenuity. But the imported rubber is best; you know it because somewhere in Germany are a very few rich people whom Der Fuehrer hasn't discovered whose wheels are mounted on the real thing. In France and the United States, too, the rich have stolen from you the rubber that is rubber. Then the attendant drains your radiator and you are anxious to snap out of it; it has been very depressing thinking about the outside world.

Nevertheless, in France, England, and even the United States, even the wealthy use plain alcohol in their radiators, and this year Der Fuehrer has a new permanent anti-freeze for everyone, ethylene glycol.

So you feel better as you slide the car in line. Proudly you comment on the new pumps. The attendant explains that more than their color has changed. What — another substitute? Rubber is rubber, and *gasoline is gasoline,* and you are bewildered by this paradox: Everyone has a job, and everyone should be able to buy almost anything he needs — yet there are shortages. This is not Der Fuehrer's fault; it is the fault of the hostile outside world which twenty years ago stole from Germany her colonies with their petroleum riches. If Der Fuehrer hadn't said he wanted you to drive the *Volkswagen,* you'd have half a mind to go back to burning coal in your old car; coal always burns and it can't leak and you understand it better than gasoline and there is plenty of it.

You drive away. For some time — probably all through that winter — you will be skeptical of the synthesis that runs your *Volkswagen*. But the tires should hold up; so the "Leuna" gasoline will take much of the blame for faulty performance. Although you do not live near Merseburg, where the Leunawerke is located, in the papers you have read of the two men most responsible for the development of synthetic fuels. They are German, true; they belong also to I.G. Farbenindustrie which, it has been hinted, has international connections. This in itself is suspicious; but since they are getting away with having such connections, why haven't they imported more Standard and more Shell? In the newsreels, both these men appear cross-eyed; you doubt that either of them could pass a driver's test. In experimenting with these new fuels, what could they have known about the practical operation of an automobile?

Somehow it did not work out that way in any winter of any year. That is, you did not get your *Volkswagen* (if you were the average citizen), but you complained about the prospect anyway and speculated about how many times it would have broken down.

One of the cross-eyed men rose in the dock as his name was called. Sliding past Dr. Otto Ambros, he made his way across the well of the court, his feet toed out slightly, and this — with his erect posture — made you wonder whether he had ever been in the Army. But no — though his stride was even, there was no pace or music in it. If he had been announced as a minister of the gospel, you would believe it even before hearing the coincidence

of his name — Christian Schneider. His glasses were clerically rimless. His large, blue crossed eyes sought the heavens: a hint perhaps that you look elsewhere. Whatever Schneider's part in the Auschwitz affair, one sympathized with the ignorant mechanic who took his *Volkswagen* to be serviced for the winter; what did this man know about how to run a car?

He knew plenty. When Professor Krauch had gone into the government, Schneider had taken over the directorship of Krauch's *Sparte*, which included synthetic fuels. Management-wise, Krauch knew no peer, and in most scientific fields he knew more than Schneider; but in the field of fuel synthesis, Schneider had long been one of the two great scientists of the world.

Until the turn of the century, when the German Bergius discovered a way of liquefying coal, the only useful thing that came from coal was coke.

In the 1920's, Schneider and other Farben scientists invented a way to use the Bergius process on a large scale. Their new process was called "hydrogenation." This development of "hydrogenation" was due largely to the vision of Carl Bosch, Fritz ter Meer, Carl Krauch, and Christian Schneider. Schneider testified:

> This process meant the pressuring of coal, tars, and mineral oils by stages, into their final products. As to the gasoline, in 1926 the decision was reached by the *Vorstand* that a large-scale experimental plant should be set up at Leuna for the production of 100,000 tons. We fell into the Depression and there were enormous technical difficulties. Within the Farben *Vorstand*, confidence in the process was seriously shaken. The whole Leuna plant was almost closed down. It was only the confidence of Bosch and Krauch and us technical men that was able to prevent this being done. We always had full confidence that technical difficulties would be overcome, and the future proved us right.

Like the future of buna, the Leuna's future which "proved us right" led to the East. On taking over the whole *Sparte*, which included nitrogen production, Schneider turned over the direction of Leunawerke to his pinch-faced, cross-eyed comrade, Dr. Heinrich Buetefisch, the other of the two great fuel scientists. Dr. Buetefisch became a member of the Farben board. Then during 1937, when the *Sparte* II leaders were proclaiming Fuerstenberg as the ideal site for a buna plant, Schneider and Buetefisch joined with Ter Meer and Ambros in many excited discussions about the economical advantages of joining buna rubber and Leuna fuels in one huge operation.

The first step — hydrogenation of coal — was the same for fuels and rubber. Powdered coal suspended in oil was pumped under great pressure with hydrogen over a catalyst and was converted into a synthetic crude oil. From this crude oil came Leuna gasoline, diesel fuel, iso-octane for aviation gasoline, ethylene oxide, and many other synthetic products. Coal, treated with scalding steam, was also processed into methanol.

The ethylene oxide had many uses for the Krauch-Schneider-Buetefisch *Sparte*. It was also the silent, colorless assistant of the Ter Meer *Sparte*. Ter Meer's pharmaceutical division could take the excess methanol, produced by Schneider for his anti-freezes and fuels, and turn it into shaving lotions and liniments. Methanol could be converted, in solid forms, to two deadly explosives — nitropenta and hexogen. And Ter Meer could make glycol (Prestone) react doubly with itself to produce diglycol, an intermediate in the manufacture of explosives.

By the time Ter Meer and Ambros selected the Auschwitz site, there was the possibility of cutting the staggering costs of hydrogenation by marrying the two *Sparten* in one huge domicile. Schneider hastened to approve the Auschwitz site. For one thing, he said, Farben had an order from "someone in the government" for iso-octane. Farben also had an order for more than half the Army's nitrogen needs. From the waste gases of the joint enterprise at Auschwitz, Dr. Schneider's *Sparte* could produce the nitrogen compounds.

"The cheap source of raw materials decided our *Sparte* on Auschwitz," he said. "I knew nothing about the employment of inmates until a month after the site had finally been decided upon. Then an order came from Goering approving Farben's employment of the inmates."

This was a strange ignorance. A month before the Goering order, Schneider had furnished for the site the overseeing engineer named Walter Duerrfeld. Strange ignorance in the director who was also responsible for the welfare of all Farben employees!

On a "social-welfare" trip in the autumn of 1941, Schneider had taken the train up to Auschwitz. He recalled only "the pleasant general impression one gains from seeing a terrain improved — the earth being shoveled and moved. Much material is strewn about and a large number of people are engaged in work as far as the eye can see. I saw the prisoners working; the physical condition varied somewhat but that was also true of German workers."

By January of 1943, Schneider recalled, although the vast installation was unfinished, construction had gone along very well. A large number of buildings were already up, separated by wide roads. He attended a construction conference at which some "fluctuation" in the inmates was noted; he made a trip around the site, inspecting "welfare institutions, apprentice workshops." Everywhere he saw only trained inmates. "Everything made a very proper appearance. The training room was a roomy hall with good facilities for sitting down where the staff and the foreigners together took their noonday meal. I tasted the food. It was good."

This was "as far as the eye could see." The eye could not see beyond the construction site. He did not go to any of the camps. Though he remembered that Camp IV, built within a hundred yards of the methanol plant, was called "Monowitz," he understood it to be an ordinary work camp.

Q. Did you see Monowitz from the outside?
A. Yes.
Q. Did you have any particular impression?
A. No, no particular impression.
Q. Your second visit again, in January 1943 — that is, during the winter. Were the inmates in such a condition because of their clothing that they could not be asked to stay out in the open?
A. If something like that had not been quite in order, I would have remembered it.

His was a strangely consistent impression of unhurried working conditions during the two-year period when "someone in the government" kept demanding to know when the first pound of buna rubber was to be shipped back to the Wehrmacht. The inmates seemed to appear at the site, work comfortably, and then disappear into another world. But even more strange was the miracle of why they had appeared in the first place in great numbers, while he, the *Vorstand's* labor man, knew nothing about it. Dr. Schneider's Leuna comrade, Dr. Buetefisch, could explain that. Heinrich Buetefisch had been in contact with another Heinrich who was chief of all the concentration camps.

17. Some Purely Personal Notes

HEINRICH BUETEFISCH, one of the two greatest experts on fuel synthesis, had joined the SS for business reasons. With a few other industrialists he had also joined the Himmler's "circle of friends" to talk over Germany's economic problems with Himmler and Goering.

Buetefisch put through a request for Himmler to turn over Auschwitz inmates to Farben. For some reason not in the record when Buetefisch testified, Goering had already assigned Auschwitz inmates to Farben.

Buetefisch then looked over the Auschwitz site. Plans for the buna-rubber plant were ready. "So the power plants, the roads and waterways and individual buildings that had originally been planned for rubber had to be planned again — to have one power plant only, one waterworks, one pipe bridge, and one waterway; and this project had to be pushed very quickly so that one could catch up with the others."

Catching up with the others had caused difficulties, all right. The Leuna and buna plants together would need two million tons of coal every year. There was not that much good coal on the Auschwitz site. Eight miles away was a coal mine operated by a company called "Fuerstengrube."

If Buetefisch had not been a willing partner in the scheme before, he was now. Forgetting all the investments of buna and Leuna for mutual facilities, the plans called for an investment of 160 million marks — $65,000,000 — for other synthetic fuels, including methanol. At Fuerstengrube there was not enough labor to bring out the coal. The Fuerstengrube management didn't want to use unwilling prisoners who would have to be carted several miles to the mines. With powerful assistance from other Farben directors, Buetefisch bought up 51 per cent of the stock and elected himself chairman. Farben bought the inmates from the SS, housed them in camps near the mines, and took over all responsibility for their care. Buetefisch, faced with the sworn statement of the Fuerstengrube manager (who had never wanted inmates) that he had regularly informed Buetefisch about the "allocation and administration of labor," replied that Farben had taken the responsibility at the

manager's request. He knew the facts "in a general way," but the "commercial department at Auschwitz" had really arranged the deal. "From the purely economic point of view, that is really a reasonable solution. The wholesale buying of employees amounting to 25,000 or more demands an organization capable of buying all the necessary food."

Dr. Buetefisch had lost the record of his travels during those years. He had received regular reports not only from the Fuerstengrube mine, but from the main concentration camp. These reports were "largely uninteresting." And he'd been able to find pleasant witnesses who recalled detachments going out to live in subsidiary camps near the mines.

One of the attorneys from Berlin Northwest 7, on a legal mission, had visited the mine. To him, the workers looked strong. They worked solemnly and industriously during the day. He was depressed because they were "deprived of their liberty," but that night he strolled outside the barracks and heard music — a camp orchestra preparing for a performance. Others had heard music at the main camp, too, several miles away, where the inmates who were building the Leuna facilities were strong, healthy, and well fed, though some witnesses said they had heard "at Nurnberg" that there had been some mistreatment they had not then seen.

Dr. Savelsberg, a commercial manager, said: ". . . never heard anything about atrocities. . . ."

A chief engineer at Merseburg said: ". . . None of the men who regularly visited the site ever reported abuses . . . I myself visited the camps on several occasions."

A technician who had helped to plan the synthesis plant said: ". . . never heard of inmates mistreated."

But there were witnesses who did not take the oath. They didn't have to. Their testimony ran between the lines of Buetefisch's reports from the site. Pale and shrunken, Buetefisch blinked nervously as Minskoff strolled over to the witness box.

Q. Dr. Buetefisch, I show you this weekly report to you from Auschwitz, where the SS states that they gave repeated warnings to the Fuerstengrube management to stop beating the inmates because it might eventually lead to their deterioration. Was that called to your attention at the time?

A. The mining leader concerned would have to tell you that. I don't know these things.

Q. I call your attention to this exhibit, another Auschwitz weekly report by Farben's mine personnel. "Can one therefore blame a foreman or shaft supervisor for hitting out? In spite of the salutary effect of beatings, the Labor Office has forbidden it." Does that refresh your recollection that the prohibition against beating came from the labor office rather than Farben?

A. I couldn't read all the weekly reports. But it is my opinion that what had been put down here is someone's own personal, impulsive opinion. This type of action is quite out of the question for us. I was far away from the site.

Q. You were far away from the site? May I ask whether, on your visits to I.G. Auschwitz — that is, the buna-Leuna plant, and the mine — you took any interest in finding out the conditions under which the forced foreign workers were living there?

A. As far as I had time. I of course had reports from Mr. Duerrfeld. We talked about food. Duerrfeld showed me the charts. That was my endeavor.

Q. Did you know that in 1942 they had as many as 3000 foreign workers, living in one barracks, mind you, with only *three* huts for washing facilities?

A. No, that was not reported to me, and I cannot imagine it.

Q. I show you NI 14553. In the second paragraph the witness says of some 700 forced Polish laborers and 724 Croats in Camp III: "We have no hut for washing facilities at all."

A. I cannot give you any detailed information about that.

Q. The Leuna part [of Auschwitz] was your direct responsibility, isn't that so?

A. The planning, strictly speaking, was my responsibility.

Q. Dr. Buetefisch, how quickly do you read?

A. I have trouble with my eyes.

Q. All right, you say you were far away from the site. Please look at the first page of this report . . . it concerns Camp Monowitz — that is, Camp IV. Do you notice the distribution list?

A. Yes.

Q. Now, who is Dr. Hans Braus? One of the employees whom you appointed — right?

A. Yes.

Q. And the head of the list is yourself — right?

A. Yes.

Q. Will you please answer this: How quickly do you read?

A. I have trouble with my eyes; I've already said that. I did not read these weekly reports.

Q. Dr. Buetefisch, how much money was invested on the Leuna part of Auschwitz?

A. In the course of four years, about 160,000,000 Reichsmarks.

Q. Now as to these weekly construction reports — the reports covering the progress of that investment — I ask you to strike some average of their length. Would you say about five lines, ten — here's one that's about thirty lines. Would you say twenty-five lines was the average length?

A. These are details, minor things.

Q. Supposing you read about twenty to thirty pages an hour.

Would it take you more than a couple of hours a month to read every single one of these weekly reports covering an investment of one-fifth of a billion Reichsmarks?

A. It depends on the contents. These men just reported to me that "nothing happened."

Q. But although you say you didn't read the reports, do I understand that you meant to say that what was reported was not to be taken quite literally?

A. Certainly not literally. If I may apply these reports to the technical field, you might compare them to an analysis commission, where someone might say, "It is all nonsense." These are the personal notes of a man who is expressing his opinion.

Q. The prosecution wishes to offer one of these weekly reports — NI 14515 — which states that a chamber for 30 to 40 corpses was constructed for the accommodation of the inmates at Monowitz. Can you explain why a mortuary for 30 to 40 corpses was required at Monowitz?

A. I can only say that in every big camp, every small city, there is a need for a mortuary for purely sanitary purposes. The over-all condition was the important thing to us.

Dr. Buetefisch's personal emissary to Auschwitz, Dr. Hans Braus, had observed with reluctant sympathy the doings of the Farben engineers: Herr Duerrfeld for buna and Herr Faust for Leuna.

Braus lived in the town of Auschwitz. His office was near the buna plant. After he moved his desk, which had faced the vast Auschwitz plain, to face the wall, he slept a little more at night, though he never got a full night's sleep. Inside the Leuna plant, most of Braus's inmates did light work. They were assistants in laboratories; they did bookkeeping and helped in the glass warehouses. Inside, where it was warm. Warm and quiet.

"They worked inside where it was warm and quiet," he said to Minskoff and Von Halle. Minskoff had raged while Von Halle purred. What happened *outside* was what they wanted to know.

"Mr. Minskoff, after these trials are over, what would happen to me if I testified?"

"You won't have to go to jail."

"They won't be in jail, either."

"How do you know that?"

"I know it."

Minskoff and Von Halle worked hard to "understand" Braus. Under any supervision but that of Buetefisch and Schneider, he would have been a leading chemist. In the 1930's, his light had been hidden under their bushel; then he had spent the two years before Pearl Harbor in Japan, building a nitrogen plant for the Mitsubishi combine. Perhaps getting away from Merseburg had made him independent. Or, perhaps, finally, he found decency of a sort. . . .

Duerrfeld and Faust directed the construction. They made up the labor quotas for all the Farben installations, including the mine. They ruled the inmates on the site.

Yes, Braus said, he had sent on the weekly reports to Buetefisch. Sometimes he reported in person, too. There were other meetings, called "coal conferences," which both Buetefisch and Ambros attended on the site, and that was how both men were "always informed" about the procurement of inmates for Fuerstengrube and knew how they were treated at the mine site.

Especially at the beginning it happened rather frequently that the *Capos* [Farben overseers] beat the inmates. Walter Duerrfeld was very ambitious. He dictated the working pace. The inmates of Fuerstengrube and the other installations were fed by Farben. I saw prisoners that were badly nourished; I saw inmates no longer able to walk by their own initiative and energy, limping, supported by their fellows.

On construction sites, as is in the nature of things, there frequently occurred serious accidents. It also happens that people become sick and unwell. Mr. Faust was a choleric; he was a man who had worked on many construction sites, and he had a rather rough manner. . . . One of the differences between Camp IV, Monowitz, and the other concentration camps was the density of its population. People had to be pushed into this camp.

After his divulgence, Dr. Braus worried some more. "Mr. Minskoff," he repeated, "after these trials are over, you and your friends will return to your country whereas I will have to live with these people against whom you are asking me to testify."

"What makes you so sure they won't be in jail?"

"I know. I am certain of it."

The conversation was typical. Nearly every Farben employee who talked at all about Auschwitz expressed the same prophecy. Now on the witness stand, Braus tried to take it all back. More than fifty other Farben employees had done the same thing. But as the defense tried to get Braus to exonerate Buetefisch and Ambros, the awful truth of his previous statements rang against coached distinctions and hollow philosophical by-play. Duerrfeld, the procurer of slaves, now became "just a mail carrier" for Hermann Goering. Duerrfeld's ambition, Braus mumbled, was "possessed of the fellowship spirit." And though Faust was choleric, "I am not aware

that his temper induced him to do anything for which he was sorry afterwards."

Sprecher jumped up to interject a few questions designed to impeach the witness. The Tribunal helped.

THE PRESIDENT: Mr. Prosecutor, one moment, please. . . .
JUDGE MORRIS: I have a few questions. Mr. Witness, you read over this affidavit, Exhibit 1994, before you signed it?
A. Yes.
Q. When did you decide that some of the things that are said in this affidavit were different from the facts as you remember them now?
A. There is of course a history. I was interrogated for a whole week by —
Q. I am not asking you for the history. It appears that the facts as you remember them now are not exactly as . . . in the affidavit. Is that true?
A. It does appear there are some contradictions.
Q. Now, when did you decide that the things you said are not true?
A. The moment I sat down here.
Q. But after you made your own changes and signed it, you thought at the time it was true, did you?
A. I believed that it generally corresponded to what I knew.
JUDGE MORRIS: That is all, thank you.

Then the defense counsel took over:

Q. Dr. Braus, you said a while ago that you remembered things after the interrogator had talked to you for a while. Now I ask you: did you *really* remember? Or did you just *believe* that you remembered?
THE PRESIDENT: Counsel, I do not know what the difference would be.
Q. Well, then, I'll put it a little differently. . . . Dr. Braus, are you today under the impression that what you stated in this affidavit was a true and valid memory or merely a *suggestion?*
A. It was no real memory that I had.
Q. Then your memory of Camp Monowitz was not a true memory?
A. No, it was not.

"Monowitz" — the name Professor Heinrich Hoerlein had never heard. "Monowitz" — of which Ter Meer had said: "I heard the name for the first time through the indictment." Monowitz — a stone's throw from the plant. Like the other camps, it was surrounded by rows of barbed-wire fences charged with high-tension electric current, which Ter Meer had walked past without remembering. Over a railway spur the well-known "transports" of inmates shuttled from Monowitz to the construction site. As you approached this camp, you passed strategically placed guard towers, overlooking torture enclosures. And, of course, the "curious small, rounded, hutlike structure" Ter Meer had seen.

And now Monowitz — "distinguished by the density of its population," as Dr. Braus had said. The defense as a whole would not go into these matters. Only Dr. Ambros' counsel felt he must ask a few questions:

Q. Dr. Braus, how do you explain that in this affidavit there is a certain trend against Dr. Ambros?
A. I am completely neutral toward Dr. Ambros.
Q. What makes you make this statement that Dr. Ambros co-operated so much with the SS?
A. That is an unfortunate choice of expression. I cannot imagine that Dr. Ambros was *pleased* to co-operate with the SS. I think that was impossible because he was a good Christian.
Q. You call Ambros a man and a Christian. What is your reason for giving him these attributes?
A. I remember that he was very much distressed that the church was to be torn down. The little church in Monowitz had to be leveled to make way for the camp, and I know that he was very unpleasantly surprised.
Q. Mr. President, I now make the motion that Dr. Braus' affidavit be stricken from the record.
THE PRESIDENT: That motion must be overruled.

18. The Plain Chemist

WHEN DR. BRAUS FIRST MENTIONED HIS NAME, Dr. Otto Ambros smiled sarcastically around the courtroom. His small quick fingers had been sketching something, which he held up to the light as Braus finished telling about the razing of the little church at Monowitz.

Ambros bowed as he took the oath, exhibiting his sketch in all directions. He waved his counsel aside for the moment. He explained: "This tree of many branches I choose to call the Ethylene Tree to symbolize the Good and the Evil in Nature."

Ethylene oxide, he went on, was the trunk which bore many branches "green with peaceful uses" and a few that were rotten with potential destruction. He pointed to lines he had drawn to

cut off the rotten branches. Green branches had been his sole interest: soap for dirty soldiers, paint and cleaning agents for vehicles. "I still do not understand why I am here. The collapse promised everything but that I would be arrested."

At Gendorf, after those senseless investigations, the Americans had been kind enough to lend him a jeep and driver, to take him back home. Surely, if he had deserved arrest, the French at Ludwigshafen would have picked him up. He'd lived in Ludwigshafen since the mid-1920's; people there thought he was just born for the place. If Heidelberg was the seat of chemical knowledge, Ludwigshafen was nature's laboratory; and Ambros was the sort of man who liked earth running through his fingers. At Ludwigshafen, more productive than any other single Farben installation, were planted the synthetic seeds of every Farben product. Ludwigshafen put out the elementary compounds that became hormones and vitamins under Hoerlein at Elberfeld. At Ludwigshafen, the organic roots under careful cultivation grew their first *ersatz* offshoots. His "mother" was Ludwigshafen, said Ambros; but he owed a good deal, too, to his real father, a professor of agricultural chemistry, who had taken him into the laboratory before he could toddle. It was understandable that, at first sight of Oswiecem, he noted it was "predominantly agricultural terrain."

When Bosch and Krauch hired Ambros, they got a young man with brains as well as feet in the soil. Bosch, recognizing a young, excitable genius, turned him loose to study natural dyes and rosins and yeast breeding and sugar fermentation. Soon the Ethylene Tree was bearing synthetic twigs based on his studies.

Ambros favored the Tribunal with a full smile:

> That was a happy time, gentlemen. Then upon my work came its strongest influence. It was the climax of my life when Dr. ter Meer sent me to the forests of Ceylon and the Malay States to study how nature produces rubber. Later, when we erected the first buna factory, we were dealing with the unknown. Dr. ter Meer reserved for himself the negotiations with the Reich, and I was given perhaps the most interesting part, the chemical work. On the 24th of April 1936, we laid the cornerstone of the first German buna factory. When it became known that our process was no longer in the laboratory stage, other countries were, of course, interested. I planned the two buna factories we built in Italy — one of them north of Rome. Then there came a time when Germany was friendly with Russia. I was the expert who drew the Russian plans, made the blueprints for all the machinery and buildings.

In 1936, before that first cornerstone was laid, plans were also

on paper for the buna plant "to the East." Ambros admitted this now, though he didn't recall that he knew of such plans then. A government order — "The Four Year Plan Bible" — had spoken of four buna plants. Again, that "someone in the government"! His title, said Ambros, was "G.B. Chem" (Plenipotentiary General for Special Questions of Chemical Production). His counsel stepped in:

> Q. The assurances given in the speeches of the leaders of the Third Reich: did you believe them or did you have doubts?
> A. I had no doubt. Why should we not succeed in replacing a natural product, rubber?
> Q. Mr. Ambros, you are thinking chemically. Did you believe what Hitler and the other leaders said about being peaceloving?
> A. Mr. Hoffman, I was not a politician, and that is the nice thing about our chemical profession. It takes up all our interest.
> Q. But you said that you were *given permission* to erect a buna plant in the East, and that you did not particularly like that because you had enough plants to take care of already and because of the scarcity of manpower. Perhaps it might be expedient for you to explain what you meant.
> A. If I remember correctly, I meant that the circle of my associates — that is, chemists and engineers — already had a large number of tasks.
> Q. Now, if you found a site and considered it interesting enough from the chemical standpoint, could you alone decide to build there?
> A. As a technical expert, I could only suggest. Then I reported to the G.B. Chem. And an order for a buna plant of over 100 million marks — of course, I had to inform the board. I could not dispose of hundreds of millions.
> Q. Dr. ter Meer has said that the *Vorstand* was a group of general directors. What responsibility fell on you as a *Vorstand* member?
> A. I did not *feel* like a general director, perhaps because of my youth. I am a plain chemist.
> Q. Yes, Dr. Ambros.

Ambros frowned. His counsel had called him *Doctor* — they had arranged for him to be called *Mister*. Confidently Ambros went on to explain how he, the plain chemist, had been pushed along by a two-pronged authority. One prong was the G.B. Chem, which had schemed since 1936 for a greater and greater buna production; the other prong was the Farben board, in whose older, sophisticated company he had found himself.

But the record restored his doctorate, setting forth one decision where his authority had eclipsed his more venerable colleagues. Once more, before he and Ter Meer had selected the Auschwitz site, Ambros had traveled the Oder River with a Farben engineer,

Santo, Ambros studying the terrain. As if by chance they had arrived at Oswiecem again. Santo had brought with him his interim reports in which he had begun by saying what could be done at Auschwitz and ended by just assuming that it would be done:

> The concentration camp already existing with approximately 7000 prisoners is to be expanded. The inhabitants of the town of Auschwitz, especially the children, make a very miserable impression. Apart from the market place, the town is wretched. If industry is established here, the 4000 Jews and 7000 Poles could be turned out so that the town would be available for the staff of the factory. A concentration camp will be built in the immediate neighborhood of Auschwitz for these Jews and Poles.

Ambros himself headed a last inspection of the site before construction began:

> Auschwitz and the Auschwitz district have a population of 25,500, of whom 11,200 live in Auschwitz. The eviction of the Poles and Jews is going to cause a shortage of workers from the spring of 1941 on. It is therefore necessary to open negotiations with the Reich Leader SS as soon as possible in order to discuss the necessary measures with him.

Wrote Ambros to Ter Meer:

> On the occasion of a dinner given for us by the authorities of the concentration camp, we further decided upon all measures for the use of the camp for the benefit of the buna works. Our new friendship with the SS is proving very profitable.

Did other firms already work in this construction site? his counsel asked.

> Yes. In building the first barracks, this work was done by outside firms. Farben is only a chemical enterprise, and is not a construction firm.
> Q. But I have understood you to say that you had a staff of people for the building.
> A. No, I am a chemist. In the first days, the construction was directed by the engineer Santo, with a staff of 50 construction engineers. Then we had all sorts of men responsible (by themselves).

He had visited the Auschwitz camps at that time, too. No duty took him there, he said; he just wanted to inform himself what a concentration camp was really like. He had heard from his colleagues Ter Meer and Von Knieriem that the inmates worked their own gardens.

Oh, yes — his visit did have a small purpose. At the concentration camp, Farben was responsible for building new barracks to take care of the "increase" in inmates; and he had gone over there to check barracks to see that chairs and tables were being delivered for the inmates' comfort. Covering the whole twelve acres, he had stopped everywhere, and everywhere he saw only technical workers: artisans who carved candlesticks from wood, other art objects from iron. "I saw the stone barracks that were neatly constructed. I saw the clean kitchens and the workshops and the stables. The conducting officer told me that the inmates with good conduct are set free after they prove themselves."

Dr. Hoffman, Ambros' counsel, found it hard to conceal his distaste.

> Q. I remind you of the fact that this morning you made certain statements about your letter to Ter Meer. In this letter you describe your *first* visit, and you wrote: *"The institution of a concentration camp is something horrible. It is torture for the inmates."* When did you gain that enlightenment?
> A. Mr. Hoffman, I was depressed that I saw people in uniform. I always had an antipathy for short-cropped hair, people behind barbed wires. That is the torture to which I referred.

After the court adjourned about 4:30, I asked Duke to come to my office to talk about his cross-examination of Ambros, scheduled to take place in a few days (there would be an intervening weekend following Ambros' direct examination). Sprech came in while Duke and I were getting warmed up. We discussed several lines of questioning.

"This guy's testimony is brazenly fantastic," I said. "In my office in 1944, I knew more about what was going on at I.G. Auschwitz than Ambros is willing to admit he knew at that time. I sat several thousand miles away and our communications with Germany were cut. But Ambros was on the spot time and again from 1941 to 1944, and this was his pet project. How can he expect to get away with it? How do you plan to treat this guy on cross-examination?"

"Well," Duke said, "there are those weekly reports that were sent from the site to Ambros and Buetefisch. They're still missing. They haven't turned up at Griesheim. Even without the reports, I don't see how Ambros can get away with it. The court has pretty much accepted what you knew in Washington, hasn't it?"

"It's all in Document Book 89, if that's what you mean," I said. "The court hasn't said anything about it since they accepted it as a sort of confirmation of facts they might take judicial notice of any-

way. That means they haven't ruled Book 89 out."

We had intended Book 89 to prove that *knowledge* of what went on at Auschwitz was pretty common. But Ambros had the nerve to say, not only that he didn't know what happened, but also that half the things we had proved hadn't really happened at all!

"I say it's a break for us. If he goes on in the same vein tomorrow, Book 89 is worth double what it was before, because it will clinch the facts we've proved many times over, in good summary form. To hell with the construction reports. What do you fellows think about waiving all cross-examination of Ambros?"

They hit the ceiling. All the proof in the world was not too much for Duke's conscientious soul, and Sprech thought Book 89 might carry less weight with the court now than before when the prosecution had introduced it. "If the weekly construction reports can be found, we've got to find them," he insisted.

"It's inconceivable," I said, "that the Tribunal could possibly believe Ambros when he says he didn't know about those atrocities, when Book 89 shows that the whole world knew about them."

Sprecher shook his head. "At first I thought the court's ruling was just a little confused. Since then we've had several rulings along the same line."

Both of them had argued for the documents in Book 89 when the prosecution submitted them as evidence. Ambros' counsel then had appealed to have them thrown out *in toto.* Minskoff had countered with the explanation that all the documents in Book 89 were designed to show the Tribunal, first, the extent to which what had happened in Germany had been known throughout the world *at the time* and, second, the intensive program in the United States and other Allied countries to contact Germany so that no one who was directly responsible could later successfully contend that he didn't know what was happening at places like Auschwitz. Judge Shake had upheld Ambros' counsel: "Dr. Hoffman, your objection has been sustained as to the competence and materiality of each and every document in the book." Then Sprecher had joined Minskoff in the wrangle, to ask if the Tribunal's ruling actually meant that, before studying Book 89, they held it to be immaterial? "Perhaps," Shake had replied, "that was an unfortunate use of terms." The upshot was that the Tribunal said it would consider taking "judicial notice" that the events described in Book 89 might have been of such common knowledge that the defendants knew of them.

Now Sprech said: "By an unfortunate use of terms, Book 89 may be in and it may be out."

"Sprech, I don't believe that statement of Shake's was significant. I still don't think he meant that the facts in Book 89 were immaterial. He just meant that since the Tribunal could take judicial notice of the facts, the documents were unnecessary."

"It wasn't that clear."

I pulled out Book 89 from the top drawer of my desk. "Listen to this report we received *in the United States.* The War Refugee Board published it and broadcast its contents in 1944. It's true that some of our own State Department officials said then that it was nothing but propaganda; but after all they were thousands of miles away, and this Tribunal is here and almost smothered by corroborating evidence. Here it is, a couple of Slovak Jews who escaped after two years in Auschwitz. . . ."

I began to read from their report about the "terrible happenings" at a "Buna" plant.

"We read it, Joe," Sprecher interrupted. "We've all read it. I still say that your so-called mistaken ruling may not have been a mistake."

"All right, if you have any doubts about it, we'd better cross-examine Ambros to get at what the others knew." I turned to Duke. "As far as Griesheim is concerned, the only thing I've ever seen there on Auschwitz was a folder Charmatz dug up some time ago. He came on that accidentally."

"That's why I have a mission scheduled to leave tomorrow morning for Griesheim to scour the place from top to bottom."

"I hope you find something."

After they went out, I felt nervous. In interrupting my reading of that report, they had cut off more than a bit of evidence. Neither of them knew the whole story, though I'm sure they had begun to suffer, too, from that unnerving assurance of knowing too well about things that still seemed sometimes absolutely incredible. Understanding this, we must not give Dr. Ambros the benefit of the eerie unreality of truths too large for the decent mind to encompass all at once. I left Book 89 on the top of my desk.

Ambros' counsel began next day:

Q. Mr. Ambros, I want to ask you about this "new friendship with the SS."

A. Mr. Hoffman, this was only one of the many statements I made

during my correspondence with Dr. ter Meer — impulsively written as is my nature, without caring much for its formulation.

Q. Was your expression "new friendship" the expression of a certain relationship to Nazism at the time?

A. Mr. Hoffman, only because what I am about to say would be considered an excuse prevents me from saying that I felt a certain irony when I wrote this. It wasn't really friendship. It didn't grow into friendship. It is impossible for me to function at a construction site. I am a chemist. Therefore, after the first visits and after studying the situation, I created the organization. It was a great plan for the future — a situation that might have been achieved in thirty or forty years. As everywhere, we had the intention eventually of buying the property from the owners; but in Upper Silesia, in Eastern Silesia, there was a different situation. All the land had been seized for the Reich. From the very beginning, other spheres — plastics, solvents, and so on — were to be affiliated with buna chemistry. . . . And this was something novel in Farben: to have two *Sparten* working together in building a new plant. To justify this, it seemed proper for me to arrange meetings between the people in charge on both sides. These were the construction conferences. All the engineers, chemists, social welfare directors, and the man in charge of the kitchen — even he was there once. They were very lively meetings, and the junior engineer who was present made an extract of the proceedings.

Hoffman then questioned him about the weekly reports of the nineteenth and twentieth construction conferences (which were among the few not missing). From beyond the concentration camps, Farben "recruiting agents" had been showing up with volunteer workmen. Some 680 Poles, arriving as employees, became inmates overnight. More workers were needed, Walter Duerrfeld reported. More workers — he believed that another 1000 Poles might be available if Farben sought them. Later, Farben sought and got them:

A. Mr. Hoffman, these are not documents. There were no signatures. Let's not forget this was a construction site, and these extracts were only approximately what was said.

Q. You said these meetings were very lively. Was anything said about "selections"? You know — selections in the sense described by the prosecution witnesses here?

A. No, I heard the word "selections" for the first time in Nurnberg.

Q. Was the poor state of health among these people discussed?

A. It was sometimes complained that new inmates arriving were not in a too-good state of health. But the responsibility for the individual camps was clearly and definitely with the SS.

Q. And the food?

A. About December 1942, we made the suggestion that the supplying of food should be taken over by Farben. I saw therein a further opportunity to get the inmates more and better food.

Q. How do you explain that we have nevertheless heard again and again that the food was not what one would expect?

A. I don't want to deny the impression that the inmates have given witness to here. . . . There must have been an unjust distribution of the food after it had gone through the kitchen.

Q. Do you yourself know nothing about it?

A. Mr. Hoffman, after one has been thinking over these questions for a whole year, then it is difficult to distinguish what one knew at the time and what one has learned now. I had no way of knowing it.

Q. Why not?

A. I was present once, but I was not in the kitchen when the food was handed out.

Every year, he went to the site several times to inspect the construction. His recollection had first been prodded into believing that the last time he had entered the concentration camp itself was 1942. But by 1942, 26,000 inmates were jammed into Camp I, mainly because of the buna factory, rising over an area larger than the town itself. Camp I was a suburb compared to the camp which had been built to house the townspeople and the "poor racial composition of the area." This Camp II now housed 86,000 inmates.

Ambros could not have failed to note the increase in population? No, Counselor, the last visit must have been the year before, 1941. Again, Dr. ter Meer was along. Snow was on the ground. . . . No, it was a summer day. . . . Anyway, it was some day before or after Christmas. The inmates were out in their shirt sleeves, arms bronzed by the sun. There could not have been more than 6000 inmates altogether. Ambros saw a small crematorium at the entrance, but it was not operating, and "I was told that if anyone of these 6000 human beings should happen to die, he would be cremated there. That was all." The camps were south of the construction site, south of the town, so he and Dr. ter Meer left the camps and walked north.

Q. How long did you stay the times you were in Auschwitz?

A. First, it sometimes lasted one day, and others two. I used to stay there overnight. One time, that is.

Q. Where did you stay overnight?

A. There was no hotel in Auschwitz. I lived together with my associates in a certain house.

Q. Where?

A. On the northern fringe of Auschwitz near the Vistula.

Beside the witness box one might sense the shadow of that Ambrosian phenomenon, the Ethylene Tree. How many times had Ambros stood on the "fringe of the Vistula," knowing what the

rotten Ethylene branches, thriving with unnatural speed, would eventually embrace. Before Winston Churchill had said, "The world is in the presence of a crime for which there is no name," Ambros had known where it all would lead. He was guilty as hell.

The next day Duke Minskoff's secretary hurried into the courtroom to summon him. One of his assistants was calling him from the Griesheim document center.

He came back in a few minutes. There was no doubt, he reported, that the files had been rifled. The German personnel admitted they had been shipping documents to Ludwigshafen for some time.

"I don't quite understand," I said to him and Sprech. "The French are operating Ludwigshafen under an Allied directive. They have a right to any Farben papers they need in the normal course of business. Probably the French requested them. I doubt that they had anything to do with Auschwitz."

"If the French requested them," Duke said, "the index would show entries that the documents were withdrawn. The index doesn't show any entries. Something's screwy."

He left in search of a jeep to carry him to Griesheim.

Least of all that afternoon would one suppose, as Ambros resumed his testimony, that he could gain anything by having hidden a few documents at Ludwigshafen. Many inmates had taken the stand; the defense questioning of their stories had been futile in trying to disprove the sufferings instead of sticking to the point that Ambros did not know of the sufferings. (Can a scar be cross-examined?) *Mister* Ambros was having a very hard time explaining his ever-widening responsibility.

"I do not want to paint an ideal picture," he said. "There was terrible distress in Germany during the fourth and fifth years of the war. We had air raids. Nevertheless, Duerrfeld was able to make the best of it. My effective actual remembrance is confused with impressions I have received in the last year."

He had heard of beatings by the SS within the concentration camp proper, he went on, but he had ordered the camp commandant to stop it. *Ordered* an SS Colonel? Yes, *ordered,* he repeated. He had even set up a bonus system as a kind of compensation to the inmates for their imprisonment.

But no witness came forward to nod his head, and those who had come forward told a different story. To the inmates of Camp I, the word "Buna" (which included "Leuna") was more frightful than

"Auschwitz" — the Farben site more terrifying than any place except a large wooded area three kilometers east of Camp I. During the first weeks of construction the workers at Camp I were routed out of bed in the morning, stood roll call, ate a poor breakfast, and were marched by the SS five kilometers to the plant. Until this day of testimony, Ambros had insisted several times that disciplinary actions on the site were the responsibility of the SS. Now for some strange reason, he admitted: "I do know for sure that already in 1941 one began to fence off squares, blocks, and in these squares no SS had any further business. That was the preliminary stage for having the entire plant fenced in."

The workers had confirmed this. Once inside the plant enclosure, they found that the Farben overseers outnumbered the SS by 10 to 1. From among the inmates the overseers picked "Capos," who became Farben's private SS. The Capos were chosen from among the few inmates sent to Auschwitz because of long criminal records rather than because of race, religion, or political belief. During the first months, the overseers and the Capos drove the others, who remembered and told themselves to be sure to remember, so that some day they could tell and keep telling until someone believed it. "We struggled to carry cables, collapsing under the strain; the work was too heavy even for a well nourished man." "Once the inmates were assigned to the Farben *Meister,* they became his slaves."

The prisoners of war, who were given easier jobs, remembered better and longer than most. "The inmates were forced to carry one-hundred C-weight bags of cement. It took four men to lift one bag and put it on the back of one man. When the inmates couldn't go along quickly enough to satisfy the Farben *Meister,* the *Meister* beat them with sticks and iron bars and punched them with his fists and kicked them. I have often seen them beaten to death with iron bars."

As Ambros continued, the inmates' voices left me, and I suffered only the frustrating certainty that comes from thinking about overwhelming facts confronted by overwhelming lies. One time Ambros was there; it was winter, he thought, and one's imagination saw on the Auschwitz plain only shadows on a vast expanse of snow. But no, it was summer. For Ambros, the season must always be summer because one or two inmates recalled something he would surely have heard or seen that winter of 1943. It was so cold the breath froze on the lips. Over near the construction office, several of the

Farben Capos built a big fire in a rubbish basket. They stood around it carousing and then rubbing their hands, and then drinking some more, until one of them went away and came back with an inmate. Another Capo went away for a few minutes and came back with a pile of old clothes. The witnesses couldn't understand what the Capos were shouting at the inmate, but they guessed very soon that the jokes concerned the sub-zero temperature. The Capos pushed the inmate up close to the fire and started throwing him clothes, piece by piece, and he kept putting them on. His head looked cadaverous stuck on top of all those clothes. . . . Then the Capos made him dance, his head bobbing up and down until the sweat started through the clothes. Then they marched him backwards. When he'd staggered back a few steps, they stopped him and ordered him to take off a piece of clothes. He kept going back and taking off another piece of clothes until he was fifty yards or so back in the icy atmosphere, away from the fire's warmth. Finally, all he had on was the thin clothing he had worn when they brought him out of the barracks. They made him take that off, too. He swayed around like a skinny birch tree. That was exactly the poetic figure the witnesses used, because many things reminded them of birch trees looking too bright under moonlight.

Too bright under moonlight: many things seemed that way in the daytime, too.

In the daytime, Mr. Minskoff, a man could hardly walk through different parts of the factory without seeing some inmate dropping to the ground. They kept holding their heads up even when the rest of their bodies wouldn't stand up straight. They knew they had to hold their heads up.

Then, between bedtime in other parts of the world and the time when drunken guards came out for the evening's sport, the inmates marched through the darkness over the five kilometers back to the barracks at Camp I. Some of the inmates were carried by others; some were helped along; some were pushed on wheelbarrows. The guards mocked them: those were *real men* pushing the wheelbarrows, real soldiers. One inmate rubbed a frozen hand coated with red dust; he had been forced to carry a brick as he double-timed from job to job all day — just a game the overseers played.

"When inmates first arrived at the I.G. Farben factory," one of Ambros' underlings had testified, "they looked reasonably well. In two or three months, they were hardly recognizable as the same people; the worst thing was the lack of food. . . . I am not a scientist, Mr. Counselor, I would not pose as an expert on . . . calories or grams or liters. I can merely say what I saw. . . . And my Czech physician friend was an expert."

The Czech physician said: "The prisoners were condemned to burn up their own body weight by working."

Before the construction was finished, nine out of ten punishments were meted out by the Farben plant employees. The SS at Camp I became concerned with the depletion of the labor supply. The most ironical occurrences were the repeated complaints of an SS man to his superior that a Farben foreman was beating the prisoners too often — it happened at the plant as it had happened at the mine.

"I did not observe anything of that kind," Ambros said.

He had taken the most interest in skilled workers, but that was normal since he was, in a way, a skilled worker himself. After the construction was done (if it ever *did* get done), he would have craftsmen and laboratory assistants to help him operate it in the coming days of peace. One day a chemist-inmate had stopped him to talk about a new idea; Ambros praised the idea and advised him to use it in a Ph.D. thesis "some day." The defense had not made the mistake of locating the chemist. Minskoff had found skilled workers, too, in Belgium, France, the Netherlands, and England.

The work in my commando, being highly skilled, was not too rough, but in other parts of the buna plant — for instance, there was a 300-foot-high chimney in the buna factory, and we estimated that it cost the lives of 300 inmates who died of exhaustion. . . . The working conditions were so hard that in the years from 1943 to 1945, a complete turnover of inmates occurred three times.

Dr. Hoffman's distaste for his client had grown so obvious that he let him go on at great length alone (which Ambros did not mind at all); then Hoffman asked a few questions apathetically:

Q. Mr. Ambros, if you knew, for instance, that on the Auschwitz construction site, say 5000 concentration-camp inmates were working, did you have any information whether the same person went on working from 1941 to 1944?

A. The idea was that the inmates should stay on the site to make up a later corps of building workers. I did hear one day that 1000 were transferred away. I learned later that "all Poles had been taken away."

Q. Did you know anything about the fact that the inmates were "changed" after they had been worn out or were no longer fit to work?

A. No, Mr. Hoffman. I know the contrary. At one time *skilled workers* were taken away. We had trained them in Auschwitz and we considered it an injustice.

Q. Thank you very much. Now, did Dr. Struss ever talk to you about events in concentration camps?

A. I do not remember. One had to be very careful with Dr. Struss, because he had relations with Party agencies in Frankfurt. I believe he was a "block warden."

Q. Very well, Mr. Ambros, were there any other reports which *could* give you information?

A. Yes.

Q. What were they?

A. These were reports from the construction site. The condition of each of these individual little buildings was described. "No. 628 has progressed so far." Also, labor matters, like the potato supply, were given.

Q. Did you read all these weekly reports?

A. I think it isn't possible to expect the chemist to read every construction report.

19. "I'd Be Sure This Is True If I Were You"

AFTER THE AFTERNOON SESSION ADJOURNED, things happened so quickly that I can't recall which reached me first — the judge's remark, the message that Jan Charmatz was sick, or the call from Minskoff.

Charmatz was tired and had committed himself for a check-up, the hospital messenger said.

It was reported to me that one of the judges had said: "There are too many Jews on the prosecution."

Then Sprecher was urging me down the hall, and I remember it seemed a long time before we got to the telephone. In the message center Sprech took the call. I waited without enthusiasm. *Too many Jews on the prosecution.* I was thinking of Charmatz; and of Belle Mayer, who had left Nurnberg a month before because she was too sick to go on working; and of Duke Minskoff on the other end of the line. Duke had contracted polio at an early age, and although strangers at first glance might be solicitous of him because his arms and legs gave some evidence of this prior affliction, anyone who knew him for any length of time soon forgot this. You would no more mention his affliction when talking about him to someone

else than you would mention President Roosevelt's physical disabilities.

Sprecher turned to me. "Duke estimates close to a thousand documents that were all shipped to Ludwigshafen."

"Doesn't seem possible," I said. "Unless they were pulled in wholesale lots after Charmatz was there. Somebody would have seen that, an officer or a guard. Ask him *how,* if it's true."

"He just told me how. Most of the stuff was shipped months ago while the place was in a mess half the time."

"O.K. Tell him to come back and get some help, then go on down to Ludwigshafen."

After he hung up, Sprecher threw out some fast hunches. From Ambros' testimony that afternoon, Sprech believed that the defense knew already that Minskoff was scouting around in Griesheim. Maybe someone of the defense had been called to the phone during the session. Sprech was convinced not only that the news had affected Ambros' testimony on the stand, but that some of the missing records must be weekly construction reports. Otherwise, why had he talked about some of the reports that were not even in evidence yet? "The potato supply! He had time to read about that, but nothing much else! Remember the report he mentioned about 'the little buildings'? There's nothing like that in evidence!"

I wasn't paying much attention.

Sprech and I ate supper at my house in Furth. Then he went over to the Grand Hotel and I went to my office. Would I be thinking of those two Slovak Jews from Auschwitz even if I couldn't see their words in front of me? Yes, I would.

> After a number of weeks of painful work at the Buna plant, a terrible typhus epidemic broke out. The weaker prisoners died in hundreds. An immediate quarantine was ordered and work at the Buna stopped. Those still alive were sent, at the end of July 1942, to the gravel pit; but there work was even still more strenuous. We were in such a state of weakness that, even in trying to do our best, we could not satisfy the overseers. Most of us got swollen feet. Due to our inability to perform the heavy work demanded of us, our squad was accused of being lazy and disorderly. Soon after, a medical commission inspected all of us; they carried out their job very thoroughly. Anyone with swollen feet or particularly weak was separated from the rest. Although I was in great pain, I controlled myself and stood erect in front of the commission, who passed me as physically fit. Out of 300 persons examined, 200 were found to be unfit and immediately sent to Birkenau and gassed.

When I had first shown this report to a friend in the State De-

partment, he had given me an odd look. "I'd be sure this report is true if I were you." That had been years ago and an ocean away, and maybe I did have a blind spot because Book 89 traced two selves three years apart, that seemed now to be hurrying in the same direction. "I'd be sure this report is true if I were you," he had repeated. "Stuff like this has been coming from Bern ever since 1942."

I picked up Book 89. Between the lines I saw the first cablegram, numbered 482, from Bern, Switzerland, which had come to the Undersecretary of State in January 1943, telling of mass executions. One source had reported that more than 6000 were being killed every day, in camps in Upper Silesia and Poland. The Jews were required to strip themselves of all clothing, which was then sent to Germany. These were the first authentic proofs that Hitler's killing of the Jews was a thoroughly organized policy at last: he intended to kill those who wore on their foreheads the smear of ashes, those who had taken refuge in the arabesque alleys of the older cities — even those who were already wincing under the Nazi lash in the ghettos of Eastern Europe.

It must have been about eleven o'clock when Minskoff got back from Griesheim. The words of Book 89 were a blur. "The block recorder does all the clerical work . . . errors are fatal. If he has noted down a death by mistake, the discrepancy is straightened out by killing the bearer of the corresponding number. Corrections on paper are not admitted."

I slapped the book, certain that these were facts that could not be ignored. But Minskoff said. "Too much is not enough for this Tribunal." He rushed off to get a fresh driver who would take him and his team to Ludwigshafen during the night.

Too much but not enough! "Don't forget," my State Department friend had said; "this is a Jew telling about the Jews." And "too many Jews on the prosecution"? Was that only a remark or the same story all over again? After Sumner Welles had forwarded that Bern message to the Jewish organizations in the United States, they had held a mass meeting at Madison Square Garden at which a number of measures were recommended to rescue the Jews of Europe. Yet a whole year was to go by before a single Jew was saved by the official operation of the United States government. It was bad enough that human beings should die because an official failed to lift his telephone — in government of any kind, one gets used to being haunted by such epitaphs of inefficiency.

I was then, in 1943, Chief Counsel of the Treasury's Foreign Funds Control. The Treasury had prohibited financial transactions between occupied Europe and the United States, and we had been studying how we might use the power of foreign exchange to get some refugees, Jewish and non-Jewish, out of Europe.

Not until June did the Treasury get a copy of a second urgent appeal which U. S. Minister to Switzerland Harrison had sent in April. It was Treasury business, all right. Harrison reported that many Jews could escape from France through hiding places in southern France, from Rumania through Turkey and Switzerland. An underground of secret sympathizers, mercenaries, and corruptible officials stood ready to assist. Could the United States find a method of financing these escapes that wouldn't at the same time benefit the enemy?

John Pehle, head of Foreign Funds Control, was often referred to as Morgenthau's fair-haired boy. He *was* blond, not many years out of Yale, and an extremely able administrator. Usually, he was calm; now he was furious. For two months death had lain on State Department desks. Roughly 200,000 more refugees — political and "Eastern peoples" as well as Jews — had been killed. Pehle put the matter up to me.

Before this time, I hadn't been too suspicious of the hush in the State Department. President Roosevelt, along with other Allied heads of state, had denounced the crime. Undersecretary of State Sumner Welles had publicized this denunciation, putting the guilty on notice that we knew what they had done, and warning against future crimes. Perhaps it was felt generally in the State Department that denunciations were mere bombastic phrases, that the dictator was responsible, and that threatening dictators did no good. Certainly no follow-up had been made.

But April 20 marked the beginning of a concrete plan by which private citizens could "buy" the Jews out of Germany. The first cable received five months before, the second cable buried for two months — and between the two cables apparently a three-month silence from Bern that didn't make any sense.

This mystery remained unsolved because the immediate problem was so urgent. Early in July, John Pehle and I had a conference with State Department representatives. We presented a plan whereby the escape of Jews from Nazi Europe could be financed.

In Switzerland various nationals of the German-occupied countries had agreed to trade their own currency for dollars. That is,

they would sell the bribe money — the German Reichsmarks, Rumanian Lei, and so on — for dollars. Various agencies in this country had agreed to put up the dollars, but we had no assurance that the dealers abroad would not turn around a few weeks later and resell the dollars to the Nazis.

We got around this difficulty by proposing that the United States Treasury act as a sort of savings broker for the dollar exchange. We would license the trades if they let us place the dollars in "blocked" accounts in United States banks. Then after the war the accounts would be released. Most of the foreign-currency dealers had agreed to this arrangement.

There followed months of negotiations between the Treasury, State Department representatives, and the British. The British Foreign Office, after pleading with obvious insincerity that foreign exchange might be made available to the enemy even under this plan, was finally smoked out by Ambassador Winant in London. He wrung a letter from them which laid bare their real reasons for opposing the plan. Against the British Ministry of Economic Warfare — which supported the plan — the Foreign Office opposed even the preliminary financial arrangements because of concern about the "difficulties of disposing of any considerable number of Jews" should they be rescued from enemy-occupied territory.

So the British were prepared to accept the murder of thousands of Jews because they didn't know what to do with them after they were saved. Secretary Morgenthau pointed out to Secretary of State Hull that even if we took the Jews and treated them as prisoners of war, it would be better than letting them die.

The opposition within the State Department retreated temporarily. Secretary Hull sent an unusually strong telegram to our London Embassy, stating that the British view "has been read with astonishment and the Department is unable to agree." On that same day, Hull directed State to issue the long-delayed license for such transactions (ordinarily, Treasury would have issued it), and transmitted it to Bern.

It was December of 1943. Eleven months had gone by since the receipt by the State Department of the first authentic report of the planned slaughter. And the State Department had acted only after strong pressure from the Treasury.

I began a thorough survey to try to make sense of that old three-month lapse. Throughout the occupied countries there had

been no letup in the purge. The representatives of the World Jewish Congress in Switzerland must have continuously begged the Minister to act quickly. And at last we had got from State a copy of Sumner Welles's answer to the very first cable. Welles had instructed Minister Harrison to keep sending full reports from Switzerland. That was in January 1943.

Rechecking all the cables forwarded from State to Treasury, in one of them I noticed a reference to a cable numbered 354, an answer sent to Harrison in February. To repeated questioning, the State Department said that this message was "purely political," having nothing to do with economic matters. The message had been handled only by the European Division and the political advisor of the State Department. Then I got a tip explaining why we had never seen the message. The "political boys" had ordered that Treasury was not under any circumstances to have a copy.

I went to Secretary Morgenthau, who went straight to Hull. Later that day Breckenridge Long, Assistant Secretary of State, sent us a paraphrase. According to this paraphrase, the State Department had asked Harrison to stop sending reports to "private persons" in the United States except under extraordinary circumstances. "Private messages," the instruction went on, circumvented "the censorship of neutral countries, and these neutral countries might respond by closing their lines to confidential, official matter."

Innocuous enough, on its face! The paraphrase contained no reference to Harrison's first cable; and while that cable had transmitted the report for the benefit of private Jewish agencies, it had also been sent for action by the State Department.

Secretary Morgenthau now insisted that the paraphrase must be incorrect. He asked that a Treasury representative be allowed to look over the whole file of messages between January and April 20. We sent over a representative. He reported that only eight words had been omitted from the paraphrase.

What a difference they made! The actual cable had begun:

"YOUR CABLE 482, JANUARY 21."

Anyone reading that mesage, with the eight words omitted, would conclude that it was nothing but a message stopping the sending of routine information. But Cable 482 was Harrison's first cable reporting the mass slaughter!

Although this cablegram of suppression had been filed under Hull's name, it had been initialed by four men of the Foreign

Service. They must have sent it without Sumner Welles's knowing anything about it. For on April 10, two months after the message put a silence on Bern, Welles himself sent another cable seeking the details he had requested way back in January. Minister Harrison's answer to the second request of Welles had been the appeal that we find a way to release funds to get the Jews out. But, with this appeal, Harrison had sent another message questioning his conflicting instructions.

The file lay before me. Small wonder that Harrison had been puzzled! He had other information from a Jewish agent, Reigner; every day 6000 more people were being killed at Auschwitz. Harrison had not sent Reigner's information along. He protested:

> May I suggest that messages of this character should not (repeat not) be subjected to the restriction imposed by your 354, February 10, and that I be permitted to transmit messages from R, more particularly in view of the helpful information which they may frequently contain.

The idea voiced in the message of suppression — that facts about the deportation and death of Jews circumvented the censorship of neutral countries — was fantastic. It was a matter of record that for some time, through our Legation in Switzerland, State Department wires were sending reports to private United States and British firms giving the status of their property holdings in Europe.

The struggle behind Book 89 — was it all for nothing? Wasn't I borrowing trouble? After I'd run the facts to earth, some hearsay had reached my ears that had a familiar ring: "This is just a campaign by that Jew Morgenthau and his Jewish assistants." By their initials, four men had expressed a desire to put horror aside, to strike an incredible bargain with the most dastardly of all crimes.

But others, too, could want to suppress any reminders of what they knew. The prosecution had charged the defendants with that very thing.

President Roosevelt had been shocked by the facts. He issued an executive order establishing a cabinet committee to rescue from the Nazis, whenever possible, *all civilian victims* of enemy savagery. These people were to be given all "relief consistent with the successful prosecution of the war." This was the War Refugee Board, comprising Secretary of the Treasury Morgenthau, Secretary of State Hull, and Secretary of War Stimson. After weighing political names, Roosevelt cast them aside and appointed John Pehle as executive director. I was designated general counsel.

The earliest and most important decisions of the War Refugee Board involved Auschwitz. Our first job was to get the doomed out of Poland. "And we've got to tell the perpetrators we know; we've got to warn them that we know *they* know and that one day they will be punished." Was this secondary purpose in vain?

A few weeks later, 238 Jewish rabbis arrived at an internment camp in occupied France. Released from Auschwitz after obtaining passports from some of the Latin American republics, they were awaiting freedom via exchange for disabled German prisoners of war in Texas.

These 238 were murdered by delay. The State Department had replaced cables-of-suppression with involved clearance procedures for cablegrams. By the time we finally pushed through the exchange, the 238 had been shipped back to the gas chambers of Birkenau. These 238 had been gassed by order of men who pleaded at their trials that they "did not know."

The cries of many dying had been stamped out with the notation *Please send no more messages*. Now would the law itself add its initials? No, I must be dreaming — this is a court of justice and everything will turn out all right.

Next morning Duke Minskoff came back from Ludwigshafen. His report was almost incredible. After hours of questioning, the Farben employees at Griesheim had admitted shipping "truckloads of documents" to Ludwigshafen. The American officer in charge had O.K.'d the shipments on the understanding that they were patents and financial papers needed in the current operation of Ludwigshafen. Sheepishly, this officer gave Duke a long list covering some of the thefts.

Down at Ludwigshafen, raised eyebrows greeted the curious American delegation. The French believed everything quite in order. Anxious to show that Ambros was still the brilliant fellow whom Fate had put in wrong with the Americans, the French authorities ordered the Farben clerks to open the files. The French were taken aback as one of the clerks explained that many of the files no longer existed. Checking against his own list, Minskoff learned that for more than a year before the Farben indictment was handed down, eighteen boxes of records had been received by the file department, then relayed to the purchasing department.

Both the destruction of documents and their transfer to other departments were against French orders. Summoning the purchas-

ing manager, the French authorities demanded an explanation. The manager blamed "far-reaching storage difficulties." There weren't enough file racks and cupboards, and besides "an evident need existed for the procurement of new paper." The papers he had destroyed, he added, concerned only the procurement of equipment for Ludwigshafen and its affiliated plants.

But among the empty folders, Minskoff's men turned up ten which, though designated in complicated fashion, were all marked with the key word *Auschwitz*. The purchasing manager corrected his explanation. "These folders contained material either completely outdated or of no practical value. Probably these files were turned into pulp. We needed fresh, clean paper."

The French helped in a search of the extant files. A few records were uncovered and microfilmed; they were not as "hot" as Minskoff and Von Halle had hoped.

Volunteered a friendly German girl: "Find Josef. He knows everything."

Minskoff reported: "We talked to every Josef there without getting any dope. So we went back to the softest Josef and accused him of withholding records. Finally, he admitted that Josef is a code name for a Dr. Alt. This Dr. Alt was to Ambros what Dr. Struss was to Ter Meer — a very personal assistant. We couldn't find Alt anywhere. We took his secretary down to the French chief's office and questioned him at length, with Bunny von Halle begging me not to turn this man in until he'd had a chance to tell us his part in the whole affair. He did. He said that just before the Americans got to Ludwigshafen, Ambros and Alt sent him to Heidelberg with some records. He burned them in the Kohlhof, near Heidelberg.

"Now, hold on to your hat. This secretary swore that from early in 1946 until May of 1947 — that was when he was finally extradited, remember — Ambros used his Ludwigshafen office as a graveyard for papers he would surely remember and a hiding place for stuff he might not remember. He used it for the other defendants, too. That French administrator's mouth dropped three inches when Alt's secretary told us that."

I was disgusted. "I suppose that when we finally got Ambros, he was on the way to recapturing Paris."

"Before you blame the French, just consider what they were up against. They didn't have many employees of their own, and they didn't expect to run into a bunch of agents. Everybody acted

beaten when the French got there. This thing might have been arranged months before the war ended. Alt's secretary admitted it was hardly possible for the French to have found out. Ambros created code names not only for his assistant, Dr. Alt, but for quite a few others. 'Posth,' 'Muth,' 'Josef,' 'Bargemann' — whoever heard of them before? They were all code names."

These code names had been employed by Alt so that letters and reports could be passed through the American and French zones without the censor — or the prosecution — finding out who was being written about. The Farben engineers Faust and Santo were "Posth" and "Laar." The supervising engineer at Auschwitz, Duerrfeld, was "Heribert" and his chauffeur was "Theo." Christian Schneider was "Muth." Karl Wurster was "Stutt." There was one English word in the code, *worker*, which really meant "Haeftling" — inmate or convict. Quite a few documents had been mailed to "Bargemann" (Ambros) at Nurnberg. It was odd that not one of these letters had been opened by the censors.

Dr. Alt had given his secretary orders as to what to do if the prosecution came snooping. The secretary told Minskoff:

> When, on 20 February, I saw a car which obviously belonged to the Nurnberg trials standing in front of the Ludwigshafen plant, I ordered my assistant, Miss Reither, to hide all documents which seemed to me of importance. Miss Reither took the documents one floor higher and wanted to put them into the wardrobe of an employee, a Mr. Kern. Mr. Kern did not want to have the documents in his wardrobe, and thus they were hidden in a wall cupboard. I then called the apartment of Dr. Alt and gave orders to hide one box there. . . . His apartment . . . contained among other things the list of documents sent from Ludwigshafen to Nurnberg.

"Good," I said. "Did you bring the box back?"

Minskoff didn't answer directly.

"My men are still going over most of the stuff. I did bring back a few microfilms. I'll have them reproduced. You ought to have them by noon tomorrow. Remember Ambros' bonus system? Well, here's the weekly construction report on that. It is the report of the Lurinal Construction Company, and it says: 'In the future the work performance of the inmates should be raised not only by harder punishment for laziness, but also through bonuses for good work.' The other stuff, when it comes, will be hotter than that."

I said: "We will ask the court to require defense counsel to

produce all of these documents in their possession. I think we'd better ask for an accounting, too, of all the documents they can't produce because the defendants or their agents have destroyed them. Can you get the motion out by tomorrow morning?"

Duke said he could.

The voices of Book 89, maybe out of hearing before, would surely be heard by the Court now.

At night, the detail stopped by the gate, and one of the men from the plant stood there with a pen and pencil. The guard told him the ones that limped and staggered all day and could not work, and their names were put down, and we did not see them any more after that. The men knew the cart went to Birkenau. No one ran around the site completely naked, so everyone knew what it meant when the cart came back with clothes on it. They were called "selections"; I heard hundreds use the words. . . . The fear of extermination was used by the foremen to spur the inmates to greater efforts; the injured and the sick failed to seek medical treatment for fear of being sent to the gas chambers.

When the usual staff meeting following the afternoon session was over, Minskoff and I went to the Grand Hotel. Only an hour before, we'd heard that Jan Charmatz would be in the hospital until the end of the case.

"Shake didn't look very pleased when I gave him the motion this morning," I said. "But I guess it's open and shut."

"There's only one thing that might not sit well with the court," Minskoff answered. "When the French administrator sent the French security police to Alt's house, he asked me to send a man along." He was grinning.

"Nothing wrong with that," I said. "Or was there?"

"Not unless the court is looking for a way out for the defense. Even then, they would have to stretch the facts."

"Duke, did your man go into Alt's house without a warrant?"

"I had to send someone to identify the documents. The French police had authority to enter the house. But that isn't quite all."

"What else? Why didn't you tell me this before?"

"I didn't have time. How much do you expect a man to do in one day? After the police left that night, Alt started yelling to the French that he came under the protection of the court. It seems he had got himself and his secretary and a few others at the plant appointed assistant defense counsel."

"How did that happen?"

"The appointments went through this court, all right. But there are a hundred names on the list of defense personnel approved by the court. I didn't have the list with me, and Alt has never been in court. How did I know? The French administrator was plenty burned up at Alt for keeping his second job a secret. I covered it all very carefully in the memorandum to the court. There's a copy on your desk."

"Well, this is another reason why they had no trouble shipping documents to the defense here. The stuff traveled with court approval, right past the censors. I was going to the hospital to see Charmatz, but I guess I'll go to the office first and look over our memorandum. Don't worry about it."

Minskoff laughed. "Who's telling who not to worry!"

20. Everybody Knows, Nobody Knows

MINSKOFF'S TIP-OFF IN ITSELF MEANT NOTHING. Adding it to other happenings, however, I felt trouble coming. One little thing after another struck me wrong that day.

That afternoon Ambros' counsel had pointed out that in 1945 the Auschwitz management had evacuated before the approaching Red Army. "Do you know," he asked Ambros, "what happened to this plant subsequently?" Sprecher had insisted this had nothing to do with the case, but Judge Shake had overruled him, saying, "Let's find out if there is any connection." Then Ambros had told how the dismantled Auschwitz site was now being built up again by the Polish government.

On my way back to the Palace, I ran into one of the prosecutors on another case. He told me that one of the judges on our Farben case had asked him whether I was a Jew. One of the "too many Jews on the prosecution"! One of Mr. Morgenthau's Jewish assistants! It happens that I am not a Jew — but why should I give anyone the satisfaction of interpreting a denial as even an indirect admission that, if I were, it should make any difference?

When I got to my office, I had no stomach for digesting our motion again. On top of my in-basket was the *Congressional Record,* received that morning, containing (my secretary had said) another blast by Representative Dondero.

It didn't matter — then it did. If I wasn't going to work, I should be at the hospital seeing Jan Charmatz. Charmatz, too, was teetering on a kind of window sill. Belle Mayer had written me that he had wanted to go to America, and I'd been planning to help. He has to get out now. I thought — *now,* before he falls, as Jan Masaryk had lately "fallen" out a window in Prague. A silly fear! He was perfectly safe here — wasn't he?

Charmatz was propped up in bed. Coincidentally, he was looking at a copy of the *Congressional Record* mailed to him from the States. We talked about it. Dondero was taking the *Stars and Stripes* to task for printing a statement of Czechoslovakia's new Communist premier, Gottwald. Gottwald had been news, of course, even if he wasn't pleasant news. The *Stars and Stripes* had also printed Congressman Patman's warnings to Congress about "the dangers of fascism in the United States." Although this was stuck away on page 6, Dondero didn't like its "prominence." He also attacked the printing of the opinion of our Assistant Secretary of the Navy for Air that we were ill prepared for war. All this, said Dondero, gave aid and comfort to the enemy. (Dondero's failure to vote for higher preparedness appropriations gave no comfort to the enemy, of course!)

Then he got around to me again, or to someone whose name was spelled almost like mine. Dondero complained of the "generous space" furnished me in *Stars and Stripes*:

> In other words, a Congressman elected by the people of the United States is placed upon a par, before American soldiers, with persons who have clearly provable Communist records. . . . In other words, when I expose a pro-Communist agent, I am exposed to the fire of the War Department and an unofficial Army paper for my services to my country.
>
> On page 2 is another cartoon by Bill Mauldin depicting the House Committee on Un-American Activities as making the following statement to a young man demanding an investigation of the "professional bigots" and the "KKK": "Investigate them? Heck, that's mah posse."

Leaving Charmatz there in bed, I was down on the Fuehrerstrasse before I realized angrily that I'd forgotten to talk to him about his going to America. His last remark had pushed me from the room, because I didn't want to upset him with my own bitterness. "You know, Joe," he'd said matter-of-factly, "my brother was killed at Auschwitz."

I walked a couple of blocks, and I was still angry — angry because I was convinced that Ambros and the others would go free on the Auschwitz charges. And, if so, what reasoning could possibly convict them on the other charges? They were above reading reports involving millions of human beings because "a war was going on." Across the ocean, some Americans hadn't believed at first; then, when they did believe, nothing should be done because "there was a war going on."

I didn't want to go home. When I phoned Furth, my wife asked: "Anything the matter?"

"No," I said. "Just Auschwitz."

She might have said: "Don't you love me? You have the children and me at home; isn't that enough?" Instead, she said: "I'll leave a sandwich in the icebox." That's my wife.

I went back, got my car, and drove slowly down toward the old city. Had Judge Shake ever left the Grand Hotel to look around Nurnberg? Once I'd suggested to Judge Morris that he drive to the Furth camp "to look around." He had just frowned — I don't think he ever went. Maybe they'd never encountered the many Nurnberg citizens who would direct you — as if you were asking a forbidden question about a crazy relation — to the huge stadium and the party's rally grounds down past the old city; they puzzled it out like strangers who had been told where the place was but couldn't quite remember. Like the defendants, who had heard of the rallies, of course, but had always been too busy at the two Farben factories, within sight of the grounds, to watch! This very street was the route of the torchlight parades, and even from Furth the huge torches had looked like a street of flaming dwellings on wheels. A few blocks from the Palace was the first square to be reconstructed. This was the place where Herod became a feeble despot. Those who hung around the square would shrug or shake their heads if you asked them if they remembered.

Three thousand miles away in Washington, we knew, and the British and the French and the Swiss and the Swedes knew; but not one witness from Nurnberg had come forward voluntarily to say: "Yes, I saw it and it made me sick; and there's no end to a thing like that when it happens as it happened here." The witnesses had come back for the International Military Tribunal trial and the present trials from England, France, Belgium, Holland, Denmark, Norway, Poland, Czechoslovakia, Yugoslavia, Hungary, Greece. Many of them, though fed for months, still bore the gaunt furrows of old starvation.

Yes, the pilgrimage of retribution had come back to Nurnberg to explain what the defendants had never heard of. Some of the witnesses could not lift their thin pale arms above the hips, and they shrugged as if that deformity expressed it all: it took them longer to recover balance than it took new children to learn to walk. A very few of the very old had lived to tell of the very young snatched from under their mothers' skirts. But all the witnesses were older than any popular idea of age, older than any idea of death man might imagine. Good-looking or ugly? You would not think of that. Short or tall? Height was not their measurement. Their eyes were of the fast color of pain which, after the ordeal is over, is impressed rather than remembered.

And a very few happy reunions — husbands and wives who, separated by Nazi labor decrees, had searched for each other since the war's end and, coming by different ways, had found each other here. The city had few such favors to bestow on anyone except the defendants. In an ugly throng, who would remember two little cross-eyed men from Leuna, or a tall distinguished gentleman who stood perhaps behind the shouting front ranks that lined the street? One witness had seen Otto Ambros here, and that was all.

This was the shrine of that "crime without a name." The square had been quickly rebuilt. One SS man had recalled that the Jews of the city had been ordered to report here at a certain time for "housing in a camp." 34,000 men, women, and children reported, were robbed to nakedness — and then all were killed. "This took several days," the SS man said.

But now the cobblestones were scrubbed bright with ignorance, the arch rebuilt in new granite, with no inscription on it. There were no city elders left, no city historians: they were all strangers who had settled here after the war. "One cannot know what one cannot imagine. . . . The stadium? I have heard that it is down that way."

I drove south. The gutted edifices looked browner now than when I had come; if *they* were not soon rebuilt they'd look like natural formations of erosion, wind, sun, and dust. I stopped the car at the edge of the old city — the Altstadt, it was called, a fortress-like town, easiest and hardest hit by the bombs. I got out and walked through the "Gate of Our Lady," flanked by two medieval towers guarding the entrance. There was an intermittent clanging and clattering — someone down the street was fixing something. Then silence. Twice before I'd been there, but only

now did I notice the old synagogue. Julius Streicher had taken over the building to condemn the Jews at the spot where they worshiped. He had ordered the huge Star of David ripped off the cupola, but except for that remodeling, the building had stayed as it was. An old Jew stood in front of it. He didn't look as if he cared about much of anything. What could one say to him? *Some folks say you are a haggler; but — haggler or saint — you are the remains of something that never happened!*

It had been a nice old town of splendors. Nearly every house had contained at least one artistic treasure, and most of the houses had looked like gingerbread — and then crumbled like gingerbread when the bombs fell. You did not have to stand on the ramparts to see the old city now; you could stand in a crater hole and see it in all its level ruination.

It seemed as though it would be as hard to convict those responsible for Auschwitz as it had been to try to save the victims four years before.

As early as 1942, the Allies had good cause to believe from a careful analysis of some of Hitler's public statements (which the defendants didn't remember) that Hitler so much wanted to get rid of the Jews that he would gladly give them away if that would get rid of them faster than killing them. Once started, his extermination program could wring no conceivable political or military benefit from them. Yet the very people who themselves "did not like the Jews" (in 1935 such people had argued that, while Hitler was a barbarian, his seizing of their property and homes was justified if it "got rid of them") professed to believe that no Nazi-occupied country would release them. It was for the Nazis themselves to make the first move.

In July 1944, the government of Hungary had announced that "certain categories of Jews" might leave Hungary if any of the United Nations would take them in. At that time, the United States and Great Britain were the only United Nations members with both a voice and fist.

In the following month, it happened, Secretary Morgenthau was ordered to England and France by President Roosevelt to look into the many financial problems resulting from the invasion of the Continent. The Allies had landed in Normandy on June 6 and had already secured a firm foothold in northern France when we arrived in August of 1944.

In London, Secretary Morgenthau spoke to Prime Minister Churchill about the Hungarian offer. Churchill, though pointing out Britain's limited capacity to accommodate refugees, indicated that the British government would join in some sort of declaration. It seemed that at last Britain and the United States might get together quickly on the refugee emergency.

Secretary Morgenthau being needed urgently in Washington, he left by plane. I remained in London to negotiate the Hungarian offer. After I spoke to our Ambassador, John Winant, he decided to see Anthony Eden, the British Foreign Secretary.

Winant called me to his office the next day. After using all his persuasive powers, he had been unable to get a commitment. The British war cabinet was opposed.

Winant was obviously distraught. In his office at the London Embassy, he paced the floor, his huge palm pushing back a cowlick of black hair. Eden had raised points that, to Winant's way of thinking, were inhumanly political. Since he did not know all the facts, he had suggested that I meet with George Hall, British Parliamentary Undersecretary, to try to satisfy the British objections.

"That was the best I could do." Winant shook his head, adding almost eagerly: "I'll send someone with you who has his heart in it — George Gallman, our First Secretary. I'll assume responsibility for anything you can work out that will save lives."

Gallman and I proceeded to British Undersecretary Hall's office. It was clear from the first that the British wanted no public answer of any kind. I continued to insist. Hall understood that the War Refugee Board had been merely a political move of the President's, and I hastened to correct that false impression. The President meant business, I said, and was determined to have the job done.

Hall was "incredulous." He couldn't quite believe the United States had already unilaterally accepted the Hungarian offer. I pointed out that the United States had merely agreed to the reasonable conclusion of the pleas and threats which Great Britain, along with the other United Nations, had made to Hitler. We could back this up only by agreeing to accept those Jews in Hungary whom Hitler would release — or we could prove our insincerity by letting them be annihilated. We had not yet publicized our acceptance; but we would insist on putting it out alone if they would not join.

Finally, after Hall implied that a concession might win over the British war cabinet, I proposed one. The United States, though unwilling to see any reservations in a public declaration, would make no objection to having a private understanding between our governments that the United States recognized the limited capacity of the British to receive refugees. If a large flow of refugees should come from our acceptance, the United States would have the primary responsibility of finding homes for them.

Hall then left for a half-hour. The war-cabinet meeting had broken up, but he was able to discuss the compromise with Eden. By Hall, Eden sent word that the compromise might be accepted if "the categories of Jews were limited, in the public declaration, to those specified in the Hungarian offer."

I remember showing my anger in a quite undiplomatic way. "This thing we want to denounce is war in the worst sense, don't you think? Worse than indiscriminate bombing, and worse than being captured when you have a small chance. It is the psychological effect that means the most — the effect on all potential victims, and on anyone who is responsible in any way for the sufferings of these people. Whatever restrictions are in this declaration must be private."

"I'll see what I can do," he promised.

The next morning Hall called to report that the British war cabinet had approved.

In late August of that year, 1944, the British and United States governments issued their declaration, stating that they would accept the offer for the release of the Jews and would find temporary havens for any Jews who could reach their frontiers from Hungary. The declaration emphasized that, in accepting the offer, our governments in no way condoned the action of the Hungarian government in forcing the emigration of Jews as an alternative to persecution and death. Then Ambassador Winant delivered our agreed reservation: it was understood that the British capacity to accommodate refugees was limited, and that the United States would not face the British government with a practical impossibility.

Through diplomatic channels, the War Refugee Board reached representatives of the German and Hungarian governments. The Office of War Information broadcast the news. The acceptance was beamed in the German language to Germany and to all the occupied countries.

The effort of the War Refugee Board to make sure that programs

such as this were known throughout Nazi-occupied Europe was in Book 89. The I.G. Farben court had scanned it, and maybe they would take "judicial notice" of it — or maybe they would not.

As I parked the car in the Palace lot and started up to my office, I was thinking of what Ed Pauley had said one night in Tokyo late in 1945 (over two years before). We were discussing the spread of Communism in the Far East, but the conversation got around to the D.P.'s at Furth. The Jews and the non-Jews, he said, were all the same to him. What we should do for all of them we should do because it was "good poker." We should try to see that the Chinese people got a better break, because then they would stand with us. And it was "bad poker" to leave the D.P.'s in camps. "The guys who shout 'Red' the loudest at anyone who wants to get some of those people out of Europe and into a comfortable environment wouldn't spend a plugged nickel to bring over the Russian refugees, either."

Who was a Red and who not a Red any more? Who a Jew and who not a Jew? President Truman himself at times seemed confused on these matters. On our return from Europe, Pauley had made a report to the President recommending an international agreement under which each United Nation (with a few exceptions) would agree to take a quota of refugees from Europe, during the next few years, with those who had caused the suffering to foot the bill.

Several days later, Pauley got a personal letter from President Truman. Pauley's report had dealt at length with the Jewish D.P.'s from Europe. Mr. Truman's reply was confined to the Jews. He said he'd had great sympathy with the Jewish people when they were being "kicked around" during the war, but "since the war, the situation has changed and the Jews are now on top and the other fellow is beaten down." Truman added that he had decided not to be influenced by political considerations and to do what he thought best for all the people without doing special favors for any one group.

I was deeply shocked. Eventually, I came to believe that President Truman didn't really know which dog was under. If to him the remaining 1,000,000 European Jews seemed suddenly recovered, might not "judicial notice" conclude that the 6,000,000 had never really been murdered?

Since the war ended, the whole democratic world had accommodated less than half a million of the oppressed of Europe and

Russia combined. Peculiarly enough, the British had taken in more refugees than the United States. Among those who had escaped from behind the Iron Curtain were men who would die rather than renounce freedom. And now that they were on the sunny side of the Iron Curtain, many of them wandered homeless.

The D.P. — the anonymous became abbreviated. As non-existent to most of our policy-makers in Europe as they had been to Dr. ter Meer in Switzerland and Italy. While our Congress was trying to sort out the Catholic, the Jew, the Protestant, and "the spy" (and this last by singularly stupid methods), our greatest weapons in the struggle of freedom against totalitarianism — the remnants of the Auschwitzes — milled behind barbed wire and lay in ditches and begged food at back doors. Perhaps it was not for politicians to understand that very often in mercy there is wisdom. Liberty was being apportioned in quotas.

Josie Thompson of the AP was in my office. Betty Knox of the UP was there, too. What were the newsworthy questions? When? How? Where? I said I was tired.

They waited for me to explain. *Judicial notice* meant anything folks are supposed to know — like the sun rising in the East — was that clear? "But the sun's been rising in the West today."

Josie said: "Everybody knows, nobody knows! Let's get down to something we can print. Any news?"

I shook my head. She and Betty had seen our petition that the defense be required to produce the documents: could I tell her what it was all about, generally? I certainly could, generally and specifically.

"You sound mad," she said. "I don't want to go out on a limb before the defense files an answer."

"You won't go out on a limb. Most of the facts are in the motion. That is public property. As far as I'm concerned, you can hit it as hard as you want to."

The next morning in court:

DR. HOFFMAN: Your Honors, before I continue with Mr. Ambros, could I comment briefly on the prosecution's motion which was made yesterday. I have not seen these weekly construction reports, but in agreement with the defendant, I agree to having them produced. We want to discover the truth. But I believe that this motion brings up some other basic questions that the defense, as a whole, would take some stand on.

THE PRESIDENT: Dr. Hoffman, in order to save our courtroom trial

time, would you mind consulting with the prosecution first, and then see us in chambers?

MR. SPRECHER: Mr. President, I think Dr. Hoffman was suggesting more direction from Your Honors than merely saying that Dr. Hoffman and the prosecution should get together. . . . Dr. Hoffman and the prosecution have had very friendly discussions about this matter. A number of other defense counsel have control over the principal documents in question. We did not ask the court for relief which was unreasonable. More than twenty-four hours have elapsed and nothing has happened.

THE PRESIDENT: Here is the idea of the Tribunal. If you gentlemen will be in chambers, you and any other defense counsel that wish to be heard, at one o'clock, we can conserve our courtroom time.

MR. SPRECHER: Mr. President, could you *direct* that defense counsel for several of the other defendants be present?

THE PRESIDENT: Any representatives of the prosecution or the defense who want to present their view to us can come in at one o'clock today in the counsel room.

Recess. The *Stars and Stripes* was out with Josie's AP story: "DEFENSE ACCUSED OF STEALING DOCUMENTS." I went with Sprech to the judges' chambers.

Judge Shake liked to divert all unpleasantness away from the courtroom. He didn't like off-the-record unpleasantness, either. When a tussle did develop in conference, usually his weary geniality showed a desire to go some place else. But today, plainly, Shake was in no clubby mood.

You could have cut the atmosphere with a knife. Sprecher and I took the position that it was exceedingly irregular for the defense to have deprived the prosecution of its own records, particularly since we had constantly granted them access to the Griesheim document center. This was putting it politely.

The defense counsel present disclosed that they would file an answer charging the prosecution with misconduct because we had "searched Alt's house without permission of the court."

The judges questioned us, and although they did not commit themselves to any decision, I was not pleased by the imputative tone of their questions.

My wife was waving from the window as I hurried up the walk. "Phone for you, Joe."

In the den off the vestibule, we had tar paper over the window; a crackpot had thrown a wrench one night, missing my head by a couple of inches. I stumbled for lack of light until I found

the phone. To the best of my recollection, this was the conversation:

"This is Judge Shake. Joe, what are you trying to do to this trial?"

"I don't quite understand what you mean, sir."

"I mean trying this case in the newspapers. Why did you leak that story to the *Stars and Stripes?*"

"It was not a leak, Judge Shake."

"Do you mean to say you were erroneously quoted?"

"No, sir, I do not say that."

His voice shook. "Until this happened, we've been able to rely on the fullest co-operation of defense counsel."

Did he think for one minute, I asked him, that the defense had co-operated out of fellowship? Of course not! They were trying to get as much sympathy from the court as they could. That was their job.

"Well, I don't agree at all, Joe. They haven't acted up in this trial at all the way the defense acted up in the other trials. Perhaps it is their job to try to get some sympathy from the court; that's the prosecution's job, too. But that is not accomplished by trying this case in the newspapers instead of in the courtroom."

"I insist it was not a leak, Judge Shake. The second point I'd like to make is that I did not *distribute* this motion to the reporters. They saw the motion for themselves and asked me about it. What else could I do under the circumstances but give them the facts?" (Of course, I *could* have kept my mouth shut!)

"Well, I won't advise you any further. I will simply tell you what you are *not* to do. The prosecution went down there and broke into the home of an officer of this court, an assistant defense counsel."

I assured him that was a mistake. "We explained all that at the conference. Mr. Minskoff didn't know Dr. Alt was an officer of the court. Here these employees, including Alt, were hired full time by the French to run the plant, and what happened? They established an elaborate hideout for records that belong in the prosecution's custody and in the custody of the United States government. They got these men appointed as assistants to bring them under the protection of this court; and, not only that, they had them put on the payroll of the Allied Control Council after they were already on the French payroll."

"But, Joe, I am not convinced that the court would have

jurisdiction to get back these documents anyway. The Ludwigshafen plant is in the French zone, isn't it?"

"No doubt, sir, you can get action through the French if you really want action."

"That is possible," he said. "But I can pass no opinion on the merits of your motion. Even if we could go to Baden-Baden, our request would be unofficial."

"Unofficial perhaps," I said, "but if Alt and the others down at Ludwigshafen are under the *protection* of the court, there ought to be a way to bring them under the court's *discipline*."

He didn't like that. "If you're not careful, Joe, this whole case will blow up in your face."

"I'm only doing my duty as prosecutor. I didn't start this trouble. We want those documents, and we have a right to them."

"Now, let's not generate all this heat. We will study the matter, and hereinafter watch yourself with the newspapers."

"Hereinafter I will," I assured him.

Next day, Dr. Hoffman handed over to us a few weekly construction reports. It was a token gesture. The other counsel would not release anything until the court ruled. Hoffman wanted to return all the remaining documents (for he believed the court would order the defense to do so anyway) and to account for those that had been destroyed. Or (and the alternative seemed impossible to him), if the court did not issue the order, the prosecution would raise a rumpus that would hurt the defense even more than a frank disclosure of the suppressed evidence.

Hoffman was wrong, but his reaction was admirable just the same. He did not know Judge Shake had phoned me.

Just before Shake ruled that afternoon, the defense returned only a few more documents. Then in court, Shake announced that the motion was no longer relevant because the defense had "volunteered the documents." Shake finished by reprimanding the prosecution for going into the house of an assistant defense counsel.

No mention of the defense's fraudulent concealment and destruction of documents! No acknowledgment that Tribunal No. 6 had a legal interest in the suppressed evidence! No judicial embarrassment because the prosecution had discovered that the defense had made monkeys out of two governments, with systematic violations of the laws of two zones!

In an international trial like this, there was no appeal. The

Tribunal could declare its own mistrial, but if that happened there would never be enough sentiment or appropriations for another trial. Shake must have some sound reason for believing the case might blow up in our faces. Whether he saw eye-to-eye with us on anything else, he did want to finish the job. We decided to make no protest on the ruling.

"Go after Ambros this afternoon," Sprecher told Minskoff. "Hammer away at him and don't let up. If we lose him, we lose all of them. And cut out the sarcasm."

"Keep smiling," Minskoff said.

We cautioned him again, which was unnecessary, but he insisted that we keep up our spirits. "What's all this talk about *Nurnberg? I* can have a good time anywhere. I will be honey and the Doctor will be ambrosia."

Q. Dr. Ambros, did the SS send to Farben at Auschwitz more inmates than Farben wanted or asked for?

A. I cannot answer that.

Q. On your direct examination, you testified about your relationship with the SS *Obergruppenfuehrer* Pohl. Dr. Hoffman asked you if in any way you suggested to Pohl the use of inmates. You answered "no." Now, Dr. Ambros, do you recall any occasion on which you *complained* to Pohl about your difficulties in getting labor?

A. Yes. I recall that after a conference concerning the railway between Auschwitz town and the I.G. Farben concentration camp, in the afternoon Herr Pohl came into the Farben plant and looked at the construction site. I spoke of our concern that the site was still lacking labor. [*This slip-of-the-tongue was the first reference to an I.G. Farben concentration camp.*]

Q. Dr. Ambros, I show you NI 14309. I ask you whether this memorandum, dated May 1943, refreshes your recollection as to whether the construction management of I.G. Farben exercised full control over the use of concentration-camp inmates it assigned to the sub-construction firms.

A. I was just looking over this difficult text very quickly. [*A bewildered shaking of his head.*] I still gather from this that there were two or three hundred construction firms in Auschwitz in the year 1942. I gather that these firms worked via some office, but I do not know the details.

Q. Does it not state in the third from the last paragraph, that the office you are talking about was the I.G. Farben construction management?

A. Well, the firms demanded labor. This agency [the construction management] merely collected the demands and passed them on.

Q. Thank you. Isn't it true also that *every* sub-construction firm had to furnish the Farben management with daily as well as monthly reports showing the number and type of workers allocated to them?

A. I do not know that.

Q. Do you know whether every time a sub-construction firm wanted inmates, they had to make a request to the Farben management?

A. This was a big construction enterprise with 30,000 people among which there were several thousand inmates. Certainly one of our men was there, but I just do not know. I wasn't sufficiently acquainted with it.

Q. May I show you NI 14295, which I offer as a prosecution exhibit, and ask you whether you recognize this as the regular form of daily report which Farben required the sub-contracting firms to furnish the Farben management?

A. I don't know it.

Q. Now let's talk about the Farben construction management. Dr. Ambros, the prosecution offers NI 14291. I show you this exhibit and I ask you whether it refreshes your recollection that you contacted Pohl to procure concentration-camp inmates . . . for the building of your Seework poison-gas plant [also at Auschwitz]. It's the very first sentence, Dr. Ambros, the very first sentence.

A. That is not correct. That is the plant which was constructed on the order of the Reich Minister for Armament and —

Q. Who constructed it?

A. — and there were no Farben interests involved.

Q. No Farben interests involved? Who constructed it?

A. The Lurinal Construction Company built it. This was only a construction firm on order to someone else. . . . Mr. Minskoff, I know that the direction lay with men who were in uniform.

Q. Dr. Ambros, you stated Saturday that the guarding of inmates was solely the responsibility of the SS. Will you explain how it happened that the Lurinal Construction Company shared with the SS the *cost* of guarding inmates?

A. I cannot know this. The worries in the chemical field were so big that I could not worry about the other things.

Q. Now, you were manager of the Lurinal Construction Company, were you not, from 1940 to 1945?

A. I was only a chemist.

Q. I asked whether you were or were not the manager, from 1940 to 1945?

A. I may say that *since* I am only a chemist, I was perhaps the honorary member —

Q. The honorary manager, is that what you meant? Were you or were you not the manager?

A. I was the business manager, but I was the honorary member.

Sitting with Sprech at the prosecution table, I commented: "Well, Duke finally got him to admit he was manager. Just put that admission beside the fact that, as manager of the whole buna works, he was required to be on the spot much of the time. Maybe the others have a chance, but he is just about finished."

Q. Dr. Ambros, isn't it true that the I.G. construction firm of Lurinal put pressure on the sub-contracting firms to force them to increase the output of the inmates?

A. I don't know. I ask you not to mention Farben in this. Lurinal is not Farben.

Q. How was the name Lurinal arrived at?

A. Mr. Minskoff, for the purpose of delimitation, I would rather have had Auschwitz and these other plants built by the armament industry.

Q. Do you recall what the name *Lurinal* meant and how it was arrived at? Will you state the parts of it, please, for the court.

A. Right, right. This construction firm was a hundred-per-cent plant of Farben . . . Ludwigshafen Rhein Analin Factory —

Q. Thank you.

A. — but slogans always crop up in the same manner. *Tabun,* too.

Q. Dr. Ambros, the top personnel of Lurinal, yourself and Dr. Sandow, were both without question I.G. Farben people; isn't that right?

A. Absolutely right. . . . The initiative for setting up the firm originated with me. In other words, I'm the spiritual father of this construction firm of our own, to bring about a clear-cut separation of objectives from Farben objectives.

Q. Thank you. Dr. Ambros, do you recall whether on occasions the sub-construction companies answered that it was impossible to increase the work performance as demanded by your construction company, Lurinal? Do you recall receiving such letters?

A. Mr. Prosecutor, you are asking me a question, to try to explain a relationship between a construction firm and inmates. That is impossible to answer.

Q. Dr. Ambros, I show you NI 14292: two documents. Do either of these refresh your recollection that the sub-construction firms wrote to Lurinal that the standards set by your firm were impossible to carry out?

THE PRESIDENT: Dr. Ambros, that is a simple question as to whether you know anything about this letter having been written.

A. I know neither the documents nor the contents.

21. Silver Thickets

IT TAKES A LONG TIME to build a buna factory. The time was longer for the workers than for anyone else. Of many weekly construction reports, the prosecution had only the handful it had got back from the defense. They went into evidence to recall voices that had been heard and gone home.

The main camp, run by the SS, offered no pleasant environment. But compared to other Auschwitz establishments it was a vacation

spot. Over the entrance gate a sign proclaimed: "Work Brings Freedom." And so it did for some who were allowed to stay at the main camp. The others lived in continual terror of being sent just outside the camp's northern boundary to the buna site, or outside the southern boundary to the birch forest. On a moonlight night, by turning your head you could see the outlines of both destinations.

As early as August 1941, the commandant at the main camp began to worry about the turnover of inmates. His concern had little effect.

Farben Weekly Report No. 11, 9 August 1941: "The inmates are being severely flogged on the construction site by the Capos, in increasing measure, and this always applies to the weakest inmates who really cannot do any more."

Weekly Report No. 30, December 1941: The lack of discipline "of the volunteer Polish workers is absolutely shocking. Every type of pressure, even commission to the concentration camp, remains without effect. Our experience so far has shown that only brute force has any effect on these people. The commandant always argues that as far as the treatment of inmates is concerned, it is possible to get work done without beating."

Weekly Report No. 58/59, July 1942: Poles used up from the town of Auschwitz are being replaced by "Jews from all countries."

Weekly Report No. 60/61, July 1942: Farben informs the construction firm: "We [Farben] do not intend to put up any longer with the slackness of the Belgians, . . . and we will not hesitate to commit the Belgians who will not work to the concentration camp."

Weekly Report No. 62/63, August 1942: "We do not know today where we shall put the new employees the next day when they arrive . . . lack of hygienic installations is all the more painful as there are still dangers in the camp which have not been eliminated . . . workers are miserably dressed."

Yes — there were many dangers to the rate of production. Except the foolish and those in great pain, the injured and sick failed to seek medical treatment until they were routed out of bed (or from hiding places if they couldn't work) and ordered to the hospital. It had taken Duke Minskoff a long time to connect the Farben directors with the prisoners' reluctance to go to the hospital. He had talked to Dr. Vetter before Vetter was executed for conducting criminal medical experiments, but by that time Dr. Vetter

was speechless with fear because he thought Minskoff was a Pole.

Besides Vetter's own records, presumably destroyed, there had been official letters between Farben's Bayer-Leverkusen plant and the Nazi commandant at Auschwitz. These letters, we must assume, were now clean white paper in the Ludwigshafen supply room. But one of the prosecution lawyers flew to Paris and found a former French inmate who remembered the contents of one letter on the Bayer letterhead, though he could not remember who signed it. It was a purchase order from Leverkusen for 150 Ukrainian women, who had come willingly to Auschwitz because they thought they were escaping the Soviet terror for a better life. The letter complained that the price — 200 Reichsmarks per head — was too high. But Farben agreed to pay it. Then the women had been injected by Dr. Vetter with a soporific drug which killed them. The witness had found several such letters after the Russians overran Auschwitz.

What other dreadful deeds were plain white paper now? But what we had saved was convincing enough. Dr. Vetter, still drawing regular pay raises from Professor Hoerlein, had gone to Buchenwald only because a typhus epidemic broke out at Auschwitz. The Buchenwald hospital began receiving shipments of an egg vaccine sent by another "institute" organized by Hoerlein and directed by Professor Lautenschlaeger of Hoechst and Dr. Wilhelm Ernst Mann of Leverkusen, who were both under Hoerlein in scientific matters. The military authorities had "a very critical opinion" of the egg vaccine. The three scientists decided to try it in double strength. While Vetter went back to Auschwitz on other business, the SS doctor at Buchenwald to whom Farben addressed all its correspondence kept notes:

> Upon Dr. Ding's instructions [Ding was a pseudonym the commanding doctor had assumed], the correspondence between I.G. and Dr. Ding was signed by me as an outsider for camouflage purposes. Under the arrangement between Dr. Ding and the I.G., according to which various consignments of I.G. preparations earmarked for the typhus experiments in Block 46 were directed to my name and address, my name likewise was used as a cloak.

Short of flat confessions, what better witness than the same doctor's assistant, who testified:

> One of the I.G. officials, Dr. Weber, was in Block 46 for about half an hour in the middle of 1943. I stood next to him and showed him the large graphs of the individual case histories kept for every

prisoner suffering from typhus. The first entry on the graphs was "Day of Infection." The next entry was "Incubation Period," that is, the period from the day of infection to the first day of the disease, i.e., typhus. Dr. Weber was very depressed about the results of experiments with I.G. drugs and kept shrugging his shoulders. During the conversation with Ding-Schuler [Schuler was his real name], he stated: "Officially the I.G. would like to remain in ignorance of the experiments on human beings or of artificial infection being practised on human beings."

Or Dr. Kogan — editor, author, banker, inmate-secretary to Dr. Ding — who testified:

> Complete reports of the experiments mentioned in this affidavit were prepared by Dr. Schuler and Dr. Ellenbeck. In the case of the Schuler [Ding] experiments, I, personally, had to handle the reports. These reports consisted of the minute details of every single case of each patient experimented upon. In fact, the reports were complete with detailed charts, indicating the fever curves, the death rates, the complications, and so on. The list for distribution included: "I.G. Farben Hoechst Behring Works."

Dr. Ding's inmate-secretary testified that Ding himself was dissatisfied with the "deaths . . . and indignant about these harmful drugs." Finally Ding refused to carry on. From Hoechst, Professor Lautenschlaeger wrote Ding saying the decision was "regrettable" and suggesting it would be "very desirable for the progress of our work on typhus research if one of the SS representatives could visit the Hoechst plant."

Dr. Ding went to Hoechst. His diary recorded a conference with Lautenschlaeger and two other doctors. At this conference Ding explained how the experiments had failed. Lautenschlaeger's story was this:

> Although I could see from the curves that after a relatively short period the outcome of the disease was usually fatal, I remarked to Dr. Ding that his results were considerably less favorable than those which Dr. Julius Weber had reported to me from other clinics. Dr. Ding stated that his cases had been kept under very close observation and that it was a question of "induced infection."
>
> After the talk with Dr. Ding, it was clear to me from his use of the expression "induced infection" that Dr. Ding had not been carrying out clinical tests on soldiers with typhus, but on artificially infected people. From then on, I refused to have the preparation supplied to Dr. Ding for experimental purposes. . . . We decided that the correspondence with Dr. Ding should cease at once and that he should receive no new preparations, or further quantities [of the old].

Not until Dr. Lautenschlaeger took the stand did we locate two

other records of that conference. On the very day he "learned" of the induced infections, Lautenschlaeger reached an agreement with Ding to supply Ding with 2000 fever graphs. Soon, I.G. Hoechst printed and sent them to him. The very first entry thereafter in Ding's diary mentioned experiments with preparations he had ordered at the conference. *Two months later,* Dr. Lautenschlaeger was still sending new preparations for typhus experiments.

No wonder the Auschwitz hospital was not popular with the inmates! Vetter's name was whispered, and then something even more terrifying. They called it "the other place." It had grown larger than any of the other camps. At "Buna" your fate unfolded from dawn to twilight; this other place was busiest at night. Often the moonlight was so bright that you could see silver thickets of unearthly beauty, the birchwoods that gave the place its name — "Birkenau."

Soon after Otto Ambros first went to Oswiecem, Birkenau was established to house the people of the town whom Ambros had recommended to be "evacuated" and placed in a new concentration camp. In those days the main camp — still predominantly for political prisoners — was kept as "pure" as possible by having the Jews and Poles in the main camp transferred to Birkenau. The first killings at Birkenau were the explosive result of the mistreatment of Birkenau inmates enroute to and from the main camp and to and from the buna plant. From the center of the buna plant to the center of Camp Birkenau was almost five miles, and their return at night was extremely painful and dangerous. Over the whole distance they dragged tools, firewood, heavy caldrons, and the bodies of those who had died or been killed during the working day. Others who could not maintain the brisk pace of the march were knocked down and beaten to death.

From these killings developed the first haphazard procedure. At first the dead were counted — not to record the crimes but to account for inmates who had tried to escape. The prisoners received consecutive numbers on arrival. Every number was issued only once, so that the last number always corresponded to the total number of prisoners who had been in the camp. At first the numbers were tattooed on the left breast, but later, because of their becoming blurred, on the left forearm. Special additional symbols were tattooed on the arms of the Jews, Poles, and Ukrainians. The dead having been counted, they were piled on flat,

narrow-gauge cars, which transported them to the birch forest, where they were burnt in long, deep trenches.

Then those who wouldn't work, or who were too sick, or who had offended the foreman or guards, were trundled by truck to the birch forest, lined up facing the trenches and shot in the back of the head.

As the population in the Auschwitz area increased, however, the victims struggled and cried out, and the "forest procedure" required too many executioners and too many laborers to cover the corpses with dirt. The SS had arranged for "concert parties" during which the prisoners, directed by a Jewish orchestra leader from one of the barracks, had to sing a camp song to drown out the cries of the victims in the woods. But those who could not hear could smell. "Row upon row of bodies covered only by a thin layer of earth were widely dispersed in the surrounding fields, causing the soil to become almost marshy through putrefaction." A more practical system was required:

> At the end of February 1943 modern crematoria were inaugurated. The gassing and burning of bodies in the birch forests were discontinued. The large ditch was filled in, the ground leveled, and the ashes used for fertilizer at a farm labor camp nearby, so that today it is almost impossible to find traces of the murders which took place in the forest. The crematoria consisted of three parts — a furnace room, the large hall, and the gas chamber. A huge chimney rises from the furnace room, around which are grouped nine furnaces, each having four openings. Each opening can take three normal corpses at once, and after one and a half hours the bodies are completely burnt. This corresponds to a daily capacity of about 2000 bodies for each crematorium.
>
> But that comes later. Next to the room where the bodies are burned is a large "reception hall," arranged so as to give the impression of the antechamber of a bathing establishment. It holds 2000 people, and apparently there is a similar waiting room on the floor below. From there on the upper floor a door and a few steps lead down into a very long and narrow gas chamber. The walls of this chamber are also camouflaged with a simulated entry "to shower rooms" to mislead the victims. The roof is fitted with three traps which can be hermetically closed from the outside. A track leads from the gas chamber towards the furnace room.
>
> The gassing takes place as follows: The victims are brought into Hall B, where they are told to undress. To complete the fiction that they are going to bathe, each person receives a towel and a small piece of soap issued by two men clad in white coats. Then they are crowded into the gas chambers in such numbers that there is only standing room. To compress this crowd into the narrow space, shots are often fired to induce those at the far end to huddle still closer together. When everybody is inside, the heavy doors are closed. Then there is a short pause, presumably to allow the room temperature to rise to a certain level, after which SS men with gas masks climb on the roof, open the traps and shake down a preparation-powder from out of tin cans labeled *Zyclon* . . . which is manufactured by a Hamburg concern.

Sometime after the British reached Hamburg, they found the files of "Tesch and Stabenow." For years this firm had sold poisons for killing insects. After a trial, Bruno Tesch and his chief assistant were hanged.

With almost no publicity, these two men had been found guilty of an unprecedented charge — as accessories in the murder of four and a half million human beings. They had sent to Auschwitz the gas "Zyclon B," knowing it was to be used to exterminate human beings. But as accessories the two men had been convicted only — if there was an "only" — of *supplying* the gas to Auschwitz.

Who had produced the Zyclon B gas? Neither Tesch nor his assistant had answered that question. American investigators discovered that I.G. Farbenindustrie had invented Zyclon B and for years had sold and distributed it directly from the Bayer sales agency in Leverkusen, headed by Wilhelm Ernst Mann, under Professor Hoerlein.

Zyclon B was pure Prussic acid, a lethal poison. Until the year 1940 Farben added an irritant to every can of Zyclon B, so that anyone who started to take it by mistake would be warned. In fact, the Nazi laws required the irritant, and that the product be clearly marked as poison.

By 1934 Farben had gained an absolute world monopoly of the sale of Zyclon B. It was known the world over, with the warning agent, as an insecticide.

Every can of Zyclon B that went to Auschwitz through the firm of Tesch was produced by I.G. Farben Leverkusen. But investigaters discovered that Leverkusen did not sell to Tesch direct. The gas was distributed by an "independent licensee" called "Degesch."

Tesch and Degesch had a very euphonious connection, apparently having nothing to do with Farben. Then it was discovered that on the administrative committee of Degesch sat Heinrich Hoerlein, Wilhelm Ernst Mann, and Dr. Wurster. The Degesch manager, a Dr. Peters, was directly responsible to these three men.

Many of the Degesch personnel were gone, presumably to some place like the stationery department at Ludwigshafen. Dr. Peters, to his regret, was still around. When he had a chat with Duke Minskoff, he felt he was just helping Mr. Minskoff convict somebody else. He admitted he had known since early 1943 where the Zyclon B was going — sometimes through Tesch, sometimes direct to Auschwitz. Before the large orders were filled, he'd insisted the SS procurement man tell him their purpose: "To exterminate criminals, incurable patients, and inferior human beings." He thought all these kinds of people were about the same, and he now regretted this "carelessly phrased opinion," which would soon take him to the gallows.

Did the Farben directors know what Peters knew? He swore to Minskoff that in 1943 there was an enormous increase in sales, due to the Auschwitz orders. He had told both Hoerlein and Wurster about the increased deliveries and reminded them that Degesch was also selling the gas chambers themselves to Auschwitz. Now on the stand, he "corrected" the statement: "The last administrative meeting of Degesch took place in 1940."

There was another "apparent contradiction." He had said that, according to Degesch's policy, he had informed the SS that if they demanded "larger quantities of Zyclon B," the orders would have to be "further camouflaged." Now, on the stand, he said he'd made that statement only "on the strength of my memory." He had sworn also that detailed reports of the almost exclusive sales of Zyclon B to Auschwitz had gone to Hoerlein and the others.

Now Hoerlein, Wurster, and Mann remembered an "insect plague in the East," though enough Zyclon B had been shipped to Auschwitz to halt every Chinese insect-plague for the past two hundred years — enough to kill 20,000,000 human beings. Not a single can of the stuff contained either the irritant or the warning label on the can. Did the three directors know this? Well, the board was a business, not a scientific board, and businessmen would not know these pharmaceutical things.

Professor Hoerlein, the man of many parts, was now reorganized by the defense into a "business" personality. Nevertheless, Hoerlein's and Mann's principal job in Degesch, according to the by-laws, was to approve the company's sales policy and the price and disposition of its products as recorded on the annual balance sheet. In some courts proof of these duties would have set up the

presumption that they knew where the Zyclon B was going. But not in this court.

Duke Minskoff questioned Wilhelm Mann:

Q. Now, Mr. Mann, you have indicated that as chairman of the administrative committee very little information was available to you. Didn't you really have access to a great deal of information?

A. I want to mention the monthly reports which I did receive. These contained only the turnover figures from which nothing could be inferred.

Q. Nothing, you say. Didn't you have conferences at Leverkusen concerning Degesch where you discussed the balance sheet and sales competition? To refresh your recollection, the prosecution offers Exhibit 2099.

A. This is a meeting from the year 1935 —

Q. I am familiar with the contents of the document, Mr. Mann. Just tell the Tribunal whether this type of conference was held at Leverkusen.

A. This, in 1935, was the first and last time that happened.

Q. Mr. Mann, the prosecution offers these monthly reports of Degesch. Do you recall whether you received these reports?

A. I can no longer recall and I can't see any connection. I think it is possible that at times I would see them and at other times I would not. You have submitted two documents here. Speaking of 15051, I would like to say that it was the normal monthly report for October 1943.

Q. Do you notice whether this normal report has your initial on it showing you received it?

A. Yes. Well, I see it here. Doubtless the manager who submitted it to me merely wanted to prove to me that his estimate of the turnover was about right. It was pure information referring to the figures.

Q. Is it true that in Leverkusen your plant statistics were prepared to cover the development of sales *of all parts of Degesch,* from the years 1938 to 1943?

A. I assume that the statistical department compiled the monthly reports in one form or another.

Q. Do you recall that these statistics showed that . . . the sale of all disinfection products declined except Zyclon B, which increased? Do you recall that?

A. No, I don't remember it.

Q. The prosecution offers NI 15060. Does this refresh your recollection?

A. Yes. But personally, I cannot remember having studied the material to that extent. After all, my whole enterprise involved a huge amount of figures.

For the year 1943, the sale of Zyclon B gas amounted to 70 per cent of Degesch's business. Of this 70 per cent, 90 per cent

was shipped to Auschwitz direct from Degesch or through the firm of Tesch. A glance at the compiled reports would establish that within two minutes. And Mann and his colleagues had another source of information just as convincing. Under the aegis of Professor Hoerlein's pharmaceutical conferences, the literature made up in Leverkusen's scientific department was not limited to advertising Bayer and other pharmaceuticals. Over the years from 1933 to 1942, "political" letters, based on their own reports from abroad, had been sent out for distribution by the Bayer *Verbindungsmänner* in seventy-five countries. Answering his own counsel, Mann discussed one of the letters he and Max Ilgner had written late in 1933:

> We have the obligation to declare solemnly to you that all the news that comes out abroad concerning the mistreatment of politicians of the opposition and Jews are absolutely without basis.

As Minskoff continued the cross-examination, the defense counsel sat on the edges of their chairs.

Q. Mr. Mann, you traveled in European countries during the years 1942, 1943, and 1944?
A. Yes.
Q. May it please the court, the next three questions all come from prosecution exhibits in Book 89, which the Tribunal is asked to take judicial notice of. . . . Now, Mr. Mann, in 1942 the United Nations issued a declaration stating that "From all occupied countries, Jews were being transported in conditions of appalling horror and brutalities to Eastern Europe. In Poland, which has been the principal Nazi slaughter house, the ghettos established by the German invaders are now being systematically emptied of all Jews except the few highly skilled workers required for war industries." . . .
Now, Mr. Mann, in your trips abroad . . . and with the hundreds of agents you testified you had throughout seventy-five countries —
DR. HOFFMAN: Your Honor, as counsel for Mr. Mann, the court has already decided that such general allegations cannot be admitted. The Tribunal has said it can take judicial notice, but between that and the right to put it to the witness is different.
MR. MINSKOFF: This is a public document. We are asking the witness whether he heard of that document.
THE PRESIDENT: You may ask the witness whether he knew at the time of this document or its contents.
THE WITNESS: No.
MR. MINSKOFF: In March 1944, the President of the United States made a public declaration stating that, "In one of the blackest crimes of history, begun by the Nazis in the days of peace, and multiplied in time of war, the wholesale and systematic murder of Jews goes on unabated." . . . Mr. Mann, the text of that statement was repeated

over neutral radio stations in French, in Italian, in German, and in other languages.
THE PRESIDENT: You had better establish that fact.
MR. MINSKOFF: Your Honor, the publicity given the President's statement is in Document Book 89. I was just reading one portion of that report.
THE PRESIDENT: All right.
MR. MINSKOFF: "And" (I am continuing the reading) "reported in newspapers throughout Europe and South America." Mr. Mann, did any of your agents in any of the countries report to you the contents of this declaration?
A. At that period, we had no longer any contact at all with agents, because that was toward the end of the war.
Q. Were you informed of the use of Jews in the concentration camp Auschwitz for the building of I.G. Auschwitz?
A. No, I never heard anything about it.
Q. Did your Bayer-Leverkusen branch have contacts with I.G. Auschwitz?
Q. Apart from the shipment of medical supplies, no.
Q. Now, isn't it true, Mr. Mann, that you had a direct teletype system established between Leverkusen and I.G. Auschwitz?
A. I am very sorry, but I don't know about that.
Q. Do you know there was an exchange of workers from Leverkusen to I.G. Auschwitz and back?
A. I have no knowledge of that. I do recall that Dr. Ambros had asked me and my commercial colleagues once whether we couldn't help him to get a few employees for the offices of the I.G. plant at Auschwitz. And as far as this teletype system is concerned, maybe I can supplement my answer by saying that the system had existed for a long time. It was just a network of teletype lines in which the I.G. plant at Auschwitz probably became included also.

But this was the testimony given by prisoners of war and inmates "employed" at I.G. Auschwitz:

Horace Reginald Charters, British prisoner of war:

> We would see the lorries carrying the sick inmates away and the fellows who worked with them would never see them again.

Albert Victory Seal, British prisoner of war:

> My foreman laughed; he didn't seem to care.

John Henry Adkin, British prisoner of war:

> The first day I arrived at our camp in Auschwitz I was told . . .

Eric James Doyle, British prisoner of war:

> It got to be a general impression . . . as common as a regular dinner conversation.

Arthur Greenham, British prisoner of war:

> Everyone recognized that the whole setup constituted an extermination camp . . . the Jews themselves considered Auschwitz their final resting place.

Gregoire Afrine, French inmate:

> Apart from the persons especially reported, there was a monthly selection. The Farben people were fully familiar with this "selection process" and even prevented its operation in one case where they needed the skill of the prisoners involved.

Jan Stern, Czech inmate:

> At I.G. Auschwitz [the factory itself] there was a special department acting as intermediary for employees and I.G. foremen who wanted to buy the clothing of persons who had been gassed. As I am an expert on textiles, I quite often had to select clothing for the foremen.

Charles Hill, British prisoner of war:

> The inmates, the guards, the German foremen, all of them spoke of these showers from which gas came instead of water. One incident occurred while I was there which would make it impossible to deny that they knew about the gas chambers. One time the SS came into the factory where I was working and began searching all over the place in pipes, cellars, every place, looking for inmates who had escaped from Auschwitz [Birkenau] by pushing their guards into the gas chamber meant for the inmates and running away. There was great excitement and everyone — the civilians, the guards, the inmates — all discussed it.

Charles Joseph Coward, British prisoner of war:

> Everyone to whom I spoke gave the same story — the people in the city, the SS men, the concentration-camp inmates, foreign workers. All the camp knew it. All the civilian population knew it; they complained about the stench of the burning bodies. Even among the Farben employees to whom I spoke, a lot of them would admit it. It would be utterly impossible not to know.

22. Monowitz

BUT THE FARBEN DIRECTORS KNEW NOTHING OF ALL THIS.

The two who picked the site, and the one who headed the construction, knew nothing.

The one who procured inmates from Himmler knew nothing even after he moved to Auschwitz.

The director in charge of employee welfare at Auschwitz didn't know a thing.

The fifth, sixth, seventh, and eighth directors — who headed the firm of Degesch which shipped all the Zyclon B to Auschwitz and the institutes which shipped the typhus vaccines and drugs — didn't know anything either.

Six of these eight men were also members of Dr. ter Meer's technical committee. Six other members of that committee sat in the dock, three of whom had got inmates from Auschwitz for their own plants. The other three admitted being on the site at one time or another. One was Friedrich Jaehne, chief engineer of the Hoechst plant. Although Jaehne testified that he'd observed no mistreatment of inmates, he was renounced face-to-face on the witness stand by his own son, who had reluctantly served as an engineer at Auschwitz. From the beginning, young Jaehne pointed out, there was a direct relationship between the requirements set by Farben and the ill-treatment of the inmates.

> The inmates were beaten by the Capos, who in their turn had to see to it that the amount of work prescribed for them and their detachments by the I.G. foremen was carried out because otherwise they [the Capos] would be punished by being beaten in the evening. A general driving system prevailed on the I.G. construction site, so that one cannot say that the Capos alone were to blame. The Capos drove the men exceedingly hard, in self-defense, so to speak, and did not shrink from using any means of increasing the work of the inmates as long as the amount of work required was done.

But the technical committee knew nothing. In two and a half years they approved payments of over five million dollars for the purchase of inmates "by the head." They approved millions more for barracks, clothing, and food. Dr. Struss took the stand to assert that the walls of the technical-committee office, in the main

prisoners of war at Monowitz, withheld further shipments of P.O.W.'s. Behind the barbed wire, Camp Monowitz had been known as "Farben's concentration camp." Ambros — whose position made him responsible on the spot for Monowitz — now said he had never stepped inside the place. Assuming this patent lie to be true, how could the others have known what went on there, either?

Well, they didn't know, of course. They planned Monowitz lock, stock, and barrel; then they built it with their own money — but they never looked the place over!

Here was ignorance carried at last to a horrible contradiction. For when Judge Hebert wanted to know why the technical committee set up Monowitz, the defense answered that the twelve men wanted to "alleviate the lot of inmates at Auschwitz." And why should they want to alleviate sufferings of which they claimed to know nothing?

The *Vorstand* petition to the Reich told a different story. By mid-1942 — with the Auschwitz project a year and a half old — although the Auschwitz plants were beginning to produce gasoline and methanol, the more complicated machinery and buildings for buna production were still unfinished, and the old fabulous buna quota, greater than for all the other buna plants combined, was unfulfilled. The inmates, said the petition, had to walk all the way to the buna plant in the early morning and back to Camp I at night, taking several hours out of the working day. Would the government permit Farben to build a nearer camp?

The government not only approved the building, but also granted Farben's request for full authority over the working, eating, and sleeping of the inmates. Farben's full technical committee voted the money to build it — the two million dollars required for its barbed wire and guard towers, for buying the inmates, for feeding, clothing, and housing them, for paying the guards.

Monowitz was on the long, straight central road through the heart of the factory site. Built for 5000 workers, it held as many as 20,000 at one time. In 1943 alone more than three times its planned population-capacity went to the hospital. Other records indicated that altogether more than 100,000 inmates must have "passed through." In the dead of sub-zero winter, thousands lived in tents. The barracks were little better:

> There I found wooden beds, three tiers high. Each bed had to accommodate two or three inmates. If one man was in a reclining position, the others would have to sit up or lie over him. I remained in a sitting position the whole night. The meals had to be taken in a sitting position in bed. The straw filling of the bed was polluted. Bits of straw fell into the meal.

The Monowitz inmates worked only at double pace, from morning to night. "When the inmates were counted, the living would hold up the dead for counting purposes so they could continue to draw their rations."

Norwegians who came to Monowitz in perfect condition died within four months. "During the winter, it happened many times that as many as one hundred inmates died in one day due to exhaustion."

A German dissident, who considered his lot a happy one by comparison, testified: "The consumption of humans was so staggering that in the years 1942 to 1945, a complete turnover of inmates occurred there at least three times." This estimate was an understatement.

Kai Feinberg, a Norwegian, told how he had given himself up "for work" after his sister had been threatened with arrest if he did not go. Finally, all his relatives were arrested. They met on the same boat which was to take them on the first part of the journey to Camp Monowitz:

> After three weeks, on December 23, 1942, my father, his two brothers, and I were quartered in the special concentration camp of Monowitz. Conditions were unbearable. It was almost impossible to breathe. We had to get up at 4:30 A.M. It took three quarters of an hour to march to our place of work. On the first day — the day before Christmas, 24 December 1942 — we had to work through until 3:00 A.M. 25 December, without food. We unloaded box cars, iron poles and bags containing cement, as well as heavy ovens.
>
> On 5 January 1943, my father was already so weakened that when we had to drag a 50-kilogram bag at doubled pace he collapsed before my very eyes. He was carried to the camp by his comrades. He had been beaten constantly by the guards, and this most severely on the last day. Inasmuch as the physician in the sick barracks to which he had been taken was a Czech professor, I could see my father once more and he died in my presence on 7 January 1943.
>
> One brother of my father injured his right arm during work, and he was gassed. The second brother of my father had become so weak that he died while at work, about one or two weeks after my father in Buna.
>
> I myself was able to stand the work until 15 January 1943; then I contracted pneumonia and resumed work from 15 February until

the end of February. Then I was declared unfit for work because I was no longer able to walk and it was decided that I was to be gassed. It so happened that on that day no truck came to the Buna works and I was returned instead to the concentration camp at Auschwitz.

At the main camp, inmates who were not Jewish — and some who were — could hope to live. At Monowitz, where the average life span was estimated at three months, the slogan was "Not Fit to Work, Not Fit to Live."

The Monowitz hospital had only three wards, with about three hundred beds. The bedsheets were dirty sources of infection. The SS urged Farben to install more and cleaner beds. But the technical committee turned down the request. "If they aren't strong enough to work, they don't belong on the factory grounds," said a foreman.

The moment an inmate was unable to work, he was taken to the hospital. Gustav Herzog, an Austrian inmate, testified:

The treatment of the "slight care" patients was a chapter in itself. "Slight care" patients were all those prisoners temporarily unfit for work, without having to be confined to bed. It included prisoners with hand and foot wounds, convalescents, etc., but it often happened that prisoners were designated as only "slight care" patients where they were in absolute need of rest in bed. There was, however, no room available for them. These people actually in need of care, among whom was a number of most severe cases, were occupied in a way, as a result of which, of course, their injuries for the most part became worse. They had to unload coke or "splits" in the neighborhood of the Monowitz camp and bring it into the camp. As the I.G. had to pay [the Reich] for them too, they were continually sifted out, that is, they went to the gas chambers.

Leon Staischak, a Polish inmate, was a male nurse in "surgery." He testified:

Inmates who were brought to the hospital every day with extremely serious injuries or with fractures were without exception sent to Birkenau.

The hospital of the I.G. Camp Monowitz had merely the task of repairing tools. In the beginning, prisoners were not permitted to remain in the hospital longer than two weeks. Prisoners who were too weak or sick to be restored within two weeks were picked out.

At the Monowitz hospital, the patients were treated equally regardless of race, color, or creed. There were only two classes, according to the German clerk named Rausch, a sincerely decent inmate who was forced to make the entries in the hospital book:

The worn-out inmates were selected in the block or directly by the gate for gassing in Birkenau. A prisoner who was worn out was known as a Musselman. Musselmans were a permanent feature among the prisoners. . . . the same trucks which had taken the prisoners from the Monowitz hospital building came back immediately with the same things which the selected prisoners had worn.

Every one of the camp doctors, Dr. Vetter, Dr. Fischer, Dr. Koenig, and Dr. Honde, often told us in the sick bay: "The number of patients is too large; the I.G. will not stand for that; more people must be discharged." We inmates were always trying not to comply with this order until it was once again pointed out to us by the doctors. This meant that the inmates were mostly released prematurely after two to three weeks or else they were sent to Birkenau to be gassed. A chart or graph was made which showed the number of patients. When the number had exceeded 10 per cent this was also usually followed by "selections" or premature mass discharges.

It was easier to keep an inmate who was a specialist and who was therefore of importance to I.G. in the building for a longer time and to protect him from being gassed.

Said Professor Waitz, an inmate-doctor of Monowitz:

I found out very soon about Monowitz. On account of the severe living conditions the prisoners were exposed to the slow process of physical and mental dissolution. The final aim was unmistakable: the dehumanization and eventual extermination of the prisoners employed in I.G. Auschwitz. I heard an SS officer saying to the prisoners at Monowitz: "You are all condemned to die, but the execution of your sentence will take a little while."

The defense could make little headway. Here are a few of the milder answers to their cross-examinations:

Isaac Spetter, Dutch inmate:

Professor Waitz, who was working in Monowitz as an internee doctor, advised me against seeking admission to the sick bay so as not to run the risk of being selected, i.e., to be sent to Birkenau. I made friends with an I.G. man named Malzer and discussed our prison existence with him. He knew. . . . The Amsterdam chemist Beinima worked in the chemistry squad. He was very ill (jaundice and tuberculosis) and was chosen to be picked out.

Ervin Schulhof, Czech inmate:

The directors of I.G. Farben knew about the selections. . . . The master craftsman made the complaint to the management, and from there the complaint was forwarded to the SS. Consequently the labor-allocation officer went to Monowitz early in the morning when the squads left for work, posted himself near the gate and picked out these people whom they considered sickly. These people were sent

straight away. Those written complaints came from I.G. I myself have seen such reports.

Noah Treister, Czech inmate:

The laundry I distributed had been taken from those who were gassed at Birkenau. I know this because I *saw the numbers* of the prisoners who used to be at Monowitz and were transported away. The clothes were old and often blood-stained. The clothing was often returned within three hours.

Robert William Ferris, British prisoner of war:

Q. Under paragraph 3 of your affidavit, you say, in the case of those truck convoys, and I quote: "We knew that these inmates went to the gas chambers." How do you know that?
A. They told us.
Q. I want to know what the Germans said about it.
A. The Farben officials. They said that when they [the inmates] got unfit to work they outlived their usefulness, and so that therefore it was one way out for them.

Leonard Dales, British prisoner of war:

Q. You state further under No. 4 of your affidavit, "Once these inmates were assigned to the different *Meisters,* they became their slaves." What do you mean by that expression?
A. I mean they had to obey each little command, every minute order to the last letter; otherwise they were threatened with death.
Q. How am I tc understand that they were threatened with death?
A. They were told that if they didn't work to his satisfaction, he would report them to the SS who would see that they got gassed.
Q. And did you hear that these people were told, "If you don't do everything the way we order it, then you will be threatened with death"?
A. No, not "then you will be threatened with death" — "then you will be gassed."
Q. Did you hear that yourself?
A. Yes.

Frederick Davison, British prisoner of war:

A. It's there in my affidavit, Counselor. That is the way it was. I say that everyone used to talk about it.
Q. But wasn't it dangerous to talk about these matters, Witness?
A. If the Gestapo or SS would have been around, certainly.
Q. No, if the *Meisters* of the I.G. were around, was there any talk about it then?
A. Yes, there was.

Eric James Doyle, British prisoner of war:

Q. Did you *yourself* ever speak to a member of Farben — an engineer or a foreman — about the gas chambers?

A. Yes.
Q. Can you give me a name, particularly the name of a foreman of Farben with whom you spoke?
A. He was an immediate foreman, Rother or something like that.
Q. What did this person tell you, Witness?
A. "The people are no longer of further use as workers, and therefore they must make room for new workers."

Gustav Herzog, Austrian inmate (political dissident):

Q. Then this is an assumption on your part, a *conclusion* that you are making on the basis of your other observations?
A. I can support my assumption. In a short time that I worked outside, and in the long time that I worked in the office and my fellow prisoners told me of events outside, I got the 100 per cent impression from conversations that every civilian in the I.G. terrain knew. They spoke cynically about a "cyclone" because the gas was called "Zyclon."

Philippe Pfeffer, French inmate (and, incidentally, a skilled worker):

A. I am convinced that Dr. Ambros knew that at least the Jews who were in the Monowitz camp wouldn't get away alive from that camp, and I base this on a meeting I had with him. That was either in November or the beginning of December 1944, when he came to the aldehyde plant where for about ten minutes he talked to me. When he discovered that I was a Frenchman and a non-Jew he said to me: "You will have good luck. You most probably will get out of this camp alive."
Q. But, Witness, did you yourself know anything definite?
A. All my comrades who came with me failed to return, and anyone who had gone to Birkenau failed to return. Foreman Montpellier told me, "You are an Aryan; the Jews will all go up in the air," and that was in the presence of Dr. Spaenig [a Farben engineer].

23. A Loud Voice

SINCE THE DAY OTTO AMBROS tried his hand at map making because he couldn't find "Oswiecem" on the existing maps of Upper Silesia; since the night Dr. ter Meer ate supper with Secretary Brinckmann; since the afternoon of the grand opening of Camp Monowitz; and since Dr. Ambros had taken to his heels for Gendorf, a thousand Books of Knowledge had been compiled. The defense put into evidence 386 affidavits to try to refute the

whole story. Most of these affidavits, coming from Farben's own personnel and former officials in the German government, were unbelievable because the defendants' own statements gave them the lie. Although the prosecution was entitled to call every affiant for cross-examination, to have called all 386 would have taken another year. The only significant testimony was that of fifteen former concentration-camp inmates.

"What is the answer to these affidavits?" I said to Duke. "Here are guys who claim to have lived at I.G. Auschwitz, but still they didn't see or experience the things we allege."

"Call those fifteen to the stand," said Duke, "and I'll guarantee to break every one of them down."

His guarantee was good. Without exception, the witnesses changed their stories under withering cross-examination, or were shown to have been the type of criminals whose word was worthless in any court.

One of these men, a sort of undertaker-gravedigger, would have delighted Charles Dickens. He began his story by telling of a "red thread" that had run through his entire career. At Auschwitz he had worn the "green triangle" of the criminal, but he felt as if he were wearing the "red triangle" of the political prisoner, too. He had felt that way long before he went to Auschwitz. "From the very start, I was a defendant, and over and over again I didn't have the courage to defend myself. I permitted people to do whatever they pleased with me."

This man had been convicted of so many frauds that he had lost count. For one period of time, he recalled five; Minskoff pointed out eleven; he took Minskoff's word for it. He referred to his record, going back to 1925, as "the red thread of my entire period of suffering." And now, he said, he was "carrying on in a decent manner and it is my daily endeavor to continue my work."

His daily endeavor was like his daily endeavors at Auschwitz. There, working in a department that collected and sold the miserable possessions of the dead, he had stolen from his boss. At present he was in the business of digging up bodies, identifying them, and reburying them. He was charging eight times the legal price. "It is out of the question that work of this kind can be carried out at the rate of thirty marks. Nobody would work on that basis."

Said Duke: "No further questions."

Through this ghoulish fellow, the defense had tried to show

that the Monowitz inmates were better off than those at the main camp. Minskoff chose to cross-examine another inmate — Gerhard Dietrich — more fully on this point:

Q. Mr. Witness, you stated in your affidavit that the accommodations in Monowitz were the best possible for the prisoners. Now, isn't it a fact that the concentration camp Buchenwald, in which you were also, had better barracks than the Monowitz barracks, since the Buchenwald barracks were divided into two parts and contained day-rooms?

A. Yes, that is correct.

Q. Isn't it also a fact that in the main camp of Auschwitz the housing of the inmates was much better than in Monowitz?

A. That is true.

Q. There were large stone buildings in Main Auschwitz, were there not?

A. Yes.

Q. Now, Mr. Witness, isn't it a fact that during the winter days as many as twenty inmates at a time were carried away from the Farben site back into Monowitz because they couldn't walk by themselves any more?

A. Yes.

Q. And could you say what the average weight of the inmates would be?

A. 100 to 120 pounds.

Q. Now, Mr. Witness, is it not a fact that the I.G. Farben foremen used to write evaluation sheets each night?

A. Yes.

Q. And isn't it also true that if the Farben foremen reported the battalion under 70 per cent, the inmates would be punished with twenty-five strokes each?

A. If he reported it — yes, that is true.

Q. And wasn't the whipping post at Monowitz?

A. I don't know that.

Q. Mr. Witness, you speak of there being no instruments of torture at Monowitz. Now isn't it a fact that there was a standing cell in Monowitz?

A. Yes.

Q. Were there gallows in Monowitz?

A. Yes.

Q. And didn't you often pass those gallows when an inmate had been hanged?

A. Unfortunately.

Q. Mr. Witness, I asked you: Isn't it a fact that you often passed those gallows when an inmate had been hanged at Monowitz?

A. I said "unfortunately."

Q. Now, Mr. Witness, you mention in your affidavit — I believe it is paragraph 14 — that there were great changes in Monowitz in regard to the incoming and outgoing prisoners. Isn't it a fact that you

were particularly interested because your wife was gassed in Birkenau?

A. Yes.

Q. Mr. Witness, isn't it a fact that two or three times a week, open trucks drove along the I.G. Farben plant, going from Monowitz to Birkenau with inmates who were no longer able to work?

A. That is true.

Q. Wasn't it common knowledge among the inmates that those inmates no longer able to work were being sent to Birkenau to be gassed?

A. Yes.

Q. Now, Mr. Witness, you state at the end of your affidavit that you survived I.G. Auschwitz for three years. Isn't it a fact that you were what was known as an "old inmate," and that because of that and particularly because of the fact that you were aryanized while you were at the camp, you were in a completely different position from the other inmates?

A. That is correct.

The witness was crying. Minskoff asked no more questions.

The best witness the defense could inveigle into swearing that the Farben directors couldn't have known about what went on at Birkenau was a *Waffen* SS doctor. Minskoff cross-examined him:

Q. Doctor, your office was located less than a thousand yards from the Birkenau death house, isn't that right?

A. I estimate two and a half kilometers as the crow flies.

Q. And how far was your office from the railroad which brought the unfortunate victims into Birkenau?

A. That was immediately adjoining.

Q. Now, Mr. Witness, you testified that persons in Germany didn't know about these things. Could you tell the court about the civilians that lived in Auschwitz and smelled these chimneys each day and saw the railroads come into Auschwitz? Did they know about the gassings at Birkenau?

A. I must put it this way. In Auschwitz — and even as far away as Kattowitz — there were rumors, and if anyone wanted to get detailed information about this, then he could do it only by getting in touch with an SS leader with whom he was closely associated. But an SS man who was not a leader would have given him no information.

Q. I hadn't intended to ask what the people in Kattowitz, 50 kilometers away, knew. I was asking about the city of Auschwitz itself. Did these civilians living in the shadow of the crematoria know about the gassings?

A. Yes, that is the way I meant it, because in Kattowitz one was able to smell the stench of the crematoria just as well as in Auschwitz.

Q. Over a period of two years, over four and a half million came through this little railroad next to your office into Birkenau, right through Auschwitz, isn't that true?

A. The figure isn't important as far as a few million are concerned. Anyway there were millions that came in.

Q. On those railroads, weren't there civilian workers?

A. Yes.

Q. And weren't there Polish civilian workers on the ramp of the station at Auschwitz?

A. Yes.

Q. And didn't these civilians, who weren't surrounded by any SS "secrecy," see all these persons coming in *through* Auschwitz *to* Birkenau in crowded trains?

A. Counsel, there are many examples, especially among the German-speaking Poles, who were sent to a concentration camp even as a result of the vaguest suspicion that they had disclosed anything like that.

Q. Well, Mr. Witness, apart from what those civilians might have *told*, didn't those who had constant contact with other civilians who worked on and near the railroads, *know* of the gassings and of persons being brought to Birkenau?

A. I can only repeat what I said before. The knowledge of the exterminations has to be considered general, according to my experience. Only by way of rumor.

Q. Mr. Witness, did you personally ever witness the gassing of human beings?

A. Yes, I saw one.

Q. And is it your testimony that before you actually personally saw this gassing, all your knowledge of gassings was just rumor?

A. No, not *my* knowledge. I am speaking of others.

Q. Did you know that there were thousands of employees of I.G. Farbenindustrie living right in the city of Auschwitz?

A. Yes.

Q. And did these I.G. Farben employees have the same access to the knowledge that the civilian Poles living in the city had?

A. Access to what facilities?

Q. All right, I will withdraw the question. Now, isn't it a fact that during the time you were in Auschwitz, Allied planes dropped leaflets over Auschwitz informing the population what was going on in Birkenau?

A. No, I don't know that.

The tale of how Dr. ter Meer had insisted on getting back into jail had been an amusing relief for the prosecution. We were not so amused, however, when we found out what Ter Meer had really been doing in Frankfurt. Instead of searching for his papers, he had gone directly to his technical-committee office and summoned the office manager, Dr. Struss. Ter Meer told Struss he had heard it rumored that Struss had given the prosecution an affidavit saying that he, Ter Meer, had known of slave conditions at Auschwitz. Had Struss said anything like that? demanded Ter

Meer. Apparently Struss was not as disturbed by the question as the Doctor thought he should be. A row ensued.

The exact circumstances of the quarrel are not certain, but it was clear that Struss was not as obsequious as he had been while serving Ter Meer as office flunky for so long. Long before this occasion, Struss had indicated to the investigators how he had stood in awe of the Doctor's height — Struss being small alongside his master — and in awe of the Doctor's temper, too, which had grown steadily worse in the ten years since 1937. Struss did not at first answer Ter Meer's question, because he was dubious when Ter Meer told him the court had approved the visit. But Ter Meer insisted: "What *did* you say to them about this slave-labor business?"

"I only told them," Struss answered, "that in 1943 I had asked you why so many people were being burned and gassed at Auschwitz?"

"You *what?"* (According to Struss, Ter Meer leapt to his feet.) "You told them *that!*"

After getting over his shock, Ter Meer said to Struss: "Even if you did ask me about burnings in 1943, I answered you then: 'One should not rely too much on rumors!'" Didn't Struss remember that?

Struss's memory powers, which had well served the prosecution many times, were almost as remarkable as Ter Meer's; yet Struss was not at all sure he recalled the Doctor's answer. This was due less to the desire to pay back Ter Meer (whom he respected) than to a general bitterness at the several directors who had brushed him off when he came back from his trip to Auschwitz — especially Ambros, who had the gall now to impugn Struss's report of that trip because Struss had been an air-raid warden during the war. While the train was still miles away from Auschwitz, Struss had noticed an acrid, sickening odor which at first he thought came from a paper factory. From the technical-committee records, he'd been aware of mistreatment and the very high mortality, but at the moment he just couldn't connect the smell with these records. As the train pulled in, he began talking with a stranger: "In my compartment there was a man, a working man, and he told with loud voice to the other men and wives in the compartment that in Auschwitz concentration camp people — people were . . ."

At last the prosecution had traced the knowledge to the very

top of the Farben organization. Indeed, the technical committee had begun to play the villain only after the trial began. In the first investigations, the technical directors had been questioned not as members of the technical committee but as members of the *Vorstand*. Said Dr. Buetefisch of the original decision to build: "The proposal was submitted to the technical committee and then the *Vorstand* by Dr. Ambros, and the *Vorstand* accepted it."

Although the commercial-committee directors in the dock tried to shove off the crimes on the technical-committee directors, they were all members of the *Vorstand;* and Christian Schneider, in his capacity as welfare director, reported to the *Vorstand*. "I am certain that perhaps already in 1943, I was informed of the gassings," his earliest statement had said. He told how the Farben labor policy was quite different at times from the Reich policy: According to a Reich regulation, Ukrainian children twelve to fourteen years old *could* be employed at Auschwitz — but Schneider had arranged for those as young as eight years old to work there. "I assigned them to keep them off the streets," he said.

The threads of knowledge interlocked in the *Vorstand*. Most of the technical committee's scientific work was done by subcommissions; its principal function was to decide on the present and future marketability of various products, with one eye on technical progress and the other on costs. Thus its biggest decisions were commercial decisions. It met once a month, only a few hours before the regular *Vorstand* meeting.

Most of the *Vorstand* members were present at the many technical-committee meetings when funds for Auschwitz were allocated. The technical men joined them when they went to the afternoon board meeting, for every member of the technical committee was also a *Vorstand* member. The *Vorstand* had to approve every act of the technical committee — every decision, every construction, every purchase, every dollar appropriated.

They knew, all right. Every man in the dock knew.

PART SIX

THE MASTERS MARCH

24. International Co-operation

THE IMPECCABLE LITTLE MAN in the gray suit often looked gloomy. Placed first in the first row of the dock, he might as well be waiting for the verdict alone in the hallway. Unlike some of the others, he had not bothered to divest himself — he was still a professor at the University of Heidelberg, still an expert on atomic energy, still a member of the Kaiser Wilhelm Institute. Indeed, the other directors clustered in twos and threes during recesses, while he wandered around by himself. This was odd. Professor Carl Krauch must have allowed himself a wry laugh or two, for he had shown the American investigators that he liked a joke even on himself.

Krauch would have found the situation more amusing had it not concerned life-and-death matters. His colleagues had many times referred desperately to "government compulsion." They could not deny that the insane drive for more and more production at Auschwitz came straight from Krauch's government office. But when first taken into custody, the other defendants developed a clever plan. Although Krauch was in fact the mysterious "G.B. Chem," they would hammer home the point that "G.B. Chem" was a position, not a man. They would speak of "G.B. Chem" as if it were a body without a personal name. But they had carried this ingenious strategy to the ridiculous extreme of pretending they didn't even know him as a man. For example, Hermann Schmitz, sitting right beside Krauch in the dock, never spoke to him from morning until night.

This strategy might have made sense if they had stuck to it from the start. When the finger pointed at Farben, they would direct it back toward Krauch's office, which had so many duties that one man couldn't be held entirely responsible. But if by chance the finger pointed too accurately at Krauch himself, it was agreed he would turn it back to "Farben" — an organization too complex to be responsible for everything it did. Eventually, the finger

would point in so many directions that one would get the fatalistic feeling of events beyond human control.

But when the Allied investigators got around to Auschwitz, his colleagues had weakened; and now it was fantastic for them to pretend that they scarcely knew him. Schmitz admitted that, after consulting the other directors, he had sent Krauch to work for Goering. Schmitz admitted that for years he and Krauch had put their heads together twice a week in Berlin. Then Krauch's colleagues really "threw him a curve" (he liked these American expressions). Every last one of them blamed Auschwitz on "compulsory quotas imposed by the government." And *who* shoved these quotas down their throats? They did not say: "Why, the G.B. Chem *office,* which was too big for any one man." No, they said: "G.B. Chem — *he* set the quotas."

Krauch had fixed their wagon on that point, anyway. If "G.B. Chem" was Krauch, Farben would be "the gentlemen of the *Vorstand.*" Nobody could force Farben too far, he had told the investigators. He admitted that he and Ambros and Ter Meer had talked over the Auschwitz proposition in his office and agreed on the site. Then he had gone to Goering to make sure the order for inmates was put through. "As a matter of fact, I.G. Farben could not be forced to construct another buna factory. The gentlemen of the *Vorstand* could agree on, or refuse, the erection."

Yes — when they themselves wanted an Auschwitz, he had been their dear Professor colleague. One week after the Goering order had been issued, ordering Himmler to turn over inmates to Farben (which was a month before Buetefisch got in touch with Himmler), Ambros had shouted with glee when he received a note bearing the letterhead "G.B. Chem," stating:

> At my request, the Reichsmarshal [Goering] issued special decrees a few days ago to the supreme Reich authorities concerned . . . to meet your requirements in skilled workers and laborers . . . at I.G. Auschwitz.

But in the elevator they stood as far away from him as they could, and in the prisoners' cafeteria upstairs he ate lunch alone. When his later note to Himmler was put into evidence, they listened with their heads poked forward as if they'd never heard of such a thing:

> I was particularly pleased to hear that during this discussion, you hinted that you may possibly aid the expansion of another synthetic factory, which I consider absolutely essential for securing rubber

supplies, in a similar way as was done at Auschwitz, by making available the inmates of your camps if necessary. I have also written to Minister Speer to this effect and would be grateful if you would continue sponsoring and aiding us in this matter.

Carl Krauch would sooner linger over the horrible events of Auschwitz until they seemed only the direct result of a war being waged, rather than dwell on earlier "peacetime" events which were somewhat less horrible but which cast the shadow ahead of something like Auschwitz, if not Auschwitz itself. Right or wrong, a country at war needed more and more rubber. It was the unpleasant fact that he had wanted yet another Auschwitz. But with his country's life at stake, and his own son in the thick of the fighting, it might be understandable that he had had a feverish desire to make up for decreased production in Western Germany caused by the murderous Allied air raids.

The prosecution asked:

Q. But, Professor Krauch, another buna plant in the East was first contemplated in the Four Year Plan of 1936, was it not?
A. Yes — for peacetime purposes, of course.
Q. And within the framework of this Four Year Plan, you took the initiative in forcing foreign workers to produce in the rubber plants?
A. I did not force anyone, counsel. It was all purely voluntary.

In his job in the Four Year Plan, Krauch had begun recruiting "volunteer workers," who were fooled by promises that they would have complete freedom — except for doing their work under contract. These volunteers soon learned the meaning of slavery in peacetime. Before the Nazis had any program for exploiting foreign labor, Krauch and Schmitz perfected their system. By 1942, when Hitler got around to appointing Fritz Sauckel as labor plenipotentiary, Sauckel learned that all allocations of labor in the chemical industry were under Krauch. Sauckel complained that, since before the war, Farben had been "wildly recruiting foreign labor." Krauch had trained the agents and sent them out, and all his colleagues had sent to him their pet recruiters. This campaign had speeded up chemical production. Carl Krauch wrote the Ministry of Economics: "I consider that the initiative displayed by my staff in procuring foreign labor a virtue which has proved its worth in the past and must not be repressed in the future."

Some 80 per cent of Krauch's "volunteer" workers had wound up "in the East." Nor had Dr. Ambros helped the case any. For when under the Four Year Plan the nameless Auschwitz "to the East" was under consideration, Dr. Ambros had advised Krauch to step up production by getting rid of the "senseless competition for quotas."

Ambros testified:

Mr. Prosecutor, *I* was never an official personality. Senseless competition? This is the expression of a private businessman who is asked by a government agency [Krauch]: What do *you* think? At any rate, the letter was never sent to Director Dr. Krauch; perhaps I dictated it as one does to get clarity of mind. I do not deny drafting the letter. I think it is much too nice.

It seemed impossible that Krauch could overcome the impression that Auschwitz was but one terrible culmination of the Four Year Plan. Yet from the witness stand his thin arms swept the dock in a gesture of near-contempt for his colleagues, who every day straggled some distance behind him as he entered the dock — just as they had straggled after him into board-room meetings in more victorious days. An ironical smile played on his lean, horsy face. He stated calmly that the proper interpretation of his role in the Four Year Plan was that it was the logical outgrowth of his long-held faith in "international science and understanding." It was not strange that he had joined the government in 1936. Farben had been involved with governments long before Hitler:

The I.G. was a great factor in German commercial policy. A statesman once coined the words, "Without the I.G. and without coal, I can have no foreign policy." We were always concerned with a mutual exchange of experiences and aims. . . . Since the first World War I believed that in international science and understanding lay the solution to the economic illnesses of Europe and Asia.

By 1933, said Krauch, something had to be done about Germany's shortage of raw materials. With Hjalmar Schacht, then president of the Reichsbank, a longtime friend, Krauch had talked over a possible expansion in synthetics. What better way to assist international understanding than to have a well-fed, well-clothed Germany? As Krauch pointed out, within two years after the Four Year Plan began, the chemistry of I.G. Farben, encouraged by every regime since 1927, had gained for Germany more than half her economic independence. The defense introduced an official Nazi magazine for July 1938, which paid tribute to the amazing achievements of the preceding years:

What the chemical industry is today is evident from the fact that it, above all, has succeeded in securing national independence in raw

materials, an accomplishment which, previously, had frequently been considered impossible. The value of chemistry to the German national economy cannot be expressed in terms of money, any more than the price of a glass of water to a person who needs this water urgently for the preservation of his life.

Farben had given more than water to a parched economy. Since before World War I, Germany had depended on the outside world for 70 per cent of her raw materials. The farmers had been losing 100,000,000 Reichsmarks every year from the spoiling of green foods, from animal and vegetable parasites. In recouping the farmers' losses, Farben was "absolutely leading." In the first year of the Four Year Plan, its factories stepped up the production of cheap fertilizers and insecticides to halt crop failures. They also made preservatives for green foods. The farmer's wife, always an industrious canner, had lacked paraffin; from the coal of the Ruhr, a Farben factory made more paraffin than all the farmers' wives needed — then made new foods from the leftover paraffin!

In 1932, nine out of ten kilos of textiles the Germans used had been imported. This ratio applied to most other household things. Farben went into the forests. Soon every other citizen arose to the tinkle of a Farben plastic clock, rolled back a new synthetic-fabric spread. Every other man shaved with Farben soap that had been made from the residue of the paraffin that had been made from the coal. At least twice a week, the German ate a new Farben food cooked in synthetic fat. Six out of ten dinner tables were spread with Farben cloths. After the worker went to his job, his wife cleaned the linen, the curtains, the casements, and dusted the furniture goods — all made from beechwood.

Until the Four Year Plan began, Germany had imported 700,000,000 Reichsmarks worth of cotton, wool, and other raw textiles every year. But in 1937, Farben's production of staple fibers reached such gigantic figures that the *Vorstand* could predict their 1938 achievement — more than half of Germany's textile raw materials.

Back from the forest Farben had brought beechwood to the giant Wolfen factory, which also made photographic film. Wolfen made the textiles which in two and a half years reduced Germany's import expenditures from 700,000,000 Reichsmarks a year to 350,000,000.

Every German worker washed his hands in the monopoly-suds of Farben detergents, on which every single soap factory in Germany depended. Many a worker used Farben-made tools, sat on a Farben plastic chair, worked at a plastic bench — and the odds were that even his apron was of Farben artificial leather. For by 1938 Farben had reduced the import of skins to a few shiploads. Farben's production of common woods and plastics had done much to cut the 200,000,000 Reichsmarks in wood imports.

While clothing many a householder and setting many a table, Farben synthetics created a revolution in the older war industries. Germany had little copper. Farben replaced it with aluminum and magnesium; magnesium, produced out of pure German materials, would make airplanes and some motorized vehicles.

When the Four Year Plan began, Germany was importing bauxite to make aluminum. Krauch's office soon began to procure bauxite from southeastern Europe, especially Hungary; and Farben went to work to eliminate the import altogether by making aluminum from German clay. By the end of 1937, German aluminum production was the largest in the world. It had increased since the Nazis came to power from 20,000 metric tons a year to 120,000 metric tons. Before the war, production was to be increased again, to unimaginable figures.

1937 was a year of such German industrialization that its direction was obscured by the magic words of enterprise: "production miracles," "greatest technological advances since Ford." Then came 1938, and an amazing productivity that explained itself to many a technical American mind, without Nazi explanations — efficient large-scale production being a virtue when apparently unharnessed to the sudden, unbelievable event we call war. "Imports and exports" are economics, carrying no guns. Even in the United States of America which, together with two League of Nations members, controlled nearly all the petroleum in the world, synthetic gasoline had been a peacetime dream since the Model-T Ford. By rationing petroleum, England, France, and the United States had held the power to stop the war in Abyssinia in a matter of hours.

But "imports and exports" were merely business then. When Germany began to replace her imports of petroleum, we acclaimed again the miracle of industrial substitutes. The world naphtha supply would last only twenty to thirty years. Germany could not get enough naphtha from the United States, Russia, Venezuela, Persia, the Dutch Indies, and Rumania. With Farben's new hydrogenation process, Germany could make all the naphtha she wanted.

And Germany's coal, Farben estimated, would last a thousand years. At the Leuna works, the coal was converted into heating gases, into energies, electricities, currents, steams. From the hydrogenation process came huge quantities of propane and butane for driving trucks and tanks. And benzines that were better than the natural benzines. For 1939, the Farben *Vorstand* planned five million tons of fuel, and a half-million tons of lubricants, for railways, trucks, planes, ship motors.

An inspiring industrial saga, save for the documents which gave "raw materials" a martial tone — like the reference to bauxite as being imported "from the enemy." It was a curious new system of bookkeeping which demonstrated that no line had been drawn between war goods and peace goods. "Rubber," said a Farben executive, "is one of the most important raw materials of the entire military and war economy." He listed the articles without distinction of use: tires, gas-mask materials, accumulator boxes, proofed materials, hose pipes, dinghies, washers, cables, tank covers.

All in all, a magnificent achievement since 1933, when Krauch and his longtime friend, Hjalmar Schacht, had begun to dream of it. But Schacht had wanted moderate expansion, because he believed an all-out synthetic economy could not yet be developed by free enterprise. Krauch's talks with Schacht had led him to get up a brochure which he had presented to the new Ministry of Economics in 1933. He called it *The Four Year Plan of 1933*.

But this was not significant, really — "Four Year Plan" and "Five Year Plan" were common expressions of the time. . . . Russia had desired a close co-operation with I.G. Farben in the expansion of the Russian chemical industry. The Russians sent a commission in the year 1934 to Germany. I knew the Russians somewhat before, from negotiations in the nitrogen and dyestuffs fields.

I suggested to Russia that they visit certain plants to aid them in the study of the Russian oil industry; but then the members of the Russian trade delegation with whom I had gladly negotiated were suddenly called away from Berlin. On the next day, I was invited to visit these men, and one hour beforehand I was informed that they had left for Moscow.

The negotiations were resumed only after the agreement of Hitler with Russia in 1939, which resulted in an economic agreement with Russia. Then the men of the Russian oil industry appeared in Germany, and I again had to negotiate with them about new gasoline processes, analytical processes, and so forth.

Krauch pointed out that this incident — in which somebody mysteriously pulled the rug out from under his negotiations with the Russians — justified his setting up a Berlin office to stay in touch with the government. This was the year before the Four Year Plan of 1936. Krauch's counsel cleared his throat:

Q. Then the statement of your colleague, Dr. von Schnitzler, concerning the *Vermittlungstelle Wehrmacht* is not correct?

A. It is not correct. No doubt Von Schnitzler as a pure businessman was not . . . well informed.

Q. Then perhaps you can explain the letter to the plants purporting to say that the *Vermittlungstelle Wehrmacht* had been set up to work on plans "for a possible war"? The prosecution has offered this letter as especially incriminating regarding knowledge and promotion of a war of aggression.

A. The date is September 1935. This was in connection with Germany's rearmament, which I do not attempt to deny in any way. I believe in other countries similar efforts were under way.

Professor Krauch then recalled discussing the matter with a Wehrmacht war-scientist:

I talked about how unnecessary I considered such plans, and to my great astonishment I found in publications a confirmation of what he had told me. That is, that long before 1935, exactly the same things had been done in the United States — air-raid precautions, air-corps mobilizations, and transfer of factories — exactly the same demands which were made of us by military economy.

Q. But, Dr. Krauch, a line between armament needs and peacetime needs could not be drawn because, as you stated, many products in the Four Year Plan were necessary in the same way for peacetime usages?

A. That is exactly what I meant . . . the products which we were producing were all used in peacetime. So, perhaps we could designate them with an expression that was in usage in the United States: "Commercial armament products."

Q. Professor Dr. Krauch, you once initiated the thought, concerning your motives, that foreign examples had been decisive. Could you perhaps name a few American people whom you used as an example?

A. Let me remind you of the names of General Johnson and Bernard Baruch. This is the same Baruch who is now working on the international control of the atom bomb and is making proposals in that connection.

Q. But you have never denied the fact of rearmament?

A. I have never denied the fact of rearmament. It was a very important program of the government. But I insist that armament is not necessarily a sign of aggression.

Q. Dr. Krauch, you stated that you complied with war-emergency measures because of patriotic reasons?

A. Yes.

So it came to pass that Professor Krauch went to Berlin before the Four Year Plan to direct the making of "commercial armament products." Ter Meer had told how paint could be used either on a swimming pool or a gunwale. He, Krauch, might remind the court that toluol, a part of TNT, would also make saccharine for your afternoon tea. Listen to Erhard Milch, who had left the Air Ministry to join the Armament Ministry at this time:

Q. Mr. Milch, these products, as such, are not suitable for war use?
A. No, of course not.
Q. I have a bottle of diglycol here. Can I use it in any form without danger of injury?
A. I would not advise you to drink it, but you can try it. Not much will happen.
Q. The same is true of other substances, like toluol? They are also not dangerous in themselves?
A. That is correct.
Q. Mr. Milch, were these substances used for powder and explosives?
A. As preliminary products, yes.

It seemed that until Krauch became a prime mover in the Four Year Plan, he wandered on the Unter den Linden between the Chancellery and the *Vermittlungstelle Wehrmacht,* like any other confused dollar-a-year man, not knowing whether he was saccharine or TNT. It was an ambiguous setup. Krauch did all the planning, and General Loeb handed out the production orders — the same "Colonel Loeb" whose language Ter Meer *claimed* he spoke when assuring the Reich that "the conversations with Standard have been retarded by ourselves." Krauch would push through plans for increasing production, then General Loeb would simply cut down the orders.

This was the Loeb whom Ter Meer called a "very difficult man." Indeed he was. Although a general, he believed that overall economic recovery should come first, war production second. Krauch, though a civilian, pushed for greater war production.

Loeb's first clash with Krauch was over buna rubber. Loeb had estimated peacetime needs at fifty tons of buna per month. In February 1936, Krauch went over Loeb's head and pushed through a Farben contract for two hundred tons a month. Then four months later, when the Four Year Plan was inaugurated, Krauch held a conference and failed to invite Loeb. To Krauch's office came representatives of the Air Ministry and the Army Ordnance. From Farben came Ter Meer and Kuehne, another

member of the technical committee. At this conference a unanimous decision was reached to lobby for 1000 tons of buna per month — an increase of another 800 tons. At first the Army and air representatives were not all agreed, but the most influential officers present were talked into it by the Farben men. The Farben contract for 1000 tons per month was pushed through the Ministry of Economics against Loeb's angry objections.

Soon Farben was producing *double* this 1000 tons; 2000 tons being the most Farben's one plant could put out, Krauch then renewed the request to have a second buna plant constructed, which would produce still another 2000 tons every month. He wanted to finance the second plant by a loan from the Reichsbank. Such a loan needed the approval of his old friend Hjalmar Schacht. Reluctantly Schacht had stayed on in the Hitler government as Finance Minister. He turned the loan down.

Dr. ter Meer then tried to sell the idea of financing the second plant by a "custom duty." But neither Schacht nor General Loeb would approve this. General Loeb still outranked Krauch on Army production. Krauch went straight to Goering, who approved the building of the second plant.

This brought into the open two feuds that had been brewing — between Krauch and Loeb, between Krauch and Army Ordnance. Early in 1937, Director Kuehne wrote to Ter Meer of his conversation with an Army Ordnance man:

The Wehrmacht had considered even the increase at Schkopau [first Buna plant] of from 200 to 2000 tons a risk. The Wehrmacht definitely did not welcome a second plant. General Loeb considered it entirely impudent, and Colonel Phillipps [Army Ordnance] on his part would do everything in his power, also with General Loeb, to prevent the construction.

This Colonel Phillipps had been invited with the other Ordnance people to that conference in Krauch's office. Kuehne added a P.S. to Ter Meer, quoting Phillipps:

The official on Goering's staff who so irresponsibly pushes matters concerning the construction of rubber plants is Dr. Krauch. I felt that for once I.G. should put a stop to this, since it was in the interests neither of the Reich nor of I.G.

The Professor's counsel asked him to comment on Director Kuehne's letter. He said:

The letter shows very clearly how little the Wehrmacht had any connection with [my] office on questions of development. . . . I believe

that what I endeavored to do was the natural thing for a man to do whose early paths led to science and research.

Q. Professor Krauch, reference was made to the fact that you and the other defendants were exponents of big business and capital. Would you give us your comments?

A. I would not describe myself as a big businessman and capitalist. My fortune is a modest one. I own a house, a small farm, and I have I.G. stock to the amount of —

MR. SPRECHER: Mr. President, I don't recall the prosecution going into this question of the big capitalists.

THE PRESIDENT: Well, the question is answered and we would lose more time in searching the record than we would to let it go.

Sprech and I had arranged to share the questioning. This first job of Krauch's under Goering, lasting only a few months while the Four Year Plan was being readied, had been to help mobilize raw materials and currency. He had testified that his preliminary staff had worked for peaceful purposes and was motivated by the need of getting more food for the German people and getting foreign exchange so that they could buy food abroad. I began my cross-examination by asking him whether he still believed that this had been the purpose of that staff. When he said he did, I showed him our proof of a meeting of this staff with Goering, where Krauch himself had been joined by Schacht and Hermann Schmitz.

Q. Professor Krauch, you will note that Goering says: "In the A-case [war] we would not, under certain circumstances, get a drop of oil from abroad. With the thorough motorization of the Army and Navy, the whole problem of conducting a war depends on this. All preparedness must be made for the A-case so that the supply of the wartime army is safeguarded." . . . Then Goering said — the next item, will you read that? — "Rubber is our weakest point." And then again on the same page, Goering says, "A program lasting several years is of no use for the A-Case!" . . . Now, in the light of those statements, made in May of 1936, would you care to change your views as to the purpose of Goering's staff?

A. I believe that this statement of Goering's, especially regarding oil and rubber, is true. Without these products, the country would not be able to wage war. With rubber the situation was exactly the same in the United States. I believe that these were measures of military economy under the idea of a defensive war which, of course, was what the United States was thinking of, too.

Q. Is it your contention, Dr. Krauch, that all of your activities beginning in the latter part of 1936 were also related to peacetime products?

A. That is correct.

Q. Did you consider the stockpiling of toluol, for explosives factories, in that category?

A. In exactly the same category. That was a product which was needed for military economy.

Q. Well, I think we can get more directly to the point if I show you Prosecution Exhibit 448. I ask you to read paragraph 5 where you say: "The former office for German raw materials and synthetics has, at my request, as far back as the end of 1936, repeatedly directed the attention of the Wehrmacht to the urgent necessity of stockpiling. Already, at that time for example, I requested that considerable quantities of toluol be stocked for existing explosive factories. . . . The same is true of Thiodiglycol as a preliminary product for mustard gas, where the few plants that existed were only put to work for stockpiling, on my insistence, in March or April of 1937, or indeed were partly only then made capable of producing." . . . Would you like to comment on these words of yours?

A. I always thought that this toluol would be used for the peacetime economy too. The same thing applies to Thiodiglycol, which can also be used for several purposes — for peacetime purposes and as a war article. Here, again, I considered it better under the circumstances to stockpile, so this product could not be used for peacetime purposes at any time. If there should be a war, it could be used. Since, in my opinion, there was no prospect of war, the method which I suggested was the correct one.

No prospect of war? Hitler announced the Four Year Plan to the rest of the world, including the German public, as a "gigantic German economic plan." But to Goering, he was more frank. Hitler did not believe that self-sufficiency could be achieved soon enough to solve Germany's economic "dilemma." He instructed Goering:

It is not the aim of this memorandum to prophesy the moment at which the untenable situation in Europe will reach the stage of open war. The definitive solution [of Germany's economic situation] lies in an extension of our living space, i.e., an extension of the raw materials and food basis of our nation. . . . Much more important [than "political leadership" solving the problem] is to prepare for the war during the peace.

The German motor-fuel production must now be developed with the utmost speed and brought to . . . completion within eighteen months. This task must be handled and executed with the same determination as the waging of war.

The mass production of synthetic rubber must also be organized and secured with the same rapidity.

I herewith set the following task:

(1) The German Army must be ready for combat within four years.

(2) The German economy must be mobilized for war within four years.

Goering repeated these aims precisely to Carl Krauch. Said

Krauch: "This confirms what I learned from Goering, that a war was coming perhaps, but not necessarily an aggressive war." And Krauch had told Schmitz of the real aims of the Four Year Plan. Until late in 1938, Krauch had attended all the *Vorstand* meetings.

Q. But you still maintain that being aware of Goering's aims, you did not believe that necessarily you were preparing Germany for aggressive war?
A. No. . . . Defensive war.

This was the theme sounded by all his colleagues. Many times Krauch himself had referred to "defensive war." He said that the Westwall (between France and Germany, a few miles from and paralleling the French Maginot Line) had been built as a defensive measure. The Westwall project was "urgent." So was Krauch's project for a fantastic acceleration of war production. In allocating building materials, he saw to it that the two projects worked smoothly together.

I went on with my cross-examination:

Q. You spoke of the Westwall as having defensive purposes. Now, in what sense do you consider the construction of the Westwall was for defensive purposes?
A. It was intended for the event of war that an attack might be made on Germany from the West.
Q. Well, now you recall testifying that, in the speeches of Goering and Hitler in December 1936, *they stressed the danger of invasion from the East?* How did you reconcile, in your own mind, the fact that a Westwall was erected for what you describe "for defensive purposes" and that no comparable wall was erected in the East?
A. I cannot judge the thought processes of the general staff; I can speak only as a layman. Perhaps the general staff intended to rely on pure defense in the West, similar to that of the first World War, and to have mobile warfare in the East — a different type of defense.

This, then, was "defensive war." If, at the time of Munich, England and France had been prepared to come to Czechoslovakia's rescue when Germany was poised to attack, Germany's role in the resulting war would have been "a different type of defense." Then, while building up an attack on Poland to the East, Germany was actually preparing a "defensive war" in the West should England and France honor their treaties with Poland!

That Krauch and all the others actually expected such a war became more apparent at every session of the trial.

This, then, was the "defensive war" that the Krauch office began to prepare in 1936. On December 17, Krauch heard Goering speak to a gathering of industrialists. The most important men present were from Farben. Goering outlined again the purpose of the Four Year Plan: *"We are already on the threshold of mobilization and we are already at war. All that is lacking is the actual shooting."*

The rest of Goering's speech that day was echoed by Krauch himself in April 1939. Bohemia and Moravia had just been conquered by a Wehrmacht which met no resistance. The invasion of Poland was already on paper. Krauch said in a report:

In other words, the economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oils. The new and successful contacts with southeastern Europe show us that the only hopeful possibility to insure supplies for the mineral-oils economy completely for many years is by securing this area by means of the Wehrmacht.

We continued our questioning:

Q. Now, Professor Krauch, you have made the point that all during this period, you were guided by a love of international co-operation. This extended to the Imperial Chemical Industries of England, did it not?
A. Yes, Imperial Chemicals more or less corresponds to the I.G. Farben of England. They were able to build a large hydrogenation plant as a result of our technical advice and assistance. A celebration was held in England in 1935 when the Billingham plant was put in operation.
Q. All right. I show you this exhibit [a letter from the *Vermittlungstelle Wehrmacht* to the Wehrmacht, sent in May 1939]. The Billingham plant is listed here. Is this a list of plants which the *V.W.* says can be "put out of action" by the Air Force?
A. Yes, counsel, in event of war. But I did not know a war was coming.

Krauch was on the board of the Ford Motor Company of Germany; so his "love of international co-operation" also embraced the Ford works at Cologne. He had testified:

I myself knew Henry Ford and admired him. I went to see Goering personally about that. I told Goering that I myself knew his son Edsel, too, and I told Goering that if we took the Ford independence away from them in Germany, it would aggrieve friendly relations with American industry in the future. I counted on a lot of success for the adaptation of American methods in Germany's industries, but that could be done only in friendly co-operation. Goering listened to me and then he said: "I agree. I shall see to it that the Deutsche Fordwerke will not be incorporated in the Hermann Goering Werke." So I participated regularly in the supervisory-board meetings to inform

myself about the business processes of Henry Ford and, if possible, to take a stand for the Henry Ford works after the war had begun. Thus, we succeeded in keeping the Fordwerke working and operating independently.

Carl Krauch kept the Ford plants working, all right, and "independently" too — independent of the sovereign interests of the United States of America.

In July 1942, six months after the United States had entered World War II, the Consul General of the United States stationed in Algeria wrote a burning dispatch to his bosses in the State Department about the setting up of new headquarters in North Africa for an American firm which at that very moment had plants in France working for Germany.

The Consul General had no grandiose "liberal" notions that he had the right to interfere in the establishment of a legitimate private enterprise. But, he asked himself, when does a private enterprise become a public interest?

The Consul had other information, too, that should have set off explosions in London, Washington, or Paris. He was in possession of a letter from the Frenchman who had come to Algeria to organize the corporation — a letter written to the president of the Ford Motor Company two months after Pearl Harbor. The Consul was so burned up that he was determined to speak even if it might keep him in Algeria for the rest of his career. With his dispatch, he sent the letter, both of which were ignored until the war was almost over, to come to light one day in Treasury investigations.

In August 1940 (almost a year after World War II began), the Frenchman had written the first known letter to Edsel Ford, cautioning him that all letters were censored; that his would give the true situation "but very often not all the truth"; that French Ford would reach a production of 20 trucks a day within 3 weeks, which was better than

. . . our less fortunate French competitors are doing. The reason is that our trucks are in very large demand by the German authorities and I believe that as long as the war goes on and at least for some period of time, all that we shall produce will be taken by the German authorities. . . . I will satisfy myself by telling you that . . . the attitude you have taken, together with your father, of strict neutrality, has been an invaluable asset for the production of your companies in Europe.

Opposite this paragraph, on the margin, was a longhand note: "I was the first Frenchman to go to Berlin."

His name was Maurice Dollfus. He was chairman of the board of the Ford Motor Company's French subsidiary. Indeed, he had good reason to be the first Frenchman in Berlin after France fell. Under his control the Ford enterprises of France had never been a financial success. They had declared only one dividend in their history. There was only one way he could strengthen his insecure position and put the company back on its feet.

The first Frenchman to go to Berlin was welcome in Dearborn, too. He wrote a second letter to Edsel Ford twelve days after the first letter, enclosing an audit of profits accruing from his expanded business — 1,600,000 francs. The cash position of the firm was weak in dollars, because of world restrictions imposed by the United States Treasury. "But, as you know, our gold standard has been replaced by another standard which, in my opinion, is a draft on the future, not only in France and Europe, but, maybe, in the world."

This letter was answered personally both by Charles E. Sorenson, general manager of the Ford Company of Dearborn, and by Edsel Ford. They congratulated him on his "remarkable achievement" in "guiding our business in the unusual situation that it is in now."

Thus with the fall of France began a unique alliance, intimate and unbusinesslike, between the three men. The letters and cables never got to the Dearborn official files. Sorenson and Ford kept them in private files. "Naturally," Dollfus wrote, "the advantages that we have are because we belong to the Ford family, but advantages which we cannot overestimate under the present circumstances."

That Edsel Ford, too, believed it a family matter was shown by an increasingly warmer attachment to Dollfus. On October 10, he cabled:

DELIGHTED TO HEAR YOU ARE MAKING PROGRESS. YOUR LETTERS MOST INTERESTING. FULLY REALIZE GREAT HANDICAP YOU ARE WORKING UNDER. HOPE YOU AND FAMILY WELL. REGARDS.

EDSEL FORD

Trouble soon developed of such serious proportions that Dollfus hired a courier. This man, whose name was Lesto, sailed between

the two Dearborn executives and their diplomat-without-portfolio. Lesto brought news that two "Commissars" from the Ford Cologne works had developed a plan to "create a Ford organization, including Denmark, Holland, Belgium, and possibly France, under the Cologne organization." The "Commissars" renewed their pressure because of "the vital necessity for the German Army to receive vehicles of all kinds."

Strangely, M. Dollfus feared the power of the Cologne organization more than he feared the Reich government. His chief anxiety was that any reorientation of European Ford interests would expose in the United States how the Ford plants were producing for the German war machine:

> What the future organization of the Ford companies should be in Europe after Europe is remade is a matter for "Ford" to decide, and not for Dr. Albert or Mr. Schmidt. . . . Were you today to approve of a Ford organization different from what it was, it would be equivalent to taking a position which would separate you of the neutral attitude — an attitude which you have been able to safeguard so successfully. . . . If we admit the possibility of a German victory, in my opinion, we must . . . have a company or organization . . . comprising representatives from every country. [But] in that company you should have independent men of your own choice, and not satellites placed there to protect Cologne's interest.

The trouble was resolved within the family circle: "I would like to outline the importance attached by high officials to respect the desire and maintain the good will of 'Ford' (and by 'Ford' I mean your father, yourself and the Ford Motor Company, Dearborn)." Dollfus went on to say that he had again preserved the independence of the French company "by certain means I will not refer to in this letter but which Mr. Lesto will tell you about." The means M. Dollfus did not want to recount on paper involved the office and person of Professor Carl Krauch.

The German Army paid the French subsidiary regularly for its output. The total sales so far amounted to 34,000,000 francs. Dearborn was pleased. Late in January 1941 — ten and a half months before Pearl Harbor — Courier Lesto, so far unmolested save for an inspection by the British censors in Bermuda (whose report, if any, was not acted upon by the British government), carried Edsel Ford's congratulations to M. Dollfus: "We are very proud of the record that you and your associates have made in building the company up to its first great position under such circumstances."

By August of 1941, evidently because the United States was by now irrevocably committed to all steps short of open war against the Axis, and because "everything will be scrutinized by the censors," Edsel Ford hesitated. Something decided him to go on corresponding anyway. Pearl Harbor made no difference. *Two months after Pearl Harbor,* Dollfus was reporting net profits for 1941 of 58,000,000 francs. He wrote:

> Since the state of war between U.S.A. and Germany, I am not able to correspond with you very easily. I have asked Lesto to go to Vichy and mail this . . . we are continuing our production as before . . . the financial results for the year are very satisfactory. . . . We have formed our African company. . . .

In March 1942, the Ford plant at Poissy, France, was severely bombed by the R.A.F. The news went to Dearborn via a personal letter from an obscure employee at Poissy, to a fellow employee at Dearborn, who passed the letter on to Sorenson. In May 1942, Edsel Ford himself reacted to these events: "It is interesting to note that you are laying plans for a more peaceful future." Mentioning the bombing, he wrote: "Photographs of the plant on fire were published in American newspapers but fortunately no reference was made to the Ford Motor Company."

By August 15, 1942, according to Dollfus' letter to Edsel Ford (via Lesto), production had been resumed at the same rate and "machinery and equipment restored to its pre-bombing status."

On September 29, 1942, Dollfus reported to Edsel Ford that the Vichy government had paid French Ford 38,000,000 francs for damages incurred in the bombing of Poissy. Dollfus added that the Ford assets in France had been conserved regardless of various obstacles encountered.

This *private* message was transmitted to Edsel Ford by Assistant Secretary of State Breckenridge Long, the State Department official in charge of refugee matters, who, about a year later, forwarded to Secretary of the Treasury Morgenthau the paraphrase of the cable suppressing the sending of "*private* messages" concerning the extermination of the Jews of Europe. It is to be assumed that Mr. Long did not know all the facts in either situation.

Here ended the correspondence. Saved by the influence of Carl Krauch, French Ford became one of the most productive enterprises in France during the war.

25. Like a Stroke of Lightning

THE INVASION OF AUSTRIA WAS AT HAND. Referring to the event a few days later, a Farben director wrote:

> Let us call to mind for a moment the atmosphere in which this meeting took place. Already at 0930 the first alarming messages had reached us. Dr. Fischer returned excited from a telephone conversation and reported that the *Gasolin* had received instructions to supply all stations [*Benzinstellen*] in Bavaria and in other parts of southern Germany towards the Czech border. A quarter of an hour later, there came a telephone call from Burghausen according to which quite a number of workers had already been called to arms, and the mobilization in Bavaria was in full swing.

Paul Haefliger had a gift for dressing up official minutes; this was not his job, but he wanted his fellow directors to look up to him. What better way to impress them than to re-create the fellowship of the board meetings?

> In the absence of official information, which was made known only in the evening, we were uncertain whether simultaneously with the march into Austria, which to us was already an established fact, there would not also take place the "short thrust" into Czechoslovakia with all the international complications which would be kindled by it.
>
> Q. Defendant, just a minute. Did you say at one point that you received the news that Austria was already occupied?
>
> A. Yes, Mr. Prosecutor.
>
> Q. But the invasion of Austria was not until the 12th, in the morning. That is, the day after this meeting took place.
>
> A. I assume you are right. At any rate, this alarming news reached us during the meeting.
>
> Q. And, according to your memo, you were worrying lest Czechoslovakia be invaded at the same time. You don't know who mentioned the "short thrust" into Czechoslovakia?
>
> A. No, I have no idea. . . . There are many things I do not recall. We lived in a special atmosphere that grew worse until, by 1943, the official minutes and records were more and more just a sham. From the objective records, one might believe everything was in order. By 1943, everyone felt an inner tension, and a concealed fear at the dissolution that was coming because of the murderous air raids. If one reads the minutes of the *Vorstand*, the technical committee, and the commercial committee carefully now, one can see the collapse which begins in 1943. I wouldn't ask my worst enemy, having met in inadequate air-raid shelters, and his wife and children going through air raids where 2000 or more bombs are dropped, to think of things dating way back to 1933. For me, it was worse. As a Swiss citizen, I belonged to a very peace-loving nation imbued with the spirit of international understanding.

Paul Haefliger sat bolt upright in the witness stand. To the first investigators who talked to him at the Swiss Consulate in Frankfurt, he had also spoken with genuine passion about his small native country. He had long been the leader of the expatriate Swiss colony in Frankfurt. He had been a director of the firm that once stood where the Griesheim document center was now. Griesheim Elektron made synthetic metals. When Griesheim joined the Farben merger in 1927, Haefliger went along.

His fellow directors in Farben never paid him what he was worth. He had represented the old Griesheim firm in the American and European cartels which fixed prices of metals. He had been the chief negotiator in price-fixing for the nitrogen made by electrical processes. He had handled Griesheim's other interests with the British, the French, the Chilean group, the Belgian group, the Italian group, and the Russian group. He was the best linguist on the *Vorstand*. A good salesman, too, he carried a pocket lighter to demonstrate his work in the nitrogen field. With all his experience, he had expected the top commercial post which Von Schnitzler got. But he was a foreigner.

> Then came the change in the Hitler government. That was a fact we accepted, and we went along on the principle of business-as-usual. I continued to act as a language expert in the heavy-chemical sector, that very modest part of Farben's work. The regulations against foreigners became intensified; there were prohibitions against disclosing secrets; and it is generally known that secrecy became an epidemic. This brought it about that certain of my colleagues became more reticent in giving me information.

Herr Haefliger's cadaverous face drew to a point.

> I wish to deny with all emphasis that I knew the Hitler government would wage an aggressive war. I remember particularly that on the 6th of September 1938, the German-French peace agreement [Munich] was considered by me with great joy as a further guarantee of peace. When I heard about the fleet agreement with England, I interpreted it as a sign of future peace. Before that the morale among the population of Austria was a general acceleration; everywhere flags were hung, even in the workers' district; there were badges and flags sold to the millions around the streets. I could talk about it at great length but at any rate it was anything but what you might expect in a conquered country. . . . I always thought of Germany as representing the defensive point of view. I considered the right of defense as a natural

right of all free people aspiring towards peace and freedom. That is why I never saw in the rearmament a preparation for aggressive war.

After Haefliger's Anschluss memo was found, the prosecution got an affidavit from a Reich official who said that, as early as 1934, Paul Haefliger had been assigned the duty within Farben of "the setting up of mobilization plans for war." His counsel asked:

Q. What have you to say to that?
A. This assertion is a mistake. The over-all responsibility was assumed by Dr. von Schnitzler. To the outside world, I was apparently his deputy, but that was a fiction. I represented him only in his absence, but even this never came about until the war ended. I myself reported only occasionally about odd jobs Dr. von Schnitzler assigned me.

One thing was certain: Von Schnitzler was the cause of his present plight. In 1937 — the year Carl Krauch finally joined the Nazi Party, the year Ter Meer also joined the Party and at the same time avoided the Unter den Linden — Von Schnitzler reorganized the commercial committee. Instead of occasional meetings at Frankfurt, regular monthly meetings were now held at Berlin Northwest 7.

At the first meeting after this reorganization, the whole commercial committee took over Haefliger's duties on the war-mobilization plans. Haefliger himself drafted the committee's latest orders: All Farben commercial agencies must stay in touch with Ilgner's office "with regard to negotiations with authorities so as to assure a uniform attitude of the I.G. toward all these questions."

At this same meeting, it was decided to make overtures to the oldest, largest explosives firm on the continent — Dynamit Nobel A.G. Haefliger's minutes read: "Paul Mueller, chairman of DAG, would be contacted as to the way in which we should include the explosives interests in our circle." The committee decided to invite Mueller to all future meetings.

Haefliger's counsel asked:

Q. But, Herr Haefliger, did the commercial committee have anything to do with technical planning of production programs?
A. No.
Q. Who was responsible for these matters?
A. This was the technical committee's jurisdiction. The commercial committee had a purely consultative character.

At the second commercial-committee meeting, in August 1937,

two decisions were laid down which greatly affected Haefliger himself. Too few Farben men abroad were taking an interest in the "Party," according to recent complaints from the government. The committee "generally agreed that under no circumstances should anyone be assigned to our agencies abroad whose positive attitude toward the new era is not established beyond doubt."

The second decision was the near-fatal one that sent Haefliger to Austria the year before the Anschluss. He was to go to Vienna, said the committee, to set up "a closer relationship" to the munitions industries there.

Haefliger could not recall "such pronounced statements." He hadn't written the minutes of that second meeting. The policy of having "politically reliable men abroad," he said, was window-dressing for the authorities. A "positive attitude" toward the new era would mean anti-Semitism, among other things; how did the prosecution explain that the Jew Erwin Phillipps, president of the Austrian Dynamit A.G., had come to attend that very meeting at Schmitz's request?

That was some time before the Anschluss, of course. Phillipps was no longer alive to state whether he enjoyed the meeting. He had come to Berlin from Prague, where the Czech National Bank held the controlling interest in Austrian Dynamit A.G. Phillipps was an officer of the Czech National Bank, which also held an interest in the Rothschilds' sprawling gunpowder factories, Skodawerke Wetzler. On Haefliger's earlier trips to Vienna, Max Ilgner went along, and they talked of the power Phillipps wielded from Prague. He was not only the key power, along with the Rothschilds, in all the Austrian chemical industries but the leading executive of all the Nobel explosive firms of Czechoslovakia; and, years before, Ilgner had put on paper a plan to capture the dynamite and explosives industries of Czechoslovakia through first conquering such industries in Austria.

Then Erwin Phillipps was murdered in Prague, shortly before the Anschluss. Working behind the scenes, Dr. Max Ilgner fashioned a "New Order for the Greater Chemical Industries of Austria." When Hitler's economic advisor, Keppler, went to Vienna, Haefliger sent him the "New Order for Austria." Said Haefliger: "The groundwork should be laid immediately to prepare assignment to be carried out by the big chemical industry of Austria, within the framework of the Four Year Plan." On receiving Haefliger's "New Order" letter, Keppler threw up his hands and inquired sarcastically

"whether the I.G. intended to swallow up the entire chemical industry of Austria."

Haefliger was a good spokesman for Ilgner, if not the controlling voice. In 1933 Keppler and Haefliger had searched Germany for ore deposits, which had resulted in the stockpiling of tungsten, from 1935 on, at Farben's Bitterfeld plant, and Haefliger reminded Keppler of those days. Haefliger reported to the commercial committee: "I took advantage of the opportunity to sound Keppler out on the attitude of the German authorities as to exerting influence on enterprises in Sudeten Czechoslovakia."

So it went: Haefliger's ignorance and the prosecution's documented travelogue in which the "commercial future" he was selling went hand-in-glove with growing technical developments. At the very beginning of the Four Year Plan, there were critical shortages of light metals. He went to Finland to buy nickel. Since 1934, Farben had been making gun-carriage wheels from the Griesheim electro-metals. During 1938, Farben electro-metals would be used more than any other by all three branches of the Wehrmacht — the Air Force, the Army, and the Navy — for heavy trucks, caissons, airplane wheels, and ships' motors.

Randolph Newman of the prosecution was cross-examining:

Q. Now, Defendant Haefliger, Austria was occupied by German troops at daybreak on the 12th of March 1938. Several days before the 12th, did you inform your colleague, Meyer-Keuster, in Paris to leave Paris too soon rather than too late, because war might come if Hitler used force against both Austria and Czechoslovakia at the same time?

A. It is obvious that the political tension at the time, after Schuschnigg had called off the plebiscite, was very great. Those were assumptions on my part.

Q. You did act on your assumptions, did you not?

A. Beg your pardon?

Q. You acted on your so-called assumptions?

A. Of course, just assumptions.

Even now, it seemed Haefliger was so excited remembering the occasion that he got mixed up. "It was all news to me; the Anschluss came as a complete surprise," he told Randolph Newman.

But he had underlined the date in his own memorandum written a few days later. He'd not wanted to let such an historic meeting pass into oblivion. March 11, 1938. It would be several hours before troops crossed the border:

The first thing I did was to ask at once for a connection with Paris to cancel my trip to Cannes. At the same time, I suggested to Mr. Meyer-Keuster, who was already in Paris and to whom I talked by telephone, to watch developments closely. Furthermore, I requested him to induce Mr. Meyer-Wegelin, who also had already arrived in Paris, to return the same evening.

Under these circumstances, of course, the conference on mobilization matters took on highly significant features. We realized suddenly — like a stroke of lightning from a clear sky — that a matter which one had treated more or less theoretically could become deadly serious, and furthermore, it became clear to us that the preparations which we had made up to now for the invasion of Czechoslovakia had to be considered rather defective after all. I heard only later, after I had sworn an oath next day in the Reich Economic Ministry, in greater detail about the steps we had taken, which of course I cannot discuss here in detail.

During this "conference on mobilization matters," Haefliger, who had been making a study of enlarging Farben's headquarters at Frankfurt, recommended instead that Farben move its headquarters to Berlin, lock, stock, and barrel. The prosecution asked:

Q. Did you feel that the danger of war was sufficiently serious that it was unwise to enlarge the buildings in Frankfurt at that time?

A. For years I had held the view that Berlin would be a perfectly safe place.

Q. I wasn't asking you about your prior feelings about moving to Berlin.

A. Well, that was something that was always being brought up. One can imagine anything at such a moment as that meeting. One can say, "Well, in the event of war, would France attack?" We did not know what was coming. We had no way of knowing when something like that starts, where it would end. I was thinking, "If Italy comes in, and France comes in, there will be planes over Frankfurt." That is dangerous, and it would suit me to say that it would be better in Berlin.

Q. Did you not personally know that Hitler would invade Austria for certain?

A. No.

Q. Well, *after* the Austrian crisis in 1938, didn't you regard mobilization questions as deadly serious?

A. I always thought it a matter of course that there have to be certain mobilization plans for economy. After all, war affects economy, too.

In Austria, Farben took possession of all the chemical and explosives factories. The *Vermittlungsstelle Wehrmacht* stepped in, projecting a program of new investments in Austria totalling 192,000,000 Reichsmarks. All shipments to Czechoslovakia were

halted. Unknown to the World War I allies, new works were built at Moosbierbaum for producing high-octane gasoline (which had been handed to Farben by Standard Oil and the United States War Department), sulfuric acid, magnesium, and chlorine.

Metals, fuels, and explosives: these were the spoils of the first unknown conquest in an undeclared war. Von Schnitzler described it happily to his colleagues as the fulfillment of "a long-cherished plan of uniting the chemical industry of Austria."

26. The Short Thrust

POOR PAUL HAEFLIGER WAS RIGHT — he was the spokesman for a larger plan. Shortly after he sent Wilhelm Keppler the "New Order for the Greater Chemical Industries of Austria," a Dr. Neubacher called on Keppler. Neubacher was a leading Austrian economist, and for a year he and Keppler had been agreed that the Austrian chemical firms should work independently, although for the Greater German Reich.

But on this day, Dr. Neubacher championed a "Farben New Order." Dr. Neubacher was the best-informed man in Vienna on all Austrian industries, and Keppler wavered. A few days later, according to the report of a mail conference of the commercial committee, "State Secretary Keppler wishes to receive reports from Dr. Neubacher."

Then Keppler learned that Neubacher had been on the Farben payroll for the past year, a period which strangely coincided with his advocacy of the Anschluss. Angrily he turned down the first proposal that Farben grab the Skodawerke Wetzler gunpowder factories.

Behind Neubacher's subtle lobbying was Dr. Max Ilgner. By the time Austria was invaded, all of Max Ilgner's soul-stirring trends (which is what he would call them) were merging to an explosive climax. For years he had kept a "Met File" of Very Important Personages, and in it were many people besides Haefliger whom he had cast in critical roles for the Viennese drama of the next few days. Germans, Austrians, Czechs, Nazis, and non-Nazis — they represented many different views, but together they had worked his will. His colleagues were in on the deal, but they too belonged to the opposition, in a way. He had never forgiven

the technical men for laughing at first at his "academic agents" who had gathered thousands of assorted facts. And now, even Heinrich Gattineau, whose life he'd saved, had grown resentful. Gattineau had operated Ilgner's "political department." He told the prosecution: "This activity of Dr. Ilgner's was also an expression of his efforts to make himself useful to the new man in power, and thus to obtain a prominent position for himself."

Nevertheless, the Austrian triumph was Ilgner's. When Keppler broke off with Neubacher, Ilgner visited Carl Krauch. Keppler began hearing from Goering. These dealings — Ilgner to Krauch to Goering to Keppler — were secret, but they achieved the first aim. Keppler yielded, paving the way for Haefliger's last dramatic interview at Skodawerke Wetzler. Then Dr. Neubacher was appointed Mayor of Vienna by Goering. "Goering did such funny things," Ilgner was to exclaim.

With the new Mayor of Vienna wishing to part with the next chemical companies on the Farben list, it was understandable that the Austrian manager of Austrian Dynamit Nobel A.G. and Carbide Werke Deutsches-Matrei gave in.

Dr. Neubacher accepted from Hermann Goering the keys to Vienna. He continued to report to Berlin Northwest 7. The success of the New Order in Austria proved his worth, and he was given a branch office. Said its statement-of-purpose:

> Vienna, in view of its historical-political mission and its manifold cultural and economic ties with the nations and countries of southeast Europe, is undoubtedly the most suitable place in Greater Germany for the economic observation of southeast Europe, which has become an urgent necessity in view of the present well-established southeast direction of Greater Germany's economic policy.

Ilgner's star rose. Following the Anschluss, he got himself appointed "the highest Farben representative to deal with the Reich Ministry of Economics on mobilization questions." He importuned the commercial committee: "We must begin immediately with the greatest possible speed to employ Sudeten Germans and train them with I.G. in order to build up reserves to be employed later in Czechoslovakia." The commercial committee approved.

Mr. Amchan asked the prosecution's questions:

> Q. You were present at the meeting of the commercial committee on March 11, when, after the news concerning Austria, the discussion of the "short thrust" into Czechoslovakia took place? Is that not so, Dr. Ilgner?

THE PRESIDENT: Just a moment, Doctor; I think you are talking into your briefcase instead of the mike. You'd better get the reply into the record.

A. Excuse me, I beg your pardon. That was a meeting of the commercial committee.

THE PRESIDENT: The question is, Doctor: Were you present?

A. Yes.

MR. AMCHAN: Now, Dr. Ilgner, isn't it true that in April 1938, right after this meeting, you also took steps to strengthen the Sudeten German press in its propaganda for the acquisition of the Sudetenland by Germany?

A. I can't recall that, but we supported newspapers frequently. It might be possible that we gave them advertisements or monetary contributions. I don't know any more.

Q. Do you recall that this strengthening of the Sudeten German press originated at your Berlin Northwest 7 conference on the 17th of May 1938, and was approved by the commercial committee on the 24th of May?

A. I remember only that I read this document here in Nurnberg. I assume that it shows what was reported to the commercial committee.

Q. Taking into consideration what you have already testified, do you believe that these facts show that you expected aggression, approved and supported it?

A. No, counsel, I did not want war.

Ilgner flushed. From his first moment on the witness stand, he had not acted as one would expect —like the ambitious agitator who had waited on the Anschluss stage for his colleagues finally to burst into applause. He fawned on the court as he explained that his interest in other countries had not been limited to Austria and Czechoslovakia. He was a "man of the world."

The strain of speaking briefly brewed sweat on Ilgner's round forehead. He had written so much since Belle had seen him in jail that all his "corrections" had become copywork. Yet now, his gimlet blue eyes sad, he testified that he had been afraid to speak out after "they" — the prosecution — had challenged his word. We'd had no idea that when we stopped interrogating him, he would seem on the witness stand like a dumb creature whose arms were tied behind his back. Apparently any kind of self-expression gave Ilgner only a moment's release, before he felt a desperate need to spill out his story again. I recalled an instruction he had sent to his agents in South America: "Send everything, everything is of interest, no detail too small to be overlooked." Altogether, Ilgner had turned in three hundred long affidavits, enough to make up ten average autobiographies.

To the average Nazi, said Ilgner, exports meant "internationalism"; the majority of Nazis wanted to get by force, not by trade, the territories and goods they demanded. Yet Ilgner had gone to Sweden to preach that "Germany must buy from those she sells to." This could hardly mean that he wanted war.

Ilgner himself was descended from Swedish commercial travelers. The Swedish industrialists reminded him that Germany could hardly expect to sell to Jewish interests whose products all over the world had just been boycotted by Hitler; nor to others whom the boycott had influenced against the new Nazi government; nor to many others who believed that their sales might come whizzing back across their borders some day.

Without openly questioning Ilgner's motives, the Swedish industrialists in 1933 understood that the big danger of war lay not in the hearts of bellicose Nazis who didn't want to export. Without selling abroad at this time, Germany wouldn't have the goods to plan a war. The real danger lay in the alliance between the Nazis and industrialists.

Ilgner said that when he returned from Sweden he thought he could control the radical elements. He felt that the first step was to get up a campaign to make the Nazis look as peaceful as possible. He organized a "Circle of Economic Advisors" to try to influence Goebbels' Propaganda Ministry to moderate its hysterical outpourings. Goebbels himself joined the Circle; so did Funk, who was then Goebbels' State Secretary:

> I told the Circle what the world was thinking. I didn't paint a rosy picture as was customary in the Third Reich. Trade was dropping off, and we were worried about German exports. We were tried-and-proven foreign economists, and we knew well the reaction of the world to propaganda. I knew that propaganda means something else in America than it does in Germany. We objected even against the name, "Propaganda Ministry." This is an old story that is buried and forgotten; but if I remember correctly, the Circle met two or three occasions with the chairmanship of Goebbels, and just as often under Funk's chairmanship. But Goebbels wasn't stupid. He was vexed.

Dr. Ilgner had a restless, impetuous interest in everything in the world — that was what vexed Goebbels. And Ilgner became the leading spirit of the Circle. The Rotary Club was international poison to Goebbels, and Ilgner kept arguing with him not to go through with his announced intention of dissolving Rotary in Germany. Ilgner also openly protested in the Circle that Germany should not have withdrawn from the League of Nations. He had conceived of the Circle as a sort of adult-study group of business-

men who took the world to be their oyster and would advise the government how it might be seasoned happily for all concerned. Despite Goebbels, Ilgner went ahead.

> Mr. Diehn knew East Asia; he took over that part of the world. Mr. Ruperti treated the overseas business; he had South and Central America and the British Empire; Dr. Gattineau took care of the Scandinavian countries and I concerned myself with the United States and France because I had traveled much in the United States until 1932. . . . Goebbels lost interest in us. He called us a clique of capitalists that only criticized.

One evening late in 1933, after Ilgner had been decrying "the crude and shocking methods of the Propaganda Ministry which do great harm to German export interests," Goebbels left in a huff, never to attend another meeting. The Circle continued worried until Ilgner cabled a New York publicity agent, Ivy Lee, asking him to come to Germany. Ilgner had met Lee in 1929 when a former Alien Property Custodian had made a strong attack against the newly incorporated American I.G. Chemical Company.

> That was 1929. I went to see Charlie Mitchell and he said to me, "Don't worry about it, don't get excited." But he said, "You can talk to Walter Teagle, the president of Standard Oil, and other industrialists. He can tell you whether this has to be taken seriously." Then I went to see Teagle and he said, "You are not well known, you Farben people. You have got to make some publicity first. Our publicity agent is Mr. Ivy Lee. I am going to have you introduced to him." . . . He had me introduced. I went to see Ivy Lee. The board of American I.G. retained him.

Schmitz, who had been in the United States all this time, arrived in Europe on the same steamship with Ivy Lee in early 1934. Lee's contract provided for him "to do what he could to combat the renewed press attacks in the United States against National Socialism and at the same time . . . I.G."

"I.G.," added Ilgner, "the greatest enterprise with large American interests, was particularly interested in a favorable American press on German economics in general."

That spring, Lee went first to Rome to visit Mussolini. From there he went to France and Belgium. Then he came to Berlin. He wanted to see Hitler immediately. The Circle of Economic Advisors being in Goebbels' disfavor, Ilgner arranged for Lee to see Hitler through the Carl Schurz Association, of which Ilgner was president.

Lee talked to Hitler at length, after which he wanted to meet the other top Nazi leaders. Ilgner took him to see Goebbels, Vice Chancellor von Papen, Foreign Minister von Neurath, and Economics Minister Schacht.

According to Ilgner, Ivy Lee protested against the German boycott of Jewish goods and advised Hitler to remove it. "When Lee had sufficiently informed himself, I took upon myself the practical application of his suggestions."

Since Hitler and Goebbels had refused to lift the boycott on Jewish goods, Ivy Lee advised Farben to tone down the Nazi bloodcries and to emphasize the beauty of the German countryside. To please foreign correspondents who had been getting only government handouts, he recommended that Ilgner and the Carl Schurz Association arrange press evenings, with temperate speakers from German public life. He suggested that more "leading Americans" be invited to auto through Germany in guided trips. He furnished Ilgner with a long index of "leading Americans" whom he thought might be easily impressed. Most important were the articles which should be written for reprinting in American publications, special copies of which should also go to "leading Americans."

The first Ilgner releases indicated the omission, rather than the sugar-coating, of Nazi evils. Ilgner called it "advertising." To be sure, it had so little to say about specific products of the chemical industry that it seemed a new institutional advertising, half political and half business. Besides arranging to have the Carl Schurz Association send the articles to Lee in New York, for his remailing to hundreds of influential Americans, Ilgner personally mailed many thousands, "like Christmas greetings, with my compliments," and distributed other thousands to American newspaper representatives in Berlin.

Ilgner and Gattineau, acting on Lee's advice, also conceived a line which went to the Bayer Company in New York, for "personnel and collaborators."

> Parliamentary government, lack of leadership, Communists and Marxists, had led Germany to the abyss. Within, civil war was smouldering. . . . Abroad, Germany was a plaything in the hands of the signatories of the Treaty of Versailles. . . . Achievement took the place of patronage and party membership as a means of securing office: order and honesty again became the guiding principles in German public life. . . . Peace was restored and the people could go about their affairs without fear for life and property. . . . As time goes on, all

boycott and atrocity propaganda will be shattered against the peaceful intentions of the German people.

A few weeks later in 1934, a small sub-committee of the Un-American Activities Committee went to New York City to interrogate Ivy Lee. At the hearing Lee was asked:

Q. The material sent here by the I.G. was propaganda spread by authority of the German government?
A. Right.
Q. And it has nothing to do with their business relations just now?
A. That is correct.

Burnham Carter, Lee's assistant, had given this testimony in the sub-committee record, which now confronted Ilgner in the witness box:

Q. It was the purpose of such statements to have world-wide effect?
A. That is correct.
Q. You had a conscious state of mind that when you were giving advice to your client you were . . . giving advice to the German government: did you not?
A. I knew that it was probable . . . yes.
Q. Now, in your advice which you sent on the armament question, you say this: "Germany does not want armament in itself. It is willing to destroy every weapon of war if other nations will do the same. If other nations, however, continue to refuse to disarm, the German government is left with no choice except to demand an equality of armament. The German people are unwilling to believe that any people will deny them this right today." That is part of the advice which you gave. That is true, is it not?
A. Yes.
Q. You also advised that a definitive statement from a responsible official emanate as follows: "Questions have been raised concerning the status of Germany's so-called 'storm troops.' These number about 2,500,000 men between the ages of 18 and 60, physically well trained and disciplined, but not armed, not prepared for war, and organized only for the purpose of preventing for all time the return of the Communist peril." . . . You made such a statement to your client?
A. Yes.
Q. And that responsible German officials, if they were in harmony with your recommendation, issue that statement?
A. Yes.
Q. Why should this private company be interested in the armament question?
A. Well, I do not think they are interested in the armament question any more than they are interested in any question in regard to Germany that is being discussed in the United States. . . .
Q. Coming right down to it, Mr. Carter, there is no question but what this contract was made by Farben for the purpose of receiving advice to be given to the German government.
A. If they approved it, yes.

This was the moment for Ilgner to flare up, to fling down the explosive publicity releases piled high on his lap. But his stubby fingers, like a worm wriggling on a hook, had been scribbling invisible declarations on the sub-committee's report. And then the red embarrassment left his face. He said:

The Carl Schurz Association had been founded in 1927 by democratic circles in southern Germany. Carl Schurz was the most significant German who fled to the United States in 1848. He became a general in the Civil War. He was a friend of Abe Lincoln, and he was famous for his laws for the protection of Negroes after the abolition of slavery in the United States. . . . Lee told us: "Try to prevent any propaganda in the United States, but see to it that the American public is better informed by fair publicity."

So Ilgner, as president of the Automobile Club of Germany, invited a group of American businessmen to take a drive through the industrial territory. They saw no evidence of war preparation.

I emphasized that we industrialists would desire international cooperation. We [Farben] were against exaggerated self-sufficiency. As at that time we had the world depression, I myself coined the phrase, "We are all in the same boat."

Ilgner's eyes watered, perhaps from the memory of his last talks with Ivy Lee. Lee had taken ill after the first Senate interrogations. He had returned to Germany and gone to the sanitarium at Baden Baden.

Although Lee had spent perhaps no more than a hundred hours with Ilgner, while taking the waters at Baden Baden he stirred tortuous ideological cross-currents in Ilgner's mind. It wasn't enough that Lee had been charged with pro-Nazi sympathies. George Sylvester Viereck, the Nazi's most notorious propagandist in the United States, had denounced Lee as "a friend of the Bolsheviks." The sub-committee had grilled Lee about that, too. As he lay dying in the autumn of 1934, Lee was to protest his innocence on both counts. Ilgner added: "He *was* particularly interested in Russia, but his interest was of a general and platonic nature."

Although Lee was long since dead and beyond cross-examination, Ilgner had no bad words for him. A strangely sacrificial loyalty in one who had put the finger on his own brother! He

and Lee had been partners in persuading thousands of American businessmen that the Hitler government kept its hands off business better than F.D.R. did in the United States. And how could Lee be a Communist if he himself supported the rise of Hitler through the charge that "Communists and Marxists," among other things, had led Germany to the abyss? No, Ilgner and Lee were just businessmen who thought parliamentary government was not so good for business. Someone had to lead, and better a Hitler, a Mussolini — or a Stalin — than a "parliamentary" man.

When Lee died, Max Ilgner was on his way to East Asia, leaving behind articles by the thousands to be shipped from his office to the United States, explaining to the American businessman that the Nazi government recognized the ultimate moral, spiritual, and profit-making value of private enterprise, and that the German exporters were merely sensible businessmen who wished to sell abroad while helping their government in its efforts to secure a little more stable place in the world economy. Under industry's productive surveillance, said some releases, the Reich was growing more moderate every day.

Did Ilgner honestly believe this? Yes, apparently. And apparently his only aim in going to Asia was to get facts about tax rates and foreign-exchange adjustments. Ilgner's leading agents weren't yet called the *Verbindungsmänner*. Many of his colleagues would like to feel that the trip was just another wanderlust, but even the most grudging scientist had to admit that in one transaction Ilgner had repaid Farben for his past wanderings. In 1933, the year before, the value of gold in United States dollars had been changed. Just before this, Ilgner had advised Farben to liquidate its gold-clause debts. This saved the firm 30,000,000 marks. He had based his advice on "statistical information" from Chemnyco and American I.G. Chemical Co.

Ilgner found Asian politicians alert to the possibilities of making money with their rich Occidental friends. Heretofore Berlin Northwest 7, by the usual business methods, had bought secret government tips that would help to expand Farben's Asiatic exports. Now Ilgner hired Asian politicians by the dozens, paying them more than their government jobs paid, instructing them on their new duties — to report anything and everything of interest.

On Ilgner's payroll when he embarked from Shanghai were half the representatives of the Chinese Assembly. For them, he coined the word *Verbindungsmänner*. So the first *Verbindungsmänner* were not businessmen at all, but informant-politicians from China and Japan.

Ilgner came back with a trunkful of information. He had been in Asia a full year. As he was writing his travelogue in his own hand, the commercial committee set up the "East Asia Committee" to continue the study of Near and Far Eastern resources.

Ilgner was delighted when Hitler asked for a copy of this "extensive study of the economic developments of the Asiatic countries." Hitler read it and expressed "pleasure," although Goebbels and others complained that Ilgner was not a Nazi. Hitler was unmoved by Goebbels' insistence that Ilgner join the Party. Something about the man or his ideas attracted Der Fuehrer. The title of Ilgner's Asia report was an appropriate forecast of future journeys — *Contact With the World.*

During the next year and a half, he scattered his *Verbindungsmänner* throughout southeastern Europe and South America. Then in mid-1937 he began a tour of the Western Hemisphere. He wrote detailed political biographies of South American legislators, state leaders, businessmen, and newspapermen. As to each chemical company, he noted whether its executive favored Nazism; at great length he discussed the political sympathies of companies that weren't even in the chemical field. Ilgner had admitted to Belle Mayer that he had sent his over-all American report to the Nazi leaders who had read *Contact With the World.*

The report had demanded of all Farben personnel that they support the Party and "German ideals." The Jews were denounced. Though not a Party member himself, Ilgner levied contributions for the Party on employees who hadn't seen the light. In fact, the report boasted, he and the top Farben organization had contributed 20,000,000 Reichsmarks to Nazi-sympathetic South American firms from 1933 to 1937.

The commercial committee acted on his report in September 1937. They decided that only those of unquestioned loyalty to the Party would be sent abroad. Ilgner gave an odd explanation of this decision:

> It was window dressing. Two worlds were confronting each other: the National Socialist ideology as opposed to the German exports interests. We camouflaged abroad to save taxes. The foreign organization, on the other hand, wanted to de-camouflage so we could show the swastika flag. We wanted to keep the Jews because they were skilled people who knew their work. The foreign organization wanted to see them eliminated. The foreign organization had instructions to

see that the German press abroad should be supported. Our customers, on the other hand, read the Jewish press and the anti-German press. I am referring to Bayer-Argentina and all the pharmaceutical people. The complaints were always the same — insufficient interest on the part of Farben employees in Party meetings; Party contributions not high enough; and they wanted more money. Our people out there had been successful. They were the rich people. The little people who went out there and joined the Party were mostly the have-nots, the little people.

Ilgner sent hundreds of gifts to his new contacts and to the "little people" of the Party abroad. He released a flood of Nazi propaganda to South America through the commercial committee.

Q. The sending of books to Party agencies abroad — can you tell us anything about that?

A. It is one of my principles to always say "Merci" if a favor is done me. Since I had to give gifts to Party agencies, I couldn't very well send them Karl Marx. That is why I had to send them some National Socialist books.

Q. Why was National Socialist literature found in the dispatches that were *not* addressed to the foreign organization?

A. There was some National Socialist literature among that, you mean? The reason why a few books were always included is the following: My associates did not concern themselves personally with these matters but asked a book service to carry through that task, and this book service belonged to the Prussian State Library, and that had to be used because this was the only State Library, the only place where second-hand books were to be found. The head of this book service, on his own initiative, added a few National Socialist books to these book lists because, as he told my associates, such dispatches were controlled by the foreign organization and that is why it was necessary to do that.

Before leaving South America, Ilgner picked key Farben executives and expanded their duties. They were to get business, to gather intelligence, to engage in fifth-column activities. They were to ingratiate themselves with the Party abroad by secret attendance at Party meetings, by contributing to the Party from their "publicity accounts," by subsidizing the pro-Nazi press. On his return, Ilgner suggested to the commercial committee that these men also be appointed as *Verbindungsmänner*. The commercial committee approved.

Now the *Verbindungsmänner* all over the world, while they helped the Party, made all their reports directly to Ilgner's office. Through agreements Ilgner reached with Party leaders in Argentina, Brazil, and Peru, Farben began making annual contributions to the *Auslands* "cultural organizations," schools, and

newspapers. He proposed that the "German economy" (which was now "Farben" to him) should train young citizens of foreign countries to "acquire a loyal attitude towards Germany and serve as a reliable stock for the representation of German interests abroad."

Of the *Verbindungsmänner's* problems, Ilgner told the commercial committee in the fall of 1938:

Some of them are of a delicate nature, affecting as they do the interests, both from the point of view of policy and war economy, of the countries concerned. As people are getting a little sensitive in this respect, even in Latin America, no documents should be found in the offices of the *Verbindungsmänner* or their assistants which could possibly hang them or ourselves. This was another point which called for our consideration on the occasion of the May rising in Brazil.

The commercial committee discussed this report at a meeting attended by Von Schnitzler, Haefliger, Ilgner, Oster, Schmitz, Gattineau, Kugler, and Kuehne. Their decision:

In view of the political situation in Latin America, reference is again made to the necessity for extreme caution in correspondence with our agencies.

Nor were the intelligence reports trusted to Party couriers. A mixture of political, military, and business information, they came direct to Ilgner's office. One particularly revealing report from a *Verbindungsmann* read:

The situation in Uruguay is said to be difficult. On account of the economic situation, the dependence on England and the States is said to be so great that an uninfluenced policy is not possible. In the well-known question of bases (air and naval), one can even suppose that a direct influence on the Uruguayan ministers concerned existed. However, the Argentine government, by a timely intervention, succeeded in disturbing the already very far advanced negotiations to such a degree that, on account of the inclusion now planned of the adjacent states Argentina, Brazil, Paraguay, and Chile, the settlement of the question of bases has been drawn out considerably. However, Argentina would of course not be in a position to proceed by armed force against a *"coup de main"* of the United States of America at the La Plata estuary or against any possible cession of the Malvinas by England to the United States of America.

(After the Latin American republics entered the war, they were to liquidate a number of Farben subsidiaries, according to Farben's own records, "on account of espionage activities.")

It was after the cops-and-robbers success of his *Verbindungs-*

männer that Ilgner's planning became irrepressible. In the months following the Anschluss he proposed to the commercial committee a delightfully two-faced scheme to back Sudeten German newspapers on the one hand, and on the other to arrange "an international conference of industrialists" to calm the fears of British, French, Belgian, Czech, and Polish businessmen. He proposed the conference for the "Kiel Week," which was by tradition a comradely occasion for drinking beer and listening to great music and speaking of Destiny. The week must have, he said, "an informal character to promote a better understanding of Germany's economic measures."

At a meeting in Ilgner's office, the last refinements were prepared to give future Farben "claims" a form that would appeal to the Nazis. The *Verbindungsmänner* would support propaganda for the return of the Sudetenland to Germany; they would campaign for "reconstruction according to German pattern"; they would bribe Sudeten industrialists to go along. In Sudetenland agencies already owned by Farben, Jewish and Czech shares of stock would be transferred to loyal Aryans. The cynical flavor of these proceedings was best described by an assistant whom Von Schnitzler, chairman of the commercial committee, had lent to Ilgner (the man was never returned):

> Austria was occupied and became part of Germany, I believe, just two or three months ago. I don't like to talk about the way Austria had been occupied, but it was — and I believe all the Allied powers agreed to this political change. When the developments in Czechoslovakia started, we could see that Hitler planned to get the German part of Czechoslovakia back. As later on the facts show, he got it back not in a nice way. I mean he started with an absolutely Nazi method, but it was done in a way which followed, whether rightly or wrongly, with the approval of England, France and God knows all the other nations.
>
> We in the I.G. had also some imagination and read in the papers about the atrocities against Sudeten Germans. I asked Mr. Seebohm [*Verbindungsmann*], "What is the truth about it?" He said, "There is nothing about it," and he laughed. But knowing that Hitler had — I am sorry to say — success in his foreign political actions without being stopped by anybody — when he occupied the Rhineland, he was not stopped by France; when he occupied Austria, he was not stopped by anybody — that he might succeed without causing a war in regaining the German part of Czechoslovakia.
>
> The point of us in the I.G. was to be, in case such things happened, a little more careful [than in the case of Austria]. It resulted that we asked our representatives in Czechoslovakia to give some of our advertising to Sudeten-German newspapers, and not to continue to employ the Jewish lawyer, Dr. Fanter, which was — I have to say it — also window dressing, because, in fact, Dr. Fanter continued to function as our very good lawyer, but for window dressing we employed some Sudeten German lawyers. In the same way, that we had to see that we hadn't too many National Czechs in our compilation has to be understood.

While Ilgner led the propaganda-and-intelligence attack, Dr. von Schnitzler, leading the war of nerves against the entire Czech chemical industry, was trying to persuade the Nazi government to assign parts of the Sudetenland to Farben before the troops marched. After the Reich informed the Baron that they saw no need for commissars of industry, the *Vorstand* appointed Ilgner and Ter Meer to join the Baron's lobby. There were many cocktail parties in the Baron's salon. Fourteen days before the Munich Pact, these three men were charged to make "quick decisions under certain circumstances."

Seven days later, the Sudeten German Relief Fund and the Sudeten German Free Corps, engaged in inciting border riots, received from Schmitz's office a contribution of 100,000 Reichsmarks. On the same day, a director of the technical committee wrote to Ter Meer and Von Schnitzler. He was invigorated by the "pleasant news that you have succeeded in making the competent authorities appreciate our interest in Prager Verein, and that you have already suggested commissars to the authorities, viz. Dr. Wurster and Dr. Kugler."

A week later the Munich Pact was signed. Schmitz insured the occupation by this telegram to Hitler:

> I AM IMPRESSED BY THE RETURN OF SUDETEN GERMANY TO THE REICH, WHICH YOU, MY FUEHRER, HAVE ACHIEVED. FARBEN PUTS AT YOUR DISPOSAL AN AMOUNT OF HALF A MILLION REICHSMARKS FOR USE IN THE SUDETEN GERMAN TERRITORY.

In explaining the last days of the Republic of Czechoslovakia and of Prager Verein, Dr. Ilgner took a sympathetically objective attitude:

> In my opinion, this was the situation before and after Munich: . . . Considering the very serious tension which then existed between Czechs and Germans, they [the managements] came to the conclusion that the factories in the German areas of Czechoslovakia could not possibly be controlled by a Czech management in Prague. On the basis of this conclusion, the majority stockholders probably came to the same conclusion.

Q. The prosecution claims that in the final negotiations there were scenes. Is that correct?

A. I was not present myself, but I consider that out of the question. On that evening I left a little early — it had become very late, and my illness began at that time. Since Mr. von Schnitzler conducted the negotiations, scenes would be unthinkable. To be sure, I must say that all participants were tired. The Czech gentlemen wanted to leave on the next day and they pressed for completion, and therefore the session lasted so long. There can be no question of pressure. It was a friendship agreement. If this is plunder and spoliation, then all normal international business deals are plunder and spoliation.

Next morning, Ilgner was sufficiently recovered from his illness to drink champagne with the unemployed managers of Prager Verein and to wish them Godspeed. Doubtless, one thing contributing to his fever was that the last theoretical obscurity of his philosophy had been clarified by sheer action. Weeks before, he had prepared "The New Order for the Chemical Industries of Czechoslovakia," fully organizing the hit-and-miss tactics learned from the Anschluss.

The conquest of the Austrian industries was the first shot in an undeclared war. Then only Ilgner had been foresighted enough to hire the Czechoslovakian victory in advance. In Czechoslovakia the Farben war began full-scale in a separate military campaign that was waged at times with the Wehrmacht and at times without. It was a war that began in the brain of an economist who passed through political influence into direct political-military action, and who finally emerged as the first uncommissioned general of World War II.

Ilgner's was the plan to pressure the Reich's foreign policy into alliance with Farben. His was the plan to make of the Wehrmacht an affiliate of I.G. Farben, to support border clashes, to change the subtle kiss-of-death tactics in Austria to the direct threat across national borders. If the victim did not yield his chemical state, the invading Wehrmacht would take it — a threat that was empty until, by Ilgner's plan, the directors forced the generals themselves to go along.

Then Ilgner set up a Farben "Foreign Policy School." He personally examined all candidates. One textbook might have been "The New Order for the Chemical Industries of Poland"; for that was the latest edition of a survey he had written two years before, "The *Most Important* Chemical Plants in Poland."

It was March of 1939 when foreign policy carried guns openly on its shoulders. Southward from the Sudetenland, northward from Austria, the Wehrmacht crossed the borders of Bohemia and Moravia and rolled to Prague. Now was the time for Ilgner to hold his international conference of businessmen. In July the "Kiel Week" was held, with Farben as host. Reports in evidence showed that the main topic of anxious discussion was Germany's invasion of the remainder of Czechoslovakia. Ilgner told the government:

This event caused reactions abroad, the extent of which had so far not been realized by most of the German participants. The English and French naturally expressed themselves very pointedly on the subject. Nobody wants a war, and hopes for peace are still being cherished, but they felt certain that in case of any further arbitrary proceedings in Germany's foreign policy, war would be unavoidable.

Morris Amchan of the prosecution cross-examined Ilgner on subsequent events:

Q. You testified that the reports of the *Verbindungsmänner* contained no military information or intelligence. I call your attention to the following portions of the *Verbindungsmänner* reports which we introduced as Prosecution Exhibit 906. I quote: "The Inter-American Defense Commission set up in Washington has been informed by the North American authorities that the United States are willing to arm vessels of all American countries with guns." [This information came to Ilgner before the announcement was made in the newspapers.] Now, do you recall —

A. I said further that —

Q. All right, I'll direct your attention to another excerpt. "Argentine representatives also participated in the Inter-American Defense Conference in Washington. As regards the first secret meeting of this conference, it is known that one of the matters was the protection of navigation in the Inter-American traffic by the convoy system, and other protective measures. In this connection, the Argentine government on another occasion expressly declared that it was not in favor of Argentine ships taking part in these convoys." Now, Dr. Ilgner, do you recall having read these comments in the *Verbindungsmänner* reports?

A. Your first assertion, that I said the reports never contained any intelligence information, is incorrect. I did not say that. I *did* say that they never received any *instructions* to report on military things. That is to say, they received no instructions to devote a "chapter" on military affairs, as contended by the prosecution. I said further —

THE PRESIDENT: Now, Doctor, you are going too fast. Let us take advantage of the yellow light. I understand there is a shortage of yellow lights in Nurnberg. You are asked a civil question of whether you have any memory now of having read these quotations. Do you or do you not remember?

A. No, Mr. President, I do not remember.

Nor did he remember that information transmitted to the intelligence agents of the German high command by the intelligence agents of his Berlin Northwest 7 covered among other things reports concerning ship movements; data concerning the production capacity of vital war plants in foreign countries; data concerning the organization and stage of technical development of the armed forces of various countries; and location maps of vital plants in foreign countries for bombing targets.

PART SEVEN

THE MASTERS CONQUER

27. An "Invasion in Peacetime"

I WAS A VERY WORRIED MAN after the invasion of Prague in March 1939. . . . In view of the intensive military preparations, shortly even after the Anschluss in 1938, I.G. took measures to protect its foreign assets in France and the British Empire.

These words of Von Schnitzler must be burning in the canny mind of the short, erect Prussian lawyer who looked resentfully at the front row of the dock. Since Von Schnitzler would not speak, it was up to this man to explain Farben's "protection of foreign assets." A lawyer could more cleverly sidestep the prosecution's contention that business negotiations could be as military as armies. The prosecution asked:

Q. Did not Farben participate in the rearmament right through September 1, 1939, and even after Hitler clearly took the initiative in attacking Poland?
A. That is somewhat outside my sphere.
Q. How about the arrangements you made at the Hague, right after Poland was invaded? Were they outside your sphere?
A. I do not understand.
Q. In the middle of September 1939, the negotiations you had with Standard Oil.
A. No, they were not outside my sphere.

When he smiled, his dueling scar suggested a broad humor. In stating his name for the record, he overlooked his doctorate, referring to himself as *Mister* August von Knieriem. And now, bringing up a pointless remark, he addressed himself again as "Mister," knowing that we all knew he did not wish to emphasize his academic superiority to the judges. Even as he spoke of his visit to the buna plant at Auschwitz, he tried a humorous touch none of the others would dare try: "If, after all, one is imprisoned, it is better to work than not to work. That is an observation which I have found true in my own case."

There was laughter in the dock. Von Knieriem's thin hands shook. In the garden of his Bavarian-style country mansion down

the road from Schmitz's house, he had protected his client by burying important evidence of Schmitz's financial juggling. Fear had not led him to betray Schmitz. And then for thanks Schmitz had credited him with the brains that had camouflaged all the Farben interests and cloaked Farben's build-up for war.

For some time Von Knieriem had been custodian of Farben's most cherished sources of information — patents. Even the prosecution held that rearmament alone didn't prove that the rearmers meant to bring on a war. How much more fantastic that pieces of paper — contracts and patents — could show such a state of mind!

Indeed, he had kept a peaceable head when many of his colleagues feared "The East." He hadn't believed that the Russian system was the main threat to Germany's economic institutions:

> Whether this danger from the East actually existed is not important now — the people believed in it. But I believed it was secondary.
>
> I was thinking of the danger from the West. Here is the point where I made my mistake. But I experienced the invasion of Ludwigshafen in 1923, and that illustrated how helpless a country can be without a military force. I experienced these things personally. I was in Ludwigshafen at that time, which is on the left bank of the Rhine.
>
> One afternoon at an unusual time, Bosch called a *Vorstand* meeting. He told us that he had, through private channels, received some very unusual news. The French would probably, in the following night, occupy the left bank of the Rhine, including Ludwigshafen and the Badische Anilin und Sodafabrik. Bosch said he wanted the *Vorstand* members to leave because he had also heard that the French were especially interested in arresting some *Vorstand* members of the Badische.
>
> I did not leave on that afternoon. My boss, *Geheimrat* Michel, was away, and was expected back that night. I wanted to warn him and I remained there overnight. But about three in the morning Michel came to my bed. He had just returned. He said the French were approaching and were half an hour away from Ludwigshafen. Then both of us went over the Rhine bridge to the right bank. We went to Heidelberg where the other *Vorstand* members were. We split up in Heidelberg; many of us lived under false names in the hotel. If we wanted to go to Berlin from Heidelberg after that time, we could not go by direct route. That went for a small stretch through occupied territory and the French had once stopped a train and taken people out. You can imagine that these things made a very deep impression on me.

Dr. von Knieriem would never have advised a client to tell such a tale to a jury of balanced intelligence. Yet the affair had impressed him so deeply that he had told of it himself, repeating

again, "There is where I made my mistake." Without a shadow of doubt the rumor had frightened him; at his bedside he and his superior had whispered their fears. Then the two of them with Bosch had fled to Heidelberg — all because of an invasion that never happened!

The nightmare that should have been forgotten in the light of day! Yet to Von Knieriem it was still like a child's first wonderment about the Beginning. If what *seemed* to have happened didn't really happen, some mystery even more terrible than the Imagination must have brought on the fear! *His* terror had been quite as real as if the French had actually yanked him and Bosch from the train and beaten them and thrown them into jail.

Von Knieriem insisted that the French move was an "invasion in peacetime." He did not mention the Versailles Treaty, under which the French had in fact occupied the left bank of the Rhine at Ludwigshafen for a short time. Although the French still bore strong resentments, they treated the Ludwigshafen inhabitants well. Their only purpose was to inspect Badische so as to guarantee that the Treaty prohibitions against making nitrates, gunpowder, and poison gas were being lived up to.

The scare over, shouldn't normal men have felt like foolish rabbits running before the season began? Not Carl Bosch. He was very sensitive to public opinion; he'd been criticized in France because the clouds of chlorine and mustard released without warning at Ypres had originated at Badische. In 1915, the Kaiser's rifles were about to become stovepipes when Bosch and Haber achieved their synthetic nitrate.

Yet Bosch was not arrested. No one was arrested. Within a short time, he and Von Knieriem were back at Ludwigshafen in full control of making their dyestuffs. Though business was not what it could be, Badische was making a good profit while many French firms were still bankrupt. The French carried their envy too far, in Von Knieriem's opinion. The French patent laws forced Badische, if they wanted to do business in France, to register their dyestuff patents openly. A couple of French firms had learned enough from the Badische registrations to produce their own inferior dyestuffs. And ten years later, as the Depression rounded the dismal corner of its third year:

> The attack in the Ruhr in 1923 was in everybody's memory. The point of view prevailed that one had to be prepared in order to defend oneself against forthcoming attacks. . . . So there was nothing unusual

or frightening about the mobilization plans which were set up at about the time Professor Krauch joined Goering's staff. Americans are less familiar with the idea of war and preparation for war. But no one in Europe would find anything unusual in the mobilization either.

Von Knieriem's counsel interrupted:

Q. Now, as to the rearmament. I want to ask you whether the idea of an imminent war of aggression must necessarily have occurred to you?
A. I certainly did not think of a war of aggression.
Q. Did you have anything to do with this "marriage," as I might call it, between Standard Oil and Farben?
A. Yes, I had a very important part in the negotiations. I was in America for weeks at a time.
Q. Along with the other defendants, you have been charged with attempting to adjust "world economy," too . . . with weakening the United States by violating agreements to turn over workable patents to Standard Oil.
A. I ask your forgiveness for explaining these things, but I think perhaps they are not generally known. If I am asked whether any single foreign patent could make a necessary development impossible in America, then I have to say theoretically yes. But that is peculiar to the American patent law system. . . . So far as I know, counsel, in all other countries, even in peacetime, a man who holds a patent may be forced to grant licenses where the country's economy makes it desirable — that is, against his will. It is strange that such regulations don't exist in America.

In 1938, when Mr. Howard and Mr. Teagle of Standard Oil wanted to learn from Ter Meer why they hadn't yet received the long-deferred buna process, Von Knieriem added his voice. Calming the gentlemen down, he and Ter Meer had, in exchange for one more empty postponement, talked them out of Standard's secret military formula for making tetraethyl lead, the indispensable component of aviation gasoline.

This tetraethyl formula should have been "defense" enough against a Western world armed with country clubs and Armistice Day parades, where old soldiers marched with unloaded 1919 Springfields. Apparently it wasn't. Von Knieriem had been dealing with another firm, the American Ethyl Company, to try to buy some unfinished tetraethyl. The American Ethyl Company talked to him pleasantly, but refused to make an outright sale of such a large quantity. Von Knieriem dropped behind the scenes.

Q. From 1932 on, you had been a member of the board of the firm Ammoniawerke Merseburg?
A. I was business manager.

Q. And that was a 100 per cent subsidiary of I.G. Farben?
A. Yes.
Q. And this subsidiary owned 50 per cent of the stock of the German Ethyl Export Corporation; is that right?
A. Maybe.
Q. Do you recall that in July of 1938, German Ethyl Export Corporation arranged to "borrow" five hundred tons of tetraethyl lead from the American Ethyl Company?
A. Would you repeat the question, please? [The question was repeated.] I read that in the prosecution exhibit, yes.
Q. Do you recall the transaction?
A. No.

Needless to say, this 500-ton loan was returned, with interest, to Coventry and London. The quantity of this single order was so large that common sense suggested that Leuna synthetic fuels were being mixed with it to suckle the multiplying Luftwaffe. Von Knieriem had more than his share of common sense. The year before, he had gone to London to try to get from Standard Oil $20,000,000 worth of fuels, *mostly aviation gasoline*. Standard Oil had been most amiable then, too.

The prosecution asked questions:

Q. Now, is it not a fact that Dr. Schmitz accompanied you to London?
A. Yes.
Q. And Dr. Krauch?
A. Yes, certainly. That is stated in a prosecution exhibit.
Q. Now in what year did you actually negotiate this twenty million dollars worth of aviation gasoline?
A. According to my recollection, 1937. I believe that to be correct.
Q. Did you not know that you were acquiring the aviation gasoline for Goering's Luftwaffe, and not for I.G. Farben?
A. I knew that this entire acquisition was carried out at the request of the Ministry of Economics.

This transaction had a history. One night during the week before Krauch moved to Berlin, Von Knieriem had dropped in at the Reich Ministry of Economics to see General Thomas. There was an argument about something. Thomas' part of the conversation was now lost — but Von Knieriem had met it with a calm suggestion. The Wehrmacht could not buy directly from foreign producers; why couldn't they buy through a "neutral agency" like Farben?

Standard Oil had made an outright sale for $20,000,000. Perhaps their representatives did not question such a large purchase of aviation fuel because, within a few months, Mr. Howard and

Mr. Teagle would be coming to Berlin to try again to get from Ter Meer the long-deferred buna-rubber process.

Yes, a lawyer could dream up a scheme like that. The prosecution faced Von Knieriem with papers that crackled significantly.

Prepared under Von Knieriem, the Farben production contracts contained mutual pledges of secrecy between Farben and the Reich. Farben would not reveal what was being produced, and the Wehrmacht agreed not to disclose any secrets they might run across in the Farben plants.

Von Knieriem had handled the legal aspects of the thirty-six "Shadow" factories, subsidized by the Wehrmacht but owned and operated by Farben.

This legal technique — creating a world in which the Wehrmacht and Farben crept to the shadow's edge, greeted each other with fingers-on-lips, about-faced, and marched in opposite directions — had a precedent. In 1934 Von Knieriem had suggested to the Wehrmacht that they stockpile nickel. This led him to the idea of forming a corporation to build storage facilities for gasoline, pyrites, and "other strategic materials." Farben became a founder of this corporation, called "WIFO."

Von Knieriem loved mystery. The "Shadow" factories were secretly manufacturing for war; the WIFO storage plants were "standing by" for war. But the most subtle camouflage was even more ominous. Confronted by a contract having something to do with the city of Ammendorf, Von Knieriem frowned.

Q. Dr. von Knieriem, I call your attention to the statement in this contract that, at the Ammendorf plant, something called *Thiodiglycol* was produced. It appears to be an element somewhat like glycol and diglycol. Tell me, what was this Thiodiglycol used for?

A. It says here, for the production of *dichlordiethylsulphide*. [Von Knieriem divided the word, then strung it together with faltering accuracy.]

Q. In your own words, please.

A. I don't know what the word means.

Q. You don't? But you knew what the Ammendorf contract was for? Dr. von Knieriem, your central department for contracts was located in Ludwigshafen, right next to your office?

A. Yes, yes. Quite so.

Q. And all contracts which came to this department were sent to your desk . . . is that right?

A. Many of them.

Q. All right, this Ammendorf contract. You, as chief attorney, were informed of all the main contracts to be executed by Farben, were you not?

A. I cannot admit that a license contract with a capital of 100,000 Reichsmarks was one of our most important contracts.

A careful study by the Tribunal would show them that Ammendorf was an underground factory. Farben had licensed it to make Thiodiglycol, which was shipped to Dr. Ambros' underground factory at Gendorf, where it was turned into that something-with-a-long-name which Von Knieriem could not translate.

Farben had not granted the license direct; it had gone through a middleman company called Orgacid. But Farben owned not only the Ammendorf plant, but the middleman Orgacid, too!

Here was a shadow under a larger shadow. That the license cost only 100,000 Reichsmarks was understandable, for Farben was merely paying itself a substantial sum for being itself!

Q. Very well, let's get this Ammendorf business clear. I hand you the contract between Farben and Orgacid. I call your attention to the clause that says the Ammendorf output of Thiodiglycol will be used *exclusively* for the production of mustard gas. Does that refresh your recollection?

A. There is nothing here about mustard gas. I insist that it is called *dichlordiethylsulphide.*

Q. How is it that you picked out that word when I first showed you the contract?

A. I insist. . . . If I saw the word when the contract was made, I still probably didn't know what it was.

Q. How is it you picked out that word? Do you know it's mustard gas?

A. Yes. You are telling me it is mustard gas.

Q. Did you know that this Ammendorf plant was built to produce, besides Thiodiglycol, diglycol — for explosives?

A. I do not believe I knew of such connections at that time.

He smiled; but his hands still trembled in contrast to the practiced firmness of his voice, as if he were trying to tell facts while a rumor had just come to his bedside again — this time perhaps the whispered intelligence that the prosecution might confront him with Carl Bosch's ghost. Bosch would have approved everything except Farben's stupid participation in Orgacid. Why set up a perfect concealment and then wave your hands from the thicket? *Get a new name and keep repeating it,* Bosch had said in effect. *Never,* Bosch had told him, *must Farben be publicly identified with poison gas. If poison gas is ever produced again, the plants must belong to the state. Never must the Farben name suffer as Badische suffered.*

28. "The European States Should Get Together"

AFTER THE AUSTRIAN ANSCHLUSS, August von Knieriem's legal committee took an imaginary journey around the globe that decorated one corner of the committee office. Again Farben's name was in danger of suffering the notoriety Carl Bosch had tried so hard to avoid. A few newspaper items had suggested that Farben might be involved somehow in the growing unrest in Europe. At that time, few experts knew the extent of Farben's holdings in the U.S. chemical industry. The firm of Krupp von Bohlen stood for singular warmaking power; many officials of the Western Hemisphere thought that Krupp von Bohlen was *the* rearmer of Hitler. It might be fortunate, thought the attorneys, that Ivy Lee had failed to make Farben a household word.

Yet Max Ilgner and the commercial committee were serving up their propaganda-stew on two continents and inciting support for the "Free Corps" of the Sudetenland. If war came and Farben's growth in the gunpowder and explosives market became known, Squibb and Norwich might enjoy a sudden increase in the sale of aspirin and other drugs. But worse than a decline in Farben sales would be outright seizure of Farben's assets throughout the North Atlantic community of nations.

The legal committee met often. According to one of Von Knieriem's assistants, "The dark clouds of the Sudeten crisis were already appearing over the horizon. There was a general feeling of the darkening of the political situation."

Von Knieriem admitted that steps were then taken to protect Farben's foreign assets against the coming of war. He claimed, though, that these steps were routine. The prosecution agreed that buyers must protect themselves against unprovoked plunderings on the high seas, and that life-insurance companies had to protect in advance against a spate of claims due to catastrophes in battle. But such protections were written in open contracts, known to governments and contracting parties alike, whereas the Farben lawyers had camouflaged every substantial Farben asset in the Western world.

Then the attack on Poland — and England and France declared war overnight. This confirmed Von Knieriem's foresight in camouflaging Farben interests in those countries. With the European Continent now embroiled, the United States Treasury blocked the payment of dollars to Germany. Farben was about to lose its half of the profits from the Jasco sales of non-strategic products. And Standard Oil would go on getting its share of these profits only if the United States were kept in the dark about the clandestine "engagement" between the two firms. As the United States drew nearer to war, there was danger that the Farben patents would be seized, and Jasco would be sunk.

Cables went back and forth during the second and third weeks of September 1939. Standard Oil asked that the negotiations be continued by cable. Dr. ter Meer insisted on a conference at a neutral city. During the last days of September, Howard came to Holland to meet Von Knieriem and Ter Meer. Back home, Ter Meer's assistant, Dr. Struss, was writing to the Nazi government concerning Farben's latest acquisition from Jasco — Standard's new method for making iso-octane and the process by which it could be utilized for motor fuels: "This process originated, in fact, entirely with the Americans and has become known to us in its separate stages through our agreements with Standard Oil, New Jersey, and is being used extensively by us."

On the surface, all was calm. Von Knieriem himself had chosen the Hague for its pacifist reputation. In that old city where the first recognized code of international law was promulgated, where prisoners of war were supposedly guaranteed enough to eat and the "right" not to be tortured, the three men discussed how they could prevent the United States from seizing the patents which were showing a profit throughout the world.

Within twenty-four hours, all the Jasco patents were transferred to Standard Oil. Farben agreed also to put in Standard's custody the "experience" for making goods with no wartime use. Perhaps Howard's previous blocking of crucial industrial developments in the United States was unwitting; now he deliberately accepted, in friendly trust, the power to prevent the United States from seizing the Farben patents. Standard Oil even agreed to hold Farben's profits until after the war. This agreement was in a secret memorandum signed by Howard and left with Farben, according to which Farben could revoke the whole deal at any time. Howard asked for the buna-rubber know-how, but again Von Knieriem and Ter Meer politely refused. Howard accepted the terms graciously.

Von Knieriem's note on the Hague conference with Howard stated:

Howard himself anticipated a refusal. . . . Howard inquired whether, in the present circumstances, we would be able to transmit to the United States experiences for the production of buna. He himself considered this unlikely since, in the event of war, the United States would be dependent upon the importation of crude rubber. . . . In any event, he has not conditioned the readjustment of Jasco upon our furnishing experience for buna.

Thus Howard, assuming that war might come with Germany, no longer pressed for buna, because he understood that Germany would like to force the United States to depend for all its rubber on imports. Thus, by "assigning" only bare patent specifications, Farben immunized itself from punishment or loss, made sure it got a wartime profit from Jasco, and gave up not a single industrial aspect of its power.

Q. Dr. von Knieriem, you have offered this book written in 1947 by Mr. Howard of Standard Oil. Do you know that also in the trial in the United States, which involved the concealment of Farben patents, parts of this book were dealt with?

A. Yes. He describes the negotiations at the Hague. . . . In that trial, the American Government *versus* Standard Oil, the Hague memorandum was also introduced through me as a witness.

Q. And Mr. Howard himself was a witness?

A. Yes.

Q. Did you know that the Circuit Court of Appeals for the Second Circuit, in its decision of 22 September 1947, stated: "On the witness stand, Howard, testifying on the Hague conferences, was in the opinion of this court *not* a credible witness." Did you know that?

A. No, I didn't.

During the war, an article written by R. T. Haslam of the Standard Oil Company (New Jersey) appeared in the American magazine *Petroleum Times*. Haslam attempted to justify the dealings between Standard Oil and Farben with the argument that Standard Oil had gotten the best of the deal.

The defense put this article into evidence. The prosecution countered with an answer Von Knieriem had written, after consulting the Farben scientists. The significant conclusion, abundantly supported by all the parties, was that throughout the late 1930's and the early part of the war, Farben and the Nazi government undertook to use the agreement with Standard Oil as an instrument of aggressive war. Von Knieriem's answer had said:

The conditions in the buna field are such that we never gave technical information to the Americans, nor did technical co-operation in the buna field take place. Even the agreement reached in September 1939 and mentioned by Mr. Haslam did not give the Americans any technical information, but only that which was contractually their due, i.e., a share in the patent possession. Moreover, at that time a different division of the patent possession was decided upon, which seemed to be in the interest of both partners. The Americans did not at that time receive anything important to war economy.

A further fact must be taken into account, which for obvious reasons did not appear in Haslam's article. As a consequence of our contracts with the Americans, we received from them above and beyond the agreement many very valuable contributions for the synthesis and improvement of motor fuels and lubrication oils, which just now during the war are most useful to us. It need not be especially mentioned that without lead-tetraethyl the present method of warfare would be unthinkable. The fact that since the beginning of the war we could produce lead-tetraethyl is entirely due to the circumstances that, shortly before, the Americans had presented us with the production plans, complete with experimental knowledge. Thus the difficult work of development (one need only recall the poisonous property of lead-tetraethyl, which caused many deaths in the U.S.A.) was spared us, since we could take up the manufacture of this product together with all the experience that the Americans had gathered over long years. . . . And we also received other advantages from them.

Dr. von Knieriem might be forgiven if, on returning from the Hague conferences, he had felt like a character out of E. Phillips Oppenheim. He had saved Farben millions. In a perfectly legal way, he had buried the Jasco war potential beyond the powers of the United States government. The Hague victory was a military triumph of such magnitude that it could have developed aggressive motives in the most peaceful-minded businessman. And the key to the whole scheme had been the control and manipulation of patents.

Aside from this magnificent double-dealing, there was the exciting prospect of military victory in France. The assault on France was six weeks off, but already the *Vermittlungstelle Wehrmacht* had sent secret orders to all Farben officials in Paris, Marseilles, and Versailles, telling them to get back to the homeland as soon as possible. Versailles — the city where German patent rights had first been questioned; where the 1923 "invasion of Ludwigshafen" had been plotted on paper. Did Dr. von Knieriem rejoice that the Army which, between wars, had hauled one German citizen off a train to ask a few blunt questions would soon be repaid? That France would be next should have sent him into a gloating frenzy.

Nothing of the sort happened. He meditated alone in his office at Ludwigshafen, jotting down some impressions. The Wehrmacht legions had skirted the Maginot Line and were driving toward Paris. Yet — though he was calmly confident Germany would win the war — no boasting crept into his writing.

What would Europe be like after the war? Von Knieriem wanted to reform transportation, to revise tariffs, and to make sure that people wouldn't be taxed twice. He put these ideas into a series of essays:

> In my essays it was stated that the people of Europe would approach each other economically more closely after the war. In the patent field, I said, internal conditions in Europe bordered on the ridiculous. There were no fewer than thirty different patent systems in Europe, I said. The Vatican had its own patent laws. The City of Gibraltar, the Island of Malta, and even the tiny Channel Islands between England and France had their own patent laws.

Every word true! Anyone who wanted to protect a patent in Europe had to register it thirty times. Fifteen of those registrations had to be supported by exclusive investigations — one country would not accept another country's facts.

> After the war, I said, the European states should get together and equalize their patent laws. And I stressed even then that I did not suggest this because Germany would have an accretion of power after the war. I added that perhaps the idea was a little radical, but that every state should express what it wanted changed.

Dr. von Knieriem's essays on the waste in European commerce were as brilliant as his thoughts on the need for social co-operation in the distribution of goods. Even after the United States got into the war, many who were cursing the Nazi aggressions appreciated Von Knieriem. Within a few weeks, after all the testimony against him was in, he would be visited by American patent experts who would tell him that the essays were still being reprinted in the United States.

An amazing paradox! The lawyer who was responsible for hiding millions of dollars in assets, for obscuring the true owner of the Jasco patents in the United States, was dreaming up a uniform patent system under which the fruits of Europe's scientific labors would be open to all.

As he finished the essays on the eve of French capitulation, there was no need for diabolical caution. Yet with another Farben victory in the offing, he was as jittery as a tomcat on the backyard fence.

There was only one plausible explanation. He had taken part, albeit with distaste, in the robberies in Poland. From the spoils of Austria, Czechoslovakia, and Poland, Farben had already formed its own Central Patent Agency. In fact, Farben was on its way to running the whole European patent system anyway. In these calm essays, Von Knieriem could rewrite the Farben depredations in those other countries, while looking to a future where the contracts read like a clear conscience.

29. "For in the Woods There Are the Robbers"

THE SUBTLETY WITH WHICH DR. VON KNIERIEM absolved himself of the Polish aggression by planning a more pleasant time for the French was all the more difficult because he was probably sincere. Farben itself had inspired the previous "New Orders"; this time, in early 1940, Hitler took the initiative. Von Knieriem stayed in the background, while the others boldly used and abused his ideas. When they were through with their plan, it was a breathtaking expansion of what Hitler had asked for.

Hitler asked for "guidance of the French industry." Farben offered him "guidance" at a price.

The Reich Ministry of Economics wanted the French industry tactfully administered. They would keep the French owners as managers. There would be "far-reaching guarantees to achieve the best possible strengthening of the German militaristic potential." The Ministry believed the German military needed only dyestuffs ("we do not want the heavy chemicals"). But Farben furnished a plan covering all the chemical industry: dyestuffs, pharmaceuticals, photographics, aromatic substances, artificial fibers, nitrogen and oxygen products, light metals and heavy chemicals.

In this latest scheme, Farben's greed was no longer satisfied by the spoils of one country at a time. The document was called "The New Order for France," but "Europe" appeared in it more often than "France" and its ramifications reached out boldly into every area in the world. A file-memo of one of the Farben

directors recalled that he had "instructed" one member of the German Military Government in France that the Farben *Vorstand* "considered France not only a model for the plans on countries which will follow shortly, but a classic example of large-scale area planning." The "New Europe" was to be "pitted against North America."

In Farben's battle for France, patents were the ammunition. Through the Central Patent Agency, Farben could hold great power controlled and dispersed through the free flow of information. Set up by voluntary co-operation, such an agency might have resulted in a beneficial cartel. But whether or not Von Knieriem had hoped to fulfill his dream without the Wehrmacht, the spoils of the French defeat were too tantalizing for the *Vorstand* to disregard.

"The New Order for France" demanded a secret Farben hold on all patents. They were bidding, without any stretch of imagination, to control the economy of the whole continent. They could grab a process, register it secretly, release its benefits as they pleased. Upon the patent would depend the granting of licenses. On licenses would depend the flow of goods between countries.

"The New Order for France" educated the Ministry of Economics on new means of war production. Going far beyond the mere "strengthening of the German militaristic potential," it called for "a fundamental change in the forms and media of French commercial policy in favor of German exports." It asserted that "the economic, political, and military superiority" of Germany over France was to be established once and for all.

The final argument was a catastrophic irony. The document referred to the new Central Patent Agency as "German," an obvious disguise for "Farben." And not merely France, but all countries, should be forced to register their patents with the Agency because they would enable Germany "to determine whether secret rearmament was going on."

These appeals, coming from the firm that had sped the march across southeastern Europe, should have made Hitler happy. His attitude suggested, however, that he feared Farben more than he wanted the uneasy added power that Farben would bring him. Step by step, the Farben directors set out to gain "The New Order for France" by tried and proven methods.

Marshal Petain had assured Hitler that he could keep the French dyestuffs industries working smoothly. Hitler, advised by the

Ministry of Economics, which didn't see the need of taking over French dyestuffs, also rejected this phase of Farben's "New Order for France." "No pressure of any kind," said Hitler, "will be exerted on the dyestuffs companies." Farben went to other branches of the government with a plan that would make the French owners pliable—to halt dyestuffs production by decree, to withhold raw materials from the French factories, "to hamper imports and exports between occupied and unoccupied France." The government also turned down this plan.

Yes, it was a good time for a lawyer to stay in the background. Farben initiative in the matter became brazenly obvious from the statements of Von Schnitzler.

> I can only tell you that the final plan came out of a luncheon . . . that lasted very long. . . . It was mostly Schmitz, Ter Meer, and I. We worked the idea out to come to a private arrangement with the French dyestuff industry.
>
> Q. Did the government take any part in any discussion with I.G.?
>
> A. No. The Nazi government had nothing to do with the whole affair.

When Von Schnitzler deemed the French companies ripe for discussion, he invited the dyestuffs leaders to a meeting at Wiesbaden. Von Schnitzler chose Wiesbaden because it was "in Germany and near the site of the Armistice."

When the principals gathered on November 21, 1940, Von Schnitzler appeared unexpectedly with Ambassador Hemmen, who was in charge of settling the economic terms of the Armistice. Ambassador Hemmen announced that he had been designated to preside. Though the French never found out, he had designated himself at Von Schnitzler's request. He seemed in a hurry to get the matter over with.

Four other Farben directors arrived, led by Ter Meer. Against the five Farben men and the Ambassador, the entire French dyestuffs industry was represented by only three men, led by Monsieur Duchemin of Etablissements Kuhlmann, largest of the French companies. M. Duchemin was shocked by the presence of the Ambassador. Behind the scenes, Von Schnitzler had fixed everything so that "the French would come unprepared" for his "tactical maneuvers." To his Paris representative, the Baron had written:

> The French group at present seems to be under the impression that our government has not authorized us to confer with the French industrialists. . . . Should you hear of any such remark, particularly

from Mr. Duchemin, we would be grateful if you just listened to him without contradicting him.

Duchemin was met by a second surprise. His own boss, Joseph Frossard, did not show up as expected. Before the meeting was finally called to order, all three Frenchmen commented on Frossard's absence. Von Schnitzler smiled. Ambassador Hemmen, who had been tipped off, agreed with the French: it was odd that the creator and leader of the French dyestuffs industry had not seen fit to come. But even Ambassador Hemmen was surprised a few minutes later when Farben demanded a clear-cut majority of 51 per cent of all the dyestuffs companies.

The French were flabbergasted. M. Duchemin shouted that, since Frossard wasn't there, he would answer for all the Etablissements Kuhlmann interests: he would rather see his hand cut off than agree to such a shakedown.

The other two Frenchmen quickly supported Duchemin. They thought Farben had called the meeting to suggest some revisions in the cartel agreement under which the French companies and Farben had often worked together. This basic agreement had been signed in 1927 because "increasing competition of the American dye industry had compelled the European dye industry to join forces." In their excitement the three men made the mistake of implying that the Farben demand not only was a violation of contract but hardly conformed to the spirit in which Marshal Petain and Hitler were working together.

Ambassador Hemmen put on a show of holiness. References to the two heads of state were entirely out of place. "You leave me speechless," he said. "I beg you not to introduce political events of this kind to bolster unjustifiable commercial maneuvers." Perhaps, the Ambassador added, if the French gentlemen were not amenable to friendly meetings, the whole problem might be left to the military. "To borrow a word from a French statesman, I want 'co-operation.' "

The three Frenchmen apologized. But would it be all right if they asked the Farben gentlemen the basis of their request for a 51 per cent share in their companies?

Ter Meer answered: "After all, it was France that declared war on Germany." Von Schnitzler added that it should be understood, however, that Farben's claim was not based on military advantage: "Even if there had been no war, the historical development has for some time justified Farben's 'Claim to Leadership.'" Now was the time to correct the errors of history. If the gentlemen were not convinced, they might study the memorandum which Von Schnitzler had prepared to make the whole proposition clear.

The French pleaded for time. Ambassador Hemmen said he thought everyone should be reasonable and that Farben should grant the French until the next day to think things over. "Since it is obvious that the matter will be settled satisfactorily, the Ambassador will assume you can carry on tomorrow without me." Perhaps the Ambassador had been thinking over what might happen if Hitler discovered his connivance.

The next day, Von Schnitzler opened the meeting by disclosing to the French that M. Frossard had been anxious to talk to him confidentially for months. "Frossard continued [after the fall of France] with his endeavors to come on speaking terms with us; he not only addressed our Dr. Kramer in Paris, but he let me know through Mr. Koechlin of I. R. Geigy in Basel that he was desirous of personal conversation."

Von Schnitzler made Frossard's whereabouts even more mystifying by failing to say whether he had actually seen Frossard. Actually, he had seen Frossard and put him off because he "thought it advisable to let the French simmer in their own juice, and to wait till they asked for private negotiations through the official channel of the Armistice commission." Then when it looked as though the Nazi Armistice commission might protect the French, Von Schnitzler had arranged the meeting here.

Carefully failing to tell the full story, Von Schnitzler said impatiently that here they were, having already wasted one day, and the absent Frossard evidently wasn't as eager to co-operate as he had pretended. Von Schnitzler did not mention the last message he and Ter Meer had received from Frossard only a few days before, via a report from Dr. Kramer, Farben's Paris representative. Kramer had met Frossard secretly at the Hotel Claridge.

> Frossard sees absolutely that Germany will win the war. . . . Frossard offers to put his whole industry into the services of Germany to strengthen the chemical potential for the continuance of the war against England. . . . He says Kuhlmann would be prepared to produce all preliminary auxiliary products for I.G. Farben which would be desired from the German side. He, Frossard, wants a *confidential* collaboration [independent of the Reich] . . . a closer connection by marriage in the dyestuff and chemical field.

Then Ter Meer hinted at Frossard's secret doings. The French-

men confessed they were disillusioned, but they would not yield. Ter Meer angrily repeated that the German dyestuffs industry had been irreparably damaged by the Treaty of Versailles. "There will be," he commanded, "a complete accommodation of the French dyestuffs industry to the German dyestuffs industry."

Versailles? The French pointed out that by the Farben-French agreement signed in 1927, and effective until 1968, they were limited to only 9 per cent of the European market. Duchemin pointed out that on their tenth anniversary in 1937, Von Schnitzler had not mentioned Versailles Treaties; he had praised the agreement lavishly. The paper shook in Duchemin's hand as he read parts of Von Schnitzler's speech on that occasion:

> In this month of November 1937, it is ten years since an agreement was signed between the French and German chemical industry delimiting the interests of both parties in the fields of coal-tar dyestuffs. . . . A noteworthy jubilee of an industrial undertaking.
>
> This understanding could exist independently, survive all vicissitudes of the Franco-German trade policy and become, moreover, the germ for a number of other important agreements with third parties which span today the largest part of the world. . . . Both parties in these past ten years are convinced to have done, apart from furthering the direct interests of chemical industry, useful work for their home countries in joining themselves together after long years of keen competition and thus equalizing the economic contrasts, at least in the chemical fields.

Duchemin's reminiscences brought from the Farben men more threats and from the other two Frenchmen tears and the offer of a compromise: let Farben take a greater share of the profits.

Von Schnitzler pounded the table. This proposal was not "in consonance with either the legal position or with the political and economic facts of life. After all that has happened, the French standpoint must be considered an imputation and insult."

No immediate agreement was reached. Farben occupied the dyestuffs plants by separate deals with Nazi administrators on the spot. In the months that followed, Von Schnitzler, Ter Meer, and Schmitz carried their demands to the Vichy government. The Vichy government, supported by its agreement with Hitler, "feared the French public opinion if Farben gained full control." Dr. Kramer got busy again; he wrote to Ter Meer and Von Schnitzler:

> M. Frossard visited me today, and told me he is traveling tonight in the unoccupied zone to have a personal interview with M. Duchemin at Vichy. . . . M. Frossard declared that he will use all his power at the conference at Vichy to obtain acceptance of the 51 per cent and that at these negotiations he will also tender his resignation if an agreement cannot be reached.

Then the French Ministry of Production violated the Hitler-Petain pact and issued a special ruling agreeing not to stand in the way of Farben control. Still, the French industrialists stretched out the negotiations. Von Schnitzler wrote to a subordinate in Poland:

> I immediately answer your friendly lines of yesterday's date. I am not surprised that the French did not swallow, right away, our "Claim to Leadership" in the field of chemicals and all new products. Nor am I surprised at the fact that the French after the last meeting became afraid of their own courage (whimpering after meeting). At the meeting of 16 June we shall have to go over the matter again, in view of the innate suspicion of the French.

The French then agreed to yield if Farben would write into the contract that the 51-per-cent control was acquired by Vichy edict. Hearing of this in Berlin, Von Knieriem was perturbed. He could no longer ignore these *sub rosa* goings-on simply by reading drafts of contracts that didn't tell the story. If such a clause were added, this contract would show duress on its face. If Hitler lost — was he at last wondering about that or had he feared it all along? — the contract would be void. Von Knieriem went down to Paris to join Von Schnitzler and Ter Meer in refusing to add the clause.

The French dyestuffs leaders held out all summer, but the increasing pressure wore them down. Independently, Frossard began building Kuhlmann's power for Farben. Kuhlmann gobbled up the Croix Wasquehal dyestuffs company. Frossard journeyed to Mabboux and Camell, where there were two important independent plants, and forced them out of action. Backed by Farben threats, he induced the works at Etabs, Steiner, and Vernon to give up the manufacturing of dyestuffs, intermediates, and auxiliary products. The contract with these firms was made for one hundred years, "thus being valid not only for the present proprietors but also for their legal successors." The contract limited these firms to producing sweets, such as apple jams.

The leaders of the other companies could survive only by following Frossard. They signed away their control by subscribing to the constitution of a huge new combine.

The losers preserved only a linguistic pride. Unlike the new names of many other companies stolen by Farben, this concern contained no reference to its German parent. Officially named

"Société Anonyme de Matières Colorantes et Produits Chimiques," the combine was called "Francolor" for short, so as to suggest only the manufacture and sales of dyes and "colors."

By the Francolor agreement, Farben got control of all the French dyestuffs industry. The constitution was drawn so that the French appeared to have equal representation. Actually there were five Farben administrators — Von Schnitzler, Ter Meer, Waibel, Ambros, and the turncoat Frossard — against three French administrators. As a reward for his treason, Frossard was made president.

The French companies surrendered their dyestuffs and intermediate plants. They turned over their land and other real property, their patents, licenses, manufacturing processes, and stocks. Paying no additional capital, Farben swallowed the new combine, which had a value of 800,000,000 francs. This sales price of "nothing" was a saving compared to the expense to which Farben would be put "buying" the French pharmaceutical monopoly, lock, stock, and barrel. In that deal, Farben was to gain control by pretending to buy only 49 per cent of the pharmaceutical stocks, while grabbing the necessary other 2 per cent through a mysterious French go-between, M. Faure Beaulieu. Farben paid for all this through a "clearing account." This "clearing account" was a system whereby the Germans assessed one part of the French economy to "pay" another. Only the Nazi government was supposed to use the "clearing account" — anyone else who used it would be actually stealing from the original Nazi thief! Investigators could not discover how Farben got away with *that*.

So great was the victory at Wiesbaden that even the efficient Dr. ter Meer celebrated by doodling on a file folder. Without comment, the prosecution put the empty folder into the record. The folder was labeled "France 1940-41: German-French Dyestuffs Discussion." Under the heading were a few words of verse: *"Denn im wald da sind die Räuber."* These lines meant, "For in the woods there are the robbers."

Ter Meer took the stand again. His counsel, Dr. Berndt, balanced the folder on a finger to emphasize its emptiness.

Q. Dr. ter Meer, I don't know why this folder should have been introduced. You, too, have this before you?

Ter Meer nodded.

Dr. Berndt held up the folder, pointing to an emblem that had been sketched under the ditty.

Q. On this folder there is a label with a circle on it and — [*Arms expanded, palms open as if bearing gifts, Berndt shrugged*]. And above the label the words "France 1940-41 . . . For in the woods there are the robbers, 23 July 1941." Now, would you please tell us what the *circle* means?

A. This is the emblem circle of the student corps to which I belonged.

Q. And what student association was that?

A. It was "Svevia of Tübingen."

Q. That seems to explain the whole matter. [*Again, Berndt was the picture of casual bewilderment.*] But one more question: Why did you paint this circle on a file cover?

There was a brief giggle in the prisoners' dock. Dr. Ambros was pulling at his upper lip, grinning behind his fingers.

Q. Why did you paint this circle?

A. I believe the circle belongs to the rest — or vice versa.

Ambros went into a high giggle that reminded you of a boy pummeling his little sister. Ter Meer frowned, pivoted, then turned back sharply. It might be better not to notice.

Q. Yes, yes, Dr. ter Meer — the rest?

A. The words "For in the woods there are the robbers" are the beginning of a refrain of a very well-known song written in the 1920's. The song was on the stage in Berlin for years. This refrain, whenever I was together with gay friends or sang student songs of an evening, was a favorite of mine. I always repeated it: "For in the woods there are the robbers."

The high giggle. The finger pointing so gleefully that you forgot for a moment it was pointed in the right direction. Ter Meer whirled to face the dock while Dr. Berndt tried to override Ambros by a stammering gaiety.

Q. Ah! When you were in France, on that evening in July, in the summer of 1941, were you very gay and were you singing songs?

A. Yes. The night before we had been in some garden cafe outside Paris, I and Dr. Ambros and others. And because it was very hot, we stayed out there quite a time. When the other guests had left, we were left alone and the hour was quite late, and we started singing student songs and on the way back I had been singing over and over again this very nice refrain, "In the woods there are the robbers."

Q. Go on.

A. On the next morning during the meeting with the French gentle-

men — that was July 24th — I scribbled on the file cover — this is a bad habit of mine. And I wrote the verse on it remembering the night before, you understand, remembering last night. I either showed it to Dr. Ambros or one of the other gentlemen who was there with me. That was supposed to be a joke.

Q. Well, today this file cover is submitted to you as a piece of [*Berndt tapped the folder contemptuously*] — evidence. [*He pointed abruptly to Ter Meer.*] I have no further questions.

Whoever heard of a *doodle* going to court? Ter Meer was angry. He had destroyed the contents; he was unnerved at having left the folder around. Once before, his temper had driven him to an amazing honesty. Now, suddenly, he admitted that everyone in the *Vorstand* had voted for the Francolor deal. Didn't he care what happened to any of them any more? Perhaps, rather, he wanted to furnish a proud contrast to the watery beseechfulness of Ilgner's eyes, to the cantankerous objections of Schmitz's counsel about the prison food (as good as at any Army mess). He realized that their inner terrors would never get across to anyone through mere chirpings about dignity and talent. He was too ruthlessly proud to snivel over the consequences after taking a man's property. His temper recovered, he looked coolly at Ambros.

Counsel, the motives for these things changed somewhat in the course of years. The motive in 1940 perhaps may not be applied any more for 1943. Consider the Polish plants, for example. I believe that at the beginning, none of us had the intention of acquiring title. . . . Later on, the idea predominated, frankly, that we just did not want to have these fall into the hands of competitors or other unpleasant people.

He looked again at Ambros, in whom the impulse to laugh had given way to a sullen introspection. A pirate in the company of a wantonly sadistic friend can be likeable indeed.

There's also no doubt, counsel, that we tried to transfer as much production to France as the Francolor could cope with. In France there was labor, there were production facilities, and we had particular scarcities of labor in Germany.

Q. Thank you. Dr. ter Meer, you are aware that the prosecution has alleged these acts also on the theory that they were the waging of an aggressive war? I state this to you again so that there will be absolutely no surprise. . . . In view of what you have said, isn't it completely fair to say that production program in France was unequivocally integrated with Germany's war-production program?

A. Yes.

In Dr. ter Meer's candor was the bold appeal of centuries of accepted savagery. If everyone were punished who had trampled on peacetime laws during a war, half the world would be in jail.

Francolor closed its ports, mounted its exports like cannon on shores which faced every part of the world. Before the ink was dry on the contract, all materials in the French factories, raw and finished, were absorbed. From France's colonies and protectorates all materials, raw and finished, including goods in transit, were absorbed. Francolor took over all foreign property within its reach. Though any ruling on much of Von Schnitzler's story was still hanging fire, his statements about Francolor were nevertheless unquestioned facts.

Q. What happened to the stocks in South America, for example? Were they absorbed by the new Francolor?

A. The Francolor took over everything concerning the dyestuffs domain, including the foreign holdings if they could be reached.

Though Farben had worked independently of Hitler in gaining Francolor, and had begun its campaign before the invasion of France, it hastened to assure the Reich that the new company was marching with the Wehrmacht.

It transferred or closed all sales agencies in South America.

It instructed the subsidiary Mario Costa, in Latin America, not to make new contracts with any agencies in that region. Employees of Mario Costa and other Latin American companies which had been under the control of Kuhlmann and other French companies were not told of the new French-German dyestuffs "alliance."

Through Francolor, Farben gained exclusive licenses to 259 foreign patents and 53 patent applications. Some 153 of these were in France, 59 in the United States, and 100 in the other countries of the American, European, and Asiatic worlds.

The former French companies had owned agencies in Bulgaria and Greece — these were closed. In the Near and Far East — in Egypt, Turkey, Palestine, Iraq, and China — the agency agreements with the former French companies were declared void.

The Francolor deal was the most fabulous bribe ever offered a government. Although the contract was between Farben and the French companies, the real "consideration" had been the promise of an increase in production for the German Army. That

Farben could promise the increase was possible only because she had already grown fat from masticating Austrian, Czechoslovakian, and Polish chemical industries. For four years, the Wehrmacht had never been far from Farben's theaters of operation.

30. The Final Battle in Sight

PERHAPS DR. TER MEER KNEW that his honesty might prove disarming in more than one sense. If the robbers surrendered in the French woods, the judges might not be interested in scouring other forests for their footprints. It helped the cause along that Dr. Ambros had brought to Paris one tree of the older forests — the Ethylene Tree. If the Ethylene Tree looked different now, perhaps that was because, as Ter Meer said, people's motives looked different at different times. Consider how things looked to Dr. Ambros after France had joined the New Order. Ambros, a gregarious fellow anyway, could look forward to a sudden widening of his circle of friends. In friendship, one had to give and take a little — now that the "historical development" had taken, it was time for Ambros to give.

Ambros testified to a growing excitement as the train drew into the city of Paris. A man of the sternest discipline when subjected to the lachrymose properties of tear gas, with which he was quite familiar, he was near tears at the sight of the crowds. Call them not "just friends" — he *loved* them! What he saw around Paris not only confirmed that the French were going to be a much happier people from now on, but augured well for his plan to get Frenchmen, by pure persuasive affection, to come to Germany.

One saw everywhere in Paris the placards about the *"Relève."* Three French workers, or two workers, would bring back one prisoner of war. There was a contract between Francolor and Farben about the use of these workers in Germany. The whole thing was absolutely voluntary. Not only did all of Farben's statements and letters repeat the expression *"Equipe de Volontaires"* ("team of volunteers"), but the railroad cars carrying the workers were especially decorated.

Ambros had gone to France to expand the production of diglycol, and by a horticultural miracle previously unknown even to synthetic chemists, the branches of his Ethylene Tree which he had sawed off before the court were sawing themselves together

again. The history of diglycol went back to long before the invasion of France. What trouble friendship could get a man into! Dr. Ambros had no choice but to return to his student days when he had worked on the fermentation of sugar. In those days, Carl Bosch's nitrates were getting bad publicity. But glycerine was a smoother nitrate; glycerine could rub France's back, yet be perfectly at home in a dynamite factory. If his sugar experiments had wound up as synthetic glycerine, that was the unfriendly way to look at it. Ah, if only they had stuck to glycerine instead of sweetening the process to diglycol, the one intermediate product that would not wash anybody's hands or paint a ship or dye a lady's hat! Diglycol (which was Prestone made to react twice with itself) was for use in explosives and could serve as little else.

Of course, not enough nitroglycerine was available for wartime. Experiments took an extremely favorable course so that in 1939, the production of nitroglycerine powder was given up, and only diglycol powder was produced.

Q. Dr. Ambros, is it not a fact that as far back as early 1935, when the *Vermittlungstelle Wehrmacht* was first conceived, you took part in discussions between Farben and Army Ordnance as to the urgent needs for synthetic glycerine?

A. That is not a fact.

Q. I show you the Army Ordnance record. I direct your attention to the second page: "Inquiries addressed to I.G. Farben are answered exclusively by Dr. Ambros, who is responsible for the entire field of glycerine, as well as the substitutes for it." Now look at the first page, where the Army Ordnance says: "A glycerine process is urgently needed." Does this document refresh your recollection?

A. Yes. It refreshes my recollection that, at the time, another fermentation-of-sugar process was discovered.

Q. I didn't ask you about that. Is it not a fact that again, early in 1935, you conferred with the parent explosives-firm of Dynamit A.G., the largest in Europe, as to their needs for diglycol?

Ambros answered only after the President instructed him.

A. It is possible that I had conferences with people from the explosives industry. I cannot give you a definite "yes" because I don't know any more.

Q. All right. . . . 1937. I show you the Army's file note of a conference in January at the *Vermittlungstelle Wehrmacht.* It says: "Doctor Ambros has been asked by Army Ordnance to ascertain the demand of Dynamit A.G. for diglycol."

Ambros was silent.

Q. And according to the same note, Dr. Ambros will "ascertain the facilities of Dynamit A.G. for storing and stockpiling diglycol."

A. Mr. Amchan, I believe that I would have refused to become a storage man. Diglycol is used for maneuvers.

Q. Let me show you this memo of conferences in Berlin in February 1937. Will you look at the third page? Do you see there the "250 tons per month" of diglycol? Does that refresh your recollection of the needs of Dynamit A.G. in relation to your diglycol production at Ludwigshafen?

A. The only connection is that I am a chemist. The only man who knew this diglycol process was I, and I had to give it to them. You only see there that I got a copy — you don't find my initials.

Q. I show you this lecture on the production of explosives by a representative of Dynamit A.G. Here . . . he says: "Let me repeat that the successes I have reported constitute the results of consistent work lasting many years, whereby the initiative and participation of the G.B. Chem must not be forgotten." . . . Does this recall to you the part of Farben and Professor Krauch's office in the success of the explosives program?

A. I am not an expert in the field of powder and explosives, and therefore, I cannot answer your question.

In 1938, Professor Krauch became to Ambros a hero second only to Dr. ter Meer. Krauch wanted an "outside expert" to confirm his belief that lately the Ministry of Armaments had been jealously trying to keep armament all to themselves.

Ambros supplied the opinion, as requested. He wanted one office to direct war production. "If German rearmament is to proceed with the necessary speed and on national principles, one fully responsible office should be set up for chemical-warfare projects and for all other munitions."

Ambros emphasized the poison gases because, as he pointed out, "only during the last four months has Farben developed new chemical-warfare agents." His letter to Krauch also suggested that the "chaos," as he had observed it, explained why production was not nearly high enough.

Carl Krauch also was dissatisfied with the speed of the rearmament. In his feud with General Loeb (begun when Loeb had accused him of pushing an "abnormal expansion" of buna rubber), there had been an uneasy truce. Loeb had flared up occasionally when Professor Krauch left his own office to peek over the General's shoulders. Now Krauch kept Ambros' opinion in the background and began to attack the problem, step by step.

Some time before this, Krauch had lost faith in General Loeb's ability to arm three divisions efficiently, let alone thirty or ninety. "By the middle of 1938," Krauch had told Sprecher, "I was admittedly worried and I decided to go to Goering."

Loeb's latest figures were for the years 1938-40. For some explosives, Krauch believed there could be a greater expansion than Loeb had planned; for others, he believed that the current rate of production could not meet Loeb's figures at all. Told by Dr. Bosch that "Hitler was determined to go to war," Krauch admitted he realized that "defeat was inevitable" if the planning and production of all munitions were not better co-ordinated. "I went with Loeb's wrong figures to Goering and I said: 'We will lose the war on this basis.'"

Goering was impressed. He called for Field Marshal Kietel, who commanded all the German armies. Kietel insisted that General Loeb's figures must be right. With little hesitation, Goering put his faith in Krauch. He asked Krauch to prepare a plan for "improvements" in the production of explosives.

At Goering's mansion, "Karinhall," near Berlin, Professor Krauch set to work. He was comfortable there; his very first meeting with Goering had come from the Reichsmarshal's invitation in 1935 to spend "a leisurely visit to 'Karinhall.'" For months his mind had been organizing a stupendous task.

On the 30th of June 1938, he handed to Goering "a new accelerated plan for explosives, gunpowder, intermediates, and chemical-warfare agents," incorporating the recommendations of Ambros. Less than two weeks later, he finished a supplement which included buna rubber, synthetic oils, and gasoline and light metals.

Goering had asked for a single improvement in explosives production. What he got was a complete production blueprint for war. Having romantically considered calling the scheme the "Karinhall Plan," Goering was so delighted with Krauch's effort that he conferred an honor which even Hitler would not bestow on Gustav Krupp, his most impassioned industrialist-follower (whose influence, as Krauch knew best, was far less powerful than generally thought). Goering named the scheme the "Krauch Plan."

Even the simplest outlines of the Krauch Plan could not have been accomplished alone. Not even Ter Meer could have done this tremendous planning, almost as quickly as a secretary could copy it, without the wholehearted support of the other Farben technical directors. It was while Krauch was putting on the finishing touches that Ter Meer was conducting his next-to-last negotiations with Standard Oil, and Von Knieriem was arranging the "emergency" loan of 500 tons of tetraethyl lead.

The Krauch Plan went so far as to change all previous peacetime

terms to the language of war. "Production estimates" became "mobilization targets."

But the plan fortified more than words.

The production of steel for synthetic-oil plants alone was to be increased from 60,000 to 110,000 tons every month. Germany was already producing five times more aviation gasoline than its civilian planes and airports could consume; yet Krauch called for production to be tripled — to three million tons a year.

Gasoline for vehicles would be increased, too. There were not enough pleasure cars and business trucks and farm implements in all of Europe and Asia to burn the 2,600,000 tons of automobile gasoline produced in the year before the Krauch Plan: what would be done with Krauch's first-year output of 4,000,000 tons? What would be done with the target production of 830,000 tons of lubricating oils? And the increase in heating fuels, from 3,500,000 tons to 4,000,000, would do a lot of cooking.

Among the synthetic fuels, only Diesel motor-fuel production would not be accelerated. Already the 2,000,000 tons a year were enough Diesel oil for total war.

Aluminum was to be increased ninefold — to 288,000 tons — in the full year 1939. In the Krauch Plan document itself, the figures are well spaced as if to emphasize the difficulty of comprehending their enormity:

Mobilization Target, Buna Rubber: from 70,000 tons in 1937 to 120,000 tons in 1938.
Mobilization Target, Magnesium: from 26,000 tons in 1937 to 36,000 in 1938.
Mobilization Target, Gunpowder: 17,900 tons in 1938.
Explosives: 35,000 tons per month in 1938.
Chemical-Warfare Agents: 9,300 tons per month in 1938.

Krauch urged the "utmost acceleration" to meet these targets. He demanded more stand-by plants. He devised a system to disperse plants that manufactured certain munitions, so that if one plant was damaged, another, in a distant sector, could go on operating.

Although Krauch was not yet directing production in all the factories, he became Goering's production advisor. Goering turned a deaf ear to suggestions that Krauch be disciplined, commissioned into the Wehrmacht, forced to hire government employees to replace his key personnel (every one of whom was a Farben man).

And, the very next month — in August 1938 — Krauch drafted

a last supplement, projecting an even greater production of gunpowder, explosives, and mineral oil. Through this bold promise, he seized complete control of the production of munitions. The chief of Army Ordnance, assigned by Goering to "help Professor Krauch in munitions production," was called on the mat. He did not think this latest speed-up was remotely possible. Nine days later this chief of Ordnance was relieved, and "all production under the 'Rush Plan' was entirely entrusted to Dr. Krauch."

Testifying for himself, Professor Krauch was nearly done. The other defendants were troubled. They had sworn they had "never heard of the Krauch Plan or the Rush Plan . . . until 'Nurnberg.'" They had "never heard" that the Rush Plan was for "sixty divisions on a war footing." But Krauch remembered being a "regular visitor" at meetings of the technical committee, the commercial committee, and the *Vorstand*. He told an investigator:

Goering always recognized that I had a dual responsibility, one to him in the Four Year Plan, and one to I.G. Farben as a private businessman.

Q. But did Goering consider you as essentially an employee of the government, or did he consider you in terms of your I.G. relationship?

A. In terms of my I.G. relationship. That is quite an interesting question. After I had been in the Four Year Plan for a few months, some people in the Reich were asking me to leave I.G. Farbenindustrie. And they asked Goering to put some pressure on me, and Goering declined to do this. He said, "Let this man do what he likes. He is a man of the laboratory, not an administrative man."

Paul Haefliger's counsel was nervous enough to represent all the commercial men.

Q. Dr. Krauch, I have only a very few questions. You said some time ago in your direct examination, if I remember correctly, that before 1933 a German statesman once said that "without Farben no foreign policy was possible." May I ask you to interpret this statement?

A. The statesman was Stresemann, no doubt the most competent foreign minister we had in Germany after the first World War. Perhaps his statement was just a politeness to Farben. . . . Stresemann was certainly thinking about economic policy.

Q. You mean he was thinking of the *economic* point of view?

A. Economic life, yes, I'm sure.

Q. Thank you. Now my final question. In this Prosecution Affidavit 338, you deal with the knowledge and responsibility of the *Vorstand*, the technical committee, and the commercial committee. May I ask on what you base this opinion?

A. What I said about the commercial committee was pure assump-

tion. Even in earlier years, before 1936, I never attended a meeting of the commercial committee.

Then came a question from Dr. von Keller, counsel for Von Schnitzler:

Q. In paragraph 6 of this affidavit, you write, "These requirements [under the Krauch Plan] were based upon needs indicated by the commercial and sales people." May I ask what evidence you have for this statement?
A. No evidence. I just knew it was according to custom in normal times — that is, before the time I was no longer active in Farben.

"Normal times," then, meant the period until 1938, when Krauch had finally severed his open connection with the *Vorstand*. "Normal times" covered a meeting in 1936 that included Krauch, Hermann Schmitz, and Georg von Schnitzler. A few key industrialists had been invited by Hitler and Goering to the Preussenhaus in Berlin. Goering opened the meeting by saying that the "announced aims" of the Four Year Plan were somewhat different from the real aims. Hitler also spoke. Von Schnitzler came back to report Goering's speech to "an enlarged emergency meeting" of all the technical and commercial directors plus Dr. von Knieriem. Although the record of Von Schnitzler's "highly confidential" report was later destroyed, Goering's speech — concerning which they were all sworn to secrecy on penalty of death — survived.

Gentlemen, we demand foreign exchange. We must create reserves of food supplies and raw materials just as the Prussian king did in the Seven Years' War. . . . I want to permit again female labor, because the day will come when the female workers will be urgently needed.
Your duty is to obtain as many long-term loans as possible. Do I hear objections such as: What is to happen to my investment once the rearmament is finished? Gentlemen, inasmuch as we would have to increase our capacity to be prepared for any eventuality, it cannot happen. Whatever happens, our capacity will be far too small.
The struggle which we are approaching demands a colossal measure of productive ability. No end of the rearmament can be in sight. The only deciding point in this case is: Victory or Destruction. If we win, then the economy will be sufficiently compensated. . . . Our whole nation is at stake; we live in a time when the final battle is in sight; we are already on the threshold of mobilization, and we are already at war, only the guns are not yet being fired.

Krauch's counsel said:

Q. But, Professor, the prosecution regards the participation in such meetings as proof of knowledge of the warlike intentions of Hitler.
A. Goering's speech, it is true, was not commented on in the newspapers. It was evident that he wanted to promote exports. . . . But in

this Preussenhaus speech . . . I saw no indication of any war of aggression. It was true they described to us the foreign political situation as "very serious." They felt that a danger from the East was feared, and precautionary measures against Russia were discussed. The construction of airports in Czechoslovakia was intended for attack upon Germany, so that all participants, and even *Geheimrat* Bosch, next to whom I sat, were seriously alarmed.

The danger from the East again! Supposing that no businessman in his right mind would believe that Czechoslovakia was clearing its decks for Russian aircraft (though some in their sick minds did believe it), perhaps it was understandable that these men, ridden with industrialists' guilt since World War I and now frightened by the political leadership, might, for a few weeks, pathologically support the invasion of Czechoslovakia before Russia *did* make an aircraft carrier of her. But not for long would such support make sense. Soon after his Preussenhaus speech, Goering called the coming invasion of Bohemia and Moravia "a small-scale action" against England and France. In all his ranting and raving to his lieutenants, there was not a rant nor a rave against Soviet Russia. Where were the bombers, he demanded, that would fly to New York and back, to teach those "filthy people" over there a lesson?

And in June of 1937, before Germany's increasing military-economic power was poised along the borders of old Slovakia, Krauch was in the Haus der Flieger in Berlin when Goering, advised principally by Farben's export specialists, reported to his lieutenants that Germany had captured many strategic imports in exchange for the dregs of the German export business. He had set up a furtive system of getting strategic materials through Sweden and other "neutrals." Only 6 per cent of Germany's total iron output was now going to "the enemies." He named the "enemy countries" in order of importance — England, France, Belgium, the United States, and — last — Czechoslovakia. Soviet Russia was not on the list.

This was not the first time that "collapse" had reoriented the motives of powerful men. When all of Czechoslovakia was occupied, Professor Krauch's report to the general counsel of the Four Year Plan left no doubt that he knew war was coming, he knew who would attack, and his real fear was that the attacker might lose. This report was made in June 1939.

In June of 1938 . . . it seemed as if the political leadership might determine independently the timing and extent of the political revolu-

tion in Europe and might avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year [when Hitler took Bohemia and Moravia], there is no longer any doubt that this hypothesis does not exist any more.

It is essential for Germany to strengthen its own war potential, as well as that of its allies [soon to include Russia], to such an extent that the coalition is equal to the efforts of practically the rest of the world.

This can be achieved only by . . . expanding and improving the greater economic domain, corresponding to the improved raw material basis of the coalition, peaceably at first to the Balkans and Spain.

If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes.

By early 1938, even the Minister of Armaments, Speer, was referring to the Four Year Plan as an "I.G. Plan."

As the I.G. Plan reached its climax in the summer of 1939, I.G. Farbenindustrie was providing Germany with 90 per cent of her foreign exchange, with 70 per cent of her indirect imports, with 95 per cent of her direct imports. Farben was manufacturing 85 per cent of all the goods, "military" and "economic," under the Four Year Plan. But the revolution in Europe could not wait until Germany "dominates the world markets." Camouflaged with a warhead instead of a lens, the Krauch Plan telescoped its predecessor.

Only one disturbing question about Professor Krauch remained unanswered. Even before Farben consolidated its first chemical conquest in Austria, how had he managed to get the co-operation of the explosives-and-gunpowder producers?

PART EIGHT

DAY OF WAR

31. September 1, 1939

TWO OF FARBEN'S PRODUCTIVE DIVISIONS having borne witness to great military power, one would not be surprised to hear that they got the name *Sparten* through a sly pun on the belligerent city-states of ancient Greece. Not so the third *Sparte,* maker of Agfa films and synthetic fabrics, which had glowed in Athenian peaceableness since the trial began.

Sparte III's director, Dr. Fritz Gajewski, seemed more interested in big-game hunting in Africa than in the few colonies his country had lost there years ago. Dr. Gajewski was sentimental, too. He didn't give his children birthday presents one day and lock them up the next. Having been one of eleven children in a schoolmaster's family, he needed no "Met File" for companionship.

Fond of the woods around his home town, Gajewski was a far cry from the Haefligers, Schmitzes, Ter Meers, and Ambroses who never carried a gun; he played the accepted game of aggressing his four-footed neighbors without conference or conscience. His father was too poor to send him to college. He worked in a drugstore Saturdays, Sundays, and holidays until he'd saved enough to go off to the University of Leipzig. Coming out with honors, he went to work for Farben. Photography fascinated him, especially the idea of making a color film that any camera could use: "I wanted to see my child, or some game or fish I had caught, in color — to see it in all its beauty; and we succeeded."

His own boyhood had also established his interest in artificial fibers. "One must not forget that for a chemist, the making of fibers was extremely difficult because they were to compete with a very cheap product — cotton, cotton being so cheap because it is created by the sun." If Dr. Gajewski failed to point out that cheap labor also made cotton cheap, that was perhaps because he was not afflicted, like Heinrich Hoerlein, with the arthritis of "suffering humanity," having seen a lot of it at home. If by dressing the ladies of the Western world, he could forget the holes in his pants, why not? He had led Farben into making artificial silks.

Besides fibers and films, Dr. Gajewski's *Sparte* had made sporting ammunition in a small factory at Rottweil. He remained an enthusiastic hunter.

Few men have so happily combined business with pleasure. The grouping of all *Sparte* III's products came from his principal interests. What did these things have to do with war? Stretching his imagination, he recalled that photography had been popular with the military class: "Every boy and girl had a uniform; then everybody wanted to have his picture taken in his uniform, every soldier with his girl friend."

But between the world of woods and streams and the alluring new world of nylons, one caught shutter glimpses of less dainty things. Many of the Farben predecessor firms, which had made 74 per cent of the gunpowder for the Kaiser's armies, were also under Dr. Gajewski. At first glance there was nothing sinister about that. Fibers and gunpowder had many common processes, and the Versailles Treaty permitted the substitution of fibers for gunpowder and the manufacturing of limited quantities of sporting ammunition.

Before the first World War, the Rottweil firm had belonged to the old Dynamit Nobel A.G., world's largest manufacturer of gunpowder and explosives. To the few who heard the name "Rottweil" during the 1920's, it suggested a sound no louder than the snapping of a cap pistol beside the remembered thunder of Krupp, Vickers-Armstrong, and Schneider Creusot. By 1925 Rottweil had fallen on bad times. In 1926, Dynamit Nobel sold the factory to the new Farben cartel.

At that time, Dynamit Nobel A.G., still in a healthy over-all financial condition, was permitted by the Treaty to make explosives for mining. The parent company could have carried Rottweil without staggering, or put it to work on fibers. But this latter enterprise would compete with Farben, and that may have forced the decision to sell. Was Farben's acquisition of Rottweil really the opening gun in the later Farben campaign which swept across Europe? If it was, Gajewski would not freely admit it:

Q. Dr. Ilgner says that you made contact with your *Sparte* with the Ministry of Munitions and Armament. What about that?

A. As I have already said, *Sparte* III did not produce any armament material, except the powder department at Rottweil, where mostly artificial silk was made.

Q. I would like to show you Prosecution Exhibit 512. This is an affidavit by Dr. Ilgner. He says here that you, as well as several of your colleagues, were honorary advisors of the Krauch agency. And here is another affidavit by Dr. Ilgner, where he says that you, as Director of *Sparte* III, had contact with the Krauch Plenipotentiary Office.

A. My products did not fall within the competency of the Krauch agency. Therefore, I had no contact with Krauch. I can only assume that Dr. Ilgner made a mistake.

Dr. Ilgner's "mistake" was very high-powered indeed. When Farben grabbed off Prager Verein in Czechoslovakia, Ilgner went to its board of directors, and Gajewski stepped into the board chairmanship. By that time, Prager Verein took in almost all the munitions-making of three countries. Then, in a matter of days, Gajewski with Schmitz and Von Schnitzler pyramided one combine on top of another. Prager Verein took over the largest of the old Dynamit Nobel factories, which was at Pressburg, Czechoslovakia, and Gajewski stepped in as chairman of the whole works.

How had Farben so easily added to its other gains the largest single explosives factory in Europe? Perhaps Pressburg had fallen before the Farben power built up since the Anschluss. If so, Farben's 1926 acquisition of one small sporting-ammunition factory was just a coincidence far in the past. But wasn't it possible that this huge new shadow-combine was formed with such lightning speed because Farben already stood at the summit of the old Nobel munitions structure?

Whether or not Gajewski and Krauch were on speaking terms in the dock, Krauch had had no trouble getting his orders filled by the Pressburg Nobel firm of which Gajewski was chairman. And with mysterious expeditiousness Krauch, through the Pressburg firm, co-ordinated the Farben output of nitrates with the gunpowder-and-explosives production of *all* the subsidiary factories of Dynamit Nobel A.G. Though he was a "Man of the Laboratory," by the summer of 1939 Krauch had gained complete government authority over the production of all nitrates and 95 per cent of all the final munitions which these nitrates sparked. Some of the jealous military felt that his personality alone got the results. Goering himself did not know the details. In the dock, Krauch's aquiline face craned anxiously in the direction of Dr. Gajewski, while Gajewski looked straight ahead.

There were other reverberations of Krauch's power. From October 1936 to May 1937, two-thirds of all amounts spent for the entire German economy under the Four Year Plan went to

I.G. Farben. In the summer of 1939 the percentage was up to four-fifths.

At first the Four Year Plan had allowed Farben 85 per cent of the "chemical business," apart from explosives. In the summer of 1939, the figure was 92 per cent. Quite apart from munitions growth, the investments of Farben's other subsidiaries (which for the year 1936 to 1937 had grown from a mere 43,000,000 Reichsmarks to 96,300,000) were now tripled.

Now, in the summer of 1939, orders went out from Krauch's office in an unbelievably increasing stream. First, to the *Vermittlungstelle Wehrmacht.* From there, orders for nitrates went by special delivery to Dr. Ambros at Ludwigshafen. From Ludwigshafen the nitrates were shipped to the Dynamit A.G.'s older factories. The Haber-Bosch nitrates went to the largest factories at Pressburg and Troisdorf, the nitrates weaned from sulfuric acid to Mannheim and Hackenburg.

Among the important war chemicals, second only to nitrogen was the methanol which was already being wafted eastward in the imaginations of Krauch and Ambros and Ter Meer. The methanol went to Dynamit A.G. at Troisdorf and Kummer, where it was converted into the two deadliest and latest explosives — hexogen and nitropenta.

In faster and faster shipments, Krauch ordered these intermediates from the Farben plants to other Dynamit A.G. factories at Schlebusch, Newmarket/Oberf, Schonebeck/Elbe, St. Ingbert, Haslock/Main, Gnaschwitz, and Sommerda.

Three of the Dynamit A.G. factories were at Koln/Braunsfeld, two at Silberhutte. Three more were within twenty miles of the *Vermittlungstelle Wehrmacht.* One was on the site in Furth that later became a D.P. camp.

Every day on every highway in Germany, Farben acid and ammonia derivatives were trucked to the dynamite plants at Empelde, Duneberg, Wurgendorf, Ferde, Saarwelligen, Vecker, Munde, Reichsweiler, Hamm, Bolitz, Adolzfurth.

Within every fifteen square miles in Germany was a Farben-Dynamit A.G. installation. There was not an area of twenty-five square miles unpocked by Farben experiments, not an area of thirty-five square miles without at least one factory which made bullets or gunpowder or high explosives.

From Ludwigshafen and Saarwelligen, trucks bearing "food products" crept gingerly along the roads to the Dynamit A.G. plants at Schlebusch and Nurnberg. Unloaded, they formed the strangely unpalatable diet — diglycol. Diglycol was the last munition to answer the call of "mobilization" and "war economy" as the fall of 1939 approached and the giant economic plan was about to ignite.

On the eve of war, every bit of income earned by all the Dynamit Nobel A.G. factories was banked through the central finance office of I.G. Farben at Berlin Northwest 7.

Gajewski's counsel was finishing the direct examination:

Q. But Dr. Gajewski, you had no contact with Professor Krauch's office?

A. No, I did not.

Q. Dr. Struss says that the whole of Dynamit Nobel A.G. was attached to your *Sparte* III. Can you comment briefly on this?

A. This attachment was purely a formal one. We worked together with them in the fields of cellulose. Yes, oh yes, Dynamit A.G.'s General Director, Dr. Paul Mueller, was the most respected expert in Germany for powder and explosives. But Farben didn't have any such specialists.

Q. But weren't you on the Supervisory Board of Dynamit A.G., above Dr. Mueller?

A. Yes, I was on the Supervisory Board of all these companies.

Q. Then what was the relationship between Farben and Dynamit A.G.?

A. Farben owned some of the capital. I cannot give you the exact percentage at the moment.

Amchan conducted the cross-examination for the prosecution:

Q. Dr. Gajewski, you have said that Dynamit A.G. was only "formally" attached to *Sparte* III. Now, let us begin with Dynamit A.G. negotiations with the Army Ordnance for new explosives plants. Were you informed of these negotiations?

A. That is possible.

Q. Also, is it not a fact that Dr. Mueller informed you of the mobilization plans for TNT — that he asked you for Farben experts?

A. It is quite possible that he asked me to send some gentlemen to produce TNT. But I didn't have any such experts.

Q. Now, we offer this strictly confidential letter from Paul Mueller to you. Please look at it and tell me whether it recalls to your memory that he set forth here all the mobilization plans for Dynamit A.G.?

A. Please permit me to read this letter in peace, and after that I am going to answer you. . . . Oh, yes, Dr. Mueller is asking me here for *chemists.* Mr. President, I know how short the time is. But I must present these things for my defense in a connected way, otherwise I cannot see what I am trying to say. In other words, this can be very briefly explained. Just a moment. . . . Oh, yes. Dr. Mueller turns to me, literally, and he says something like this: "My request to you is

aimed at whether suitable representatives of Farben can be put at our disposal for the TNT and so on." That is all. The fact that this letter is strictly confidential at a time when secret plants are being constructed is a matter of course. He asked me to look around for people, but I myself, being in the photo and rayon field, didn't have any.

Q. Is it not a fact that from 1932 on, Dynamit A.G. regularly furnished you with the turnover figures?

A. The financial reports, yes.

Q. And did you not inform your colleagues of the figures on what these companies produced for the Wehrmacht?

A. I do not agree when you imply that I was an official of the Dynamit A.G. I was only on the supervisory board. Whether I informed my colleagues about the war production — I cannot remember that. I assume you have some document, and please show it to me.

Q. Yes, I have a document for another explosives company Farben supplied, and of which company you were chairman of the supervisory board. This is the Wolff Company. I offer Prosecution Exhibit 1935. I direct your attention to page 3.

A. Yes, yes. . . . This is the secrecy regulation that I signed. At the bottom is the handwritten addition by myself: "I must make one exception in that I must inform the central committee of Farben, of which I am also a member."

Q. I ask whether that refreshes your recollection. Does it?

A. It is an aid to my memory, but this is a formal matter, purely and simply.

"A formal matter" — that the whole towering pre-Hitler munitions structure was under the jurisdiction of one of Farben's great productive divisions! "A formal matter, purely and simply" — that Gajewski was duty-bound to tell his fellow directors how much explosives their subsidiaries were making!

The prosecution continued:

Q. I have asked you whether you informed your colleagues about the turnover of dynamite, gunpowder, and explosives in Dynamit A.G. Now I want to ask you whether, by their positions and duties within Farben, your colleagues must have informed themselves without your saying a word. . . . I show you a photostat. This is the technical committee's *Sparte* III chart, prepared by Dr. Struss. . . . Do you see the words "*Sparte* III" in the righthand corner?

A. Yes.

Q. Do you see the words "Munitions — Dynamit A.G." on the lower right? From 1932 on, Farben got the turnover figures for Dynamit A.G.'s production. Is your recollection refreshed on that fact?

A. Yes, I believe so. But from 1939 on, the munitions figures are not given.

Yes, in late 1939 Dynamit A.G. stopped putting the true scope

of its output on paper. Only a few days before, the prosecution had unearthed a letter which *Sparte* III had sent to Dynamit A.G. on the brink of war. Thereafter all factories of Dynamit A.G. would omit "all figures relating to synthetic raw materials and the Four Year Plan." This directive meant: *Please do not remind us any more how many indispensables we are sending you, our subsidiary, to make our explosives and gunpowder.*

This game of hide-and-seek in which "It" always knew where "Tag" was hiding ran afoul of the tax laws, with less success than in the case of General Aniline and Film.

As late as 1938, the Hitler government had levied taxes directly on Dynamit A.G. I.G. Farbenindustrie had everything to gain by this. If Dynamit A.G. paid the taxes while Farben reaped the profits, that would put people who still clung desperately to their minority stocks in a position where eventually they might have to give up what little participation they had left. Farben being in the driver's seat, most of the Dynamit A.G. executives did not protest the direct tax. Then a lower court got hold of the matter. But the Farben shares had been ingeniously cloaked and the Dynamit A.G. spokesmen were carefully picked by Farben. The lower court ruled that Dynamit A.G. was independently controlled.

The minority within Dynamit A.G., however, carried the case to the highest German court, with a petition alleging outright Farben control and demanding that Farben be taxed.

Q. You testified, Dr. Gajewski, that Dynamit A.G. was only formally connected with Farben, and you referred to Mr. Schmid of Dynamit A.G. as proof, did you not? Do you recall that this very same Mr. Schmid, in transmitting a certain decision to you, reminded you: "The measures taken by our firm and its armament business, whether explosives, munitions, or plastics, are considered on the same footing as those taken by the operations departments [*Sparten* suboffices and so on] *of I. G. Farben*"?

A. No, I do not remember. But give me the document. Perhaps we can save time.

There was a commotion in the defense section. Schmid's letter had been in the hands of defense counsel only a few minutes — though they would have plenty of chance to ask Gajewski more questions, if that would do any good.

As Gajewski's counsel protested the document, all other counsel were on their feet. The shrewd brains of Schmitz and Von Knieriem were behind the whole deal, and their lawyers were particularly voluble. But Gajewski's counsel was doing all right

alone. Unfortunately, the prosecution had helped him somewhat. The letter was part of the petition to the upper German court, a 47-page document, and this gave counsel his opportunity to object that the proceedings would be stalled for half a day if the court waited for Gajewski to read the whole file.

THE PRESIDENT: Well, Mr. Prosecutor, do you expect the defendant to examine a 47-page document to see whether or not he received a letter from Mr. Schmid?

PROSECUTOR: No, sir. If you will bear with me one moment. The last thing in this file is the decision of the upper court, reversing the lower court, and holding that the Dynamit A.G. was dependent on I.G. Farben.

THE PRESIDENT: Mr. Prosecutor, is it your theory that this final judgment of the German Supreme Court establishes the relationship between Dynamit A.G. and Farben?

PROSECUTOR: It is. . . . As we understand it, one of the issues in this case is whether Dynamit A.G. was so controlled by I.G. Farben that Farben be charged with its activities, and with knowing its activities. . . . This petition involves the factual situation between the two firms. The petitioners — both Dynamit A.G. *and* Farben — approved the facts in that question, concerning 1938 and all periods thereafter, and all the factors from the very beginning of their association.

The argument continued off and on for several days, generating so much heat that the Presiding Judge often opened his arms in futile appeal. The defense didn't try to deny that Farben owned Dynamit A.G. They did say that the ownership was only "on paper" and that Dynamit A.G. was run independently, without the Farben directors knowing the vast extent of production. Even this, however, was not their strongest argument. A tax record, they insisted, had no place in this case.

Said Judge Morris: "This is a criminal case. We are not trying here any questions of civil control of one organization by another." I was reminded of the many times he had called it, quite civilly, "this lawsuit." The prosecution and defense had been "the parties," and perhaps too often the defendants had been the "Doctors." Until now, these might have been slips of a tongue long experienced in ruling on negligence suits and other matters of civil practice.

Suppose — Morris conceded in the best of humor — Farben *did* have the power to control Dynamit A.G.? They could still have given the power to somebody else to use. "I think in this lawsuit we have wasted months on questions involving the power when the ultimate question is whether control was exercised."

More than the Herculean production of Dynamit A.G. hung in the balance now:

The "outside" construction firms. The "Shadow" plants. The vile union of Tesch and Degesch. The tenuous umbilical cord linking Frankfurt to Bern, and Bern to New York.

These were investments locked away and forgotten each year until dividend time.

Then Judge Morris dropped his biggest bombshell. "I do think, though," he finished, "that this whole question is beside the point in a criminal case."

So, if Farben did direct Dynamit A.G. lock, stock, and barrel, that, too, was beside the point. It was beside the point that here were men who not only put the dynamite combine behind the government's growing lust for war, but willfully drove the machine to the very edge of war, knowing it carried a power even greater than the government knew!

We couldn't believe our ears. Sprecher reminded the court that even the defense appreciated that "who operated Dynamit A.G." was not the only question. Suppose Farben owned less than 50 per cent? (They owned a good deal more, really.) The Farben directors still knew that Dynamit A.G. couldn't put out a pound of explosives without Farben's preliminary products. Without stabilizers, Dynamit A.G. couldn't even make sporting ammunition. Stabilizers were the agents that prevented premature explosion in gunpowder. And Farben made all the stabilizers in Germany. The Farben directors knew, too, how many other preliminary products they were shipping to Dynamit A.G.

Said Sprecher:

Judge Morris, I am very glad you brought up this point. Because it seems to me that if you have the power to control, and you have also the *knowledge* that such power is being abused criminally — and you don't do anything about it — you are indeed criminal in a most deep and intimate way.

Sir, there are representations in this document that Dynamit A.G. was actually no different from any other branch of Farben. But suppose there were branches in this vast concern of Farben where each of the defendants did not have precise knowledge of every single detail. By continued association, by giving his support through a period of years — not just six months — he bore responsibility for the end result.

It is even more strange if the law can't reach to the man who had the real power merely because that man says, "Things were running so well, the profits were coming in so well, I just left things alone because

Paul Mueller was such a very good manager, and I didn't have to do anything to keep Paul Mueller in line. True, Paul Mueller sat with me in the technical-committee meetings, *every* technical-committee meeting, and I did get certain information from him on how things were going, but I didn't have to control Paul Mueller or the DAG *Vorstand* to keep them in line. It wasn't necessary."

Sprecher's address to Morris was really an appeal to the other judges. In my opinion, there was now little doubt that Morris would vote to acquit the defendants of preparing an aggressive war. In his eyes, Fritz Gajewski headed the Dynamit A.G. without knowing anything or directing anybody. In the near distance, Dr. Ambros, pure as therapeutic soap, sat looking the other way under his Ethylene Tree, dyed sweet-green as chlorophyll, dripping the saps of synthetic sugars. Between Ambros and Gajewski, and above them, Dr. ter Meer adjusted his binocular scientific vision — so farsighted he could see seven continents of the future riding on buna rubber and fueled by Leuna gasoline and cooled by Prestone, yet so nearsighted that he could not discern his colleagues lurking in the intermediate haze. A strange disability had stricken all three of these gentlemen at once, so that they could not hear the rumble of approaching caissons, or even faintly recall from earlier days the rattling of pots and pans on the chef wagons.

Dr. von Knieriem lived in a less rarefied atmosphere. Morris was not the only judge, after all. Von Knieriem did his best to show that Farben had coveted the old Nobel firm, simply as a business proposition, seven years before Hitler came to power. Nor was it Farben's responsibility that the firm's name had been shortened to "Dynamit A.G." Before Carl Bosch opened negotiations along with Schmitz (who was already in line for the presidency), the firm had dropped Alfred Nobel's name when he set up a prize for contributions to world peace.

Farben, said Von Knieriem, had two weapons: sole scientific knowledge of the latest chemical developments in the explosives field, and a monopoly on the intermediate products that Dynamit A.G. couldn't do without. If Dynamit A.G. bought nitrates from Chile, their violation of the Versailles Treaty would be obvious to the rest of the world. And in Germany, Farben had a complete monopoly on synthetic nitrates.

Suddenly, during the negotiations, the flow of Farben nitrates and stabilizers to Dynamit A.G. slowed to a trickle.

Von Knieriem, with Schmitz and Ter Meer, suggested a perfect

way to get rid of this bottleneck and to start the Farben products moving again. On its face, the plan called for a 50-50 interlocking directorate. When the face fell, Dynamit A.G.'s director general found to his dismay that Farben had secretly bought a small block of shares. Confronted by a two-thirds Farben voting control, full financial control, and 61 per cent of the stock in Farben's name, all the board members, except the director general, were forced to step aside. Gajewski, Schmitz, Bosch, and Duisberg stepped into their places.

The director general, Paul Mueller, was married to Schmitz's sister. Although he lost his title, Mueller was kept as Schmitz's emissary. He was permitted also to sit on Farben's technical committee, which approved all Dynamit A.G.'s expenditures. The new arrangement was friendly but firm. Mueller was to have some say in managing the business, but strictly subject to Farben's direction.

Dr. von Knieriem's judgment on other matters also turned out to be quite good. In August of 1939 he began to think ahead. He wrote a series of letters to the Reich Ministry of Economics discussing what Farben would do "after the September crisis." While the events of recent months, and the widely publicized objectives of the Nazi Party, were by then frightening enough to persuade many an outside observer that there was a heavy risk of war, he and the other directors were among the few who actually clocked the rearmament's frenzied pace.

The tension that lay over Europe was nearly intolerable. How much more tense must he and the others have been, as they studied Farben reports that riots "breaking out" in Danzig were clearly contrived by Hitler to bring on either war or a complete Polish surrender? These events resounded mysteriously in Paris, London, and Washington. How much more critical could a "crisis" be? In early August of 1939, Von Knieriem advised the Minister of Economics of Farben's plans:

> We declare that we shall have unrestricted influence upon the foreign companies, even after the measures have been carried out. We are preparing and are in a position to insure that all foreign values on hand will be delivered to the Reichsbank, either directly by way of export proceeds, or via Stockholm.
>
> We declare, moreover, that the decisive real influence we shall have on the foreign sales companies [Bayer, etc.], even after the carrying out of the new requirements, will be sufficient in every respect.

At last — the bald statement that war was around the corner! Farben also told the authorities of its camouflaging of the General Aniline and Film Corporation, pointing out that its action should be kept secret "in view . . . of war suddenly breaking out between Germany and the United States."

No longer were future measures in the realm of "if" — they would come "after." No longer *would* "we have unrestricted influence" — but "we *shall*."

Nineteen days before the outbreak of war, the time of "if" and "in the case of" and "possible war" had ended. The day of "shall" had come.

At 5:15 on the morning of September 1, 1939, mist clung to the little Polish village of Puck, on the shoulder of the Hel Peninsula, northeast feature of the Polish Corridor. A few miles to the south, the Free City of Danzig was restless from recent Nazi demands. The fishermen and shopkeepers of Puck slept well. There were no military installations near-by, and their village was only a small fishing port where an invasion by sea could not be made.

Three minutes later, they awoke hearing the loud staccato of a German plane. At 5:20 A.M., the plane dropped a Farben incendiary bomb. This was the beginning of World War II.

From the armpit all down the inner arm of the Polish Corridor, then south to Poland's Czechoslovakian border, hundreds of other planes joined the attack. On Farben wheels capped by Farben rubber, the Messerschmidts and Heinckels rolled onto the runways in eastern Germany.

As the planes took off in the drizzle which began about 5:30, Farben wipers cleared their windshields. Climbing up over Poland's western border, the pilots peeked out of Farben aluminum fuselages and flipped their magnesium wings — 85 per cent of which had been made by Farben. They flew on Farben gasoline, their engines made of Farben nickel and lubricated by Farben. Of the fighter planes which screeched over Krakow and Lodz and Kattowitz a few minutes later, only particles of steel and glass had not been made of Farben materials.

In twenty successive waves, the Heinckel bombers flew to Krakow and Lwow and Lublin. If you except twelve of every hundred incendiaries they dropped, all the fires in those cities had been kindled at Farben-Bitterfeld and Aken.

Before the day was over, Farben's Leuna works manufactured one hundred times more gasoline than they had produced in 1935, and even as the planes were zooming back and forth across the border, schemers in the Krauch office were confirming the quota for 1943 of over 100,000 metric tons. And this was the day of which *Time* magazine reported of Germany: "The great lack is gasoline."

That day fifty tons of magnesium metals and alloys were made at Bitterfeld and Aken — a 65 per cent increase over the 1932 rate. Krauch's plans called for another 65 per cent increase by 1943. And Farben made fifty tons of aluminum, with similar increases called for.

Massed along the border were three quarters of a million Nazi troops. Marching after the Luftwaffe, four out of every ten foot soldiers were warmed by Farben textiles, wore Farben plastic helmets, were outfitted with a dozen other Farben articles from mess kits to puttees.

But most of the infantry rolled on seven-league wheels. All the tanks, the half-tracks, the squad cars rolled on buna rubber. General Loeb's fear that the production of 2000 tons of buna every month would lead to war was sevenfold outmoded now. In the first four days 2000 tons were made — before the mechanized columns reached the outskirts of Warsaw. (In 1938 Farben had made 5000 tons of rubber while the Reich imported 97,000 tons; in this first year of war the figures were to be almost reversed, and by 1943 Farben was to make Germany an important exporter of rubber.)

While the Luftwaffe blitzed Warsaw, the mechanized ground forces pulverized half of Poland. From East Prussia a column of tanks and heavy vehicles drove on Mlawa and Pultusk. From Breslau in central Germany the offensive had been launched toward the textile centers of Kielce and Lodz; in ten days those cities were captured.

From Pressburg, where Farben reigned over the Czechoslovakian munitions industry, two spearheads drove up through the Jablonico Pass and over the Tatras to the east. Many of the tanks and heavy vehicles had been made largely of Farben light metals (such as magnesium), so strengthened that they could be used as armor plate in place of steel. For the not-too-distant future, Farben plans included synthetic copper to be made from German clay.

Without Farben shells, none of these mobile forces could have

moved a mile past the border. Of all the high explosives — from detonator to intermediate to gunpowder to casing — 84 per cent were Farben-made. And the other 16 per cent were stabilized and fired by Farben products. Farben's production of stabilizers was now *2600 times greater* than in 1933.

Let the rest of the world depend on Chile: Germany needed her no more. During these first eight months of 1939, by the Haber-Bosch process alone, Farben had doubled the whole Chilean output of nitrates. Nitric-acid production had jumped tenfold since 1933, methanol by six hundred or more. On that first day, diglycol was produced at a rate which would make 50,000 tons of gunpowder every month.

The "D-Lost" mustard gas, presumably from the Gendorf plant, was tried out the first day. Another gas, still unnamed, was not. This was Tabun.

From Elberfeld, Professor Hoerlein had given the word to Dr. Ambros that Tabun was ready to go into mass production. Tabun had been developed in special equipment, based on an intermediate chemical stockpiled by Ambros at Ludwigshafen. According to Ambros, one of Hoerlein's assistants had stumbled upon Tabun while eagerly trying to develop an insecticide.

Tabun was not used that day, but trucks creeping along the back roads toward the east carried experimental stocks of Tabun, and the equipment for making it on a large scale was ready just outside Berlin. No, Tabun was not used; they did not yet have enough to conquer the world.

PART NINE

RESPONSIBILITY OF THE MASTERS

32. Generals in Gray Suits

THUS BEGAN WORLD WAR II. Not against Russia, for the evil Molotov-Ribbentrop pact had just been signed. Not against the "aircraft carrier of Russia," for already the Nazis had "defended" themselves to Prague. And not against France which had "invaded the Ruhr" in 1923.

But against Poland — the one country which even in Wagnerian saga and the insanely defensive imagination of Adolf Hitler had never been named as a real enemy. That Poland could be a threat to Germany was so fantastic the defendants didn't even pretend they believed it. Had they realized the danger of war too late to turn back?

Time stood still along the Polish border. Only soldiers could be seen in the murky dawn between peace and war. Ter Meer said: "Like probably the vast majority, I did not believe up to the last minute that there would be war."

In the gallery watching the trial, the handful of spectators were quiet. Later, you would talk to them, and come away feeling like a child lost in the terrible suspension of darkness. That would please the defense, for they were about to go back again through the mazes of the half-buried era, twirling the clock hands in dizzying oscillations, protesting that there was more to this than the moment of outbreak. Motives changed with the years, they repeated — and the more motives scattered on the record, the less the likelihood they could ever be sorted out and held against this man or that.

Ter Meer leaned diplomatically toward the judges, like a vice-president reporting to his board. "There was a risk of war, no doubt of that, counsel. I admit that I failed to take into consideration the madness of a man who consciously drove Germany to disaster."

The stillness in the dock again brought the picture of fighters emerging in vague silhouette from the thin rain. "I was a very worried man," Von Schnitzler had said, "particularly after the

invasion of Prague in 1939, since I felt that England, France, and America were bound to take a stiffer attitude, and that ultimately Hitler's policy would bring Europe to war and ruin. In view of the enormous concentration of military production, nobody in I.G. could believe that all this was being done for defensive purposes."

Were these fateful words, or an echo that the Tribunal would at last put beyond hearing? It had been months since the defense had asked the court to dismiss most of the charges, and no ruling had been made. A colossal indecisiveness hung over the evidence like an array of clocks, each telling a different time. The defense argued with more enthusiasm now, while the defendants punctuated with sighs, frowns, the irritated tapping of pencils on the dock rail. What was the year, the day, and month at issue? Well, dawn came many times in twelve years; far better to listen to the prosecutor quoting Schmitz again than to dwell on that drizzly dawn of 1939:

> In my opinion the government armed to the fullest possible extent. With the beginning of the Four Year Plan in 1936, our investments started to jump rapidly, and in 1938, they grew to approximately 500,000,000 marks. It was absolutely clear that all our new investments were tied up directly and indirectly with the armament program. For example, in regard to buna, magnesium, benzine, and high-octane gasoline, all this was done mostly for Wehrmacht purposes. Most of our investments since Hitler came into power were tied up with the Wehrmacht. It was absolutely clear that in so far as international agreements were concerned, the Government wanted us to keep the Wehrmacht here as strong as possible.

Ter Meer, too, had seen the risk of war, but he had been too smart to admit that Farben and the government had taken the risk together. His version of Farben as pure "private enterprise, pursuing a long-term policy of peaceful investment" might be respectfully considered by the court, but surely the judges would see that the evidence made this contention ridiculous. After Von Schnitzler's first important contact with Hitler, he had reported to Ter Meer what "free enterprise" would mean. Less than two weeks before the March 1933 election, the Nazi Party was by no means assured of victory. Goering invited twenty leading industrialists and bankers to "Karinhall." Hitler appeared. Gustav Krupp von Bohlen made notes of Hitler's speech, and these notes had been before the Tribunal for months:

> 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. When the defense of the existing order, its political administration, is left to a majority, it will irretrievably go under. All the worldly goods which we possess, we owe to the struggle of the chosen. . . .
>
> It is not enough to say we do not want Communism in our economy. If we continue on our old political course, then we shall perish. . . . It is the noblest task of the leader to find ideals that are stronger than the factors that pull the people together. I recognized even while in the hospital that one had to search for new ideals conducive to reconstruction. I found them in nationalism, in the value of personality, and in the denial of reconciliation between nations. . . . If one rejects pacifism, one must put a new idea in its place immediately. . . . We must not forget that all the benefits of culture must be introduced more or less with an iron fist just as one time the farmer was forced to plant tomatoes. . . .
>
> 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 decision, one way or another. If the election does not decide, the decision must be brought about by other means. I have intervened in order to give the people once more the chance to decide their fate by themselves. . . . The necessity to make sacrifices has never been greater than now. The 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 hope the German people thus recognize the greatness of the hour.

That is what the Baron von Schnitzler heard Hitler say on February 20, 1933. Goering then asked for financial support. Hjalmar Schacht said: "On this table we must raise a fund of 3,000,000 marks."

Von Schnitzler went back and reported to the entire *Vorstand* what he had heard. Farben put up 400,000 marks, the largest single contribution to Hitler's campaign. Next day the Reichstag was set on fire and blamed on the Communists. Hitler, using the fire as a pretext, put out a decree drastically restricting constitutional rights. This was the first act of the man and the party after receiving the subsidy Farben had so generously provided.

The election was held one week later. Though in advance Hitler had voided all rights of privacy, including postal, telegraphic, and telephonic communication; though he had announced that the "wrong" people might have their property confiscated; though he decreed restrictions on freedom of speech, press, assembly, "opinion," and "association" — still the Nazi Party gained only 288 seats in

the Reichstag out of 647. Lacking a majority, he applied the "other methods" he had confidentially threatened in his speech. Opposition members in the Reichstag were taken into "protective custody." In their absence, the Reichstag passed the enabling act which approved all the powers Hitler had already pre-empted. Thus perished democracy and liberty in Germany.

And thus began a new kind of "private enterprise." In March 1933, Farben began training its employees in the use of gas masks and in air-raid precautions (highly efficient schooling, for according to U.S. bomb-damage surveys, only 13 per cent of Farben's productive capacity was knocked out of action during the war). Even before employees of the Nazi government were playing map games, Ter Meer's technical committee got the idea of putting the employees at the Leuna works through map exercises. The technical committee put up the money for this, as they had for air-raid precautions.

The President addressed Sprecher:

> Mr. Prosecutor, it does take some stretch of the imagination to conclude that air-raid protection is very persuasive with respect to plans for aggressive war against other countries. I don't think that you need to go very deeply into it.
>
> MR. SPRECHER: Naturally, in our view, it's just one of many subjects which tended in a certain direction. I have only one or two more questions.
>
> THE PRESIDENT: Very well, I'll withdraw my observation.
>
> MR. SPRECHER: Now, Dr. ter Meer, is it a fair statement that by the time of the occupation of Austria in March 1938, Farben's air-raid shelters had developed to the extent that at least 40 per cent of the employees could be accommodated in your air-raid shelters?
>
> A. Approximately, yes.
>
> Q. Can you explain the growth of these war games and air-raid precautions into tactical exercises?
>
> A. I cannot.

Nor could Ter Meer identify the orders such as this, which the *Vermittlungstelle Wehrmacht* sent, in January 1937, to all the Farben factories:

> In connection with the tactical exercises, we have already discussed with you the formulation of plans for Leverkusen, which are being commenced. In preparation for this, we should like very much to receive a list in which the individual departments of Leverkusen are clearly designated. This should differentiate between the following three sections:
>
> (1) Plants which must be on a full production basis in A-Fall (beginning of war).

> (2) Plants (intermediates and final processing) which will operate on a limited scale.
>
> (3) Plants for which it can already be determined that they will not run during the war.

It was also evident from several other statements Ter Meer had made, before the trial and on the stand, that he had contradicted himself in a way that supported several of Schmitz's assertions anyway. The 1945 investigators had dug up mobilization plans which had been prepared at Frankfurt and the Farben factories even before the *Vermittlungstelle Wehrmacht* was set up in Berlin. Dr. Struss stated flatly that these earlier plans for mobilizing all of Farben's production and personnel for war had been drawn up in 1934, under the aegis of Ter Meer's technical committee, with Ilgner's advice, and without even a suggestion from the Hitler government. Farben, said Struss, was the forerunner of mobilization of the entire German industry, and Farben's plans were later used as models by the Reich Ministry of Economics.

At Cransberg, Hermann Schmitz had agreed: "I.G. Farben, as early as 1934, had started with the preparation of mobilization plans." Nevertheless, said Ter Meer:

> This gives a totally wrong impression. I.G. Farben never prepared mobilization plans for itself, let alone the whole German industry. Such plans can be made only by central government offices in cooperation with the armed forces. In view of my insufficient knowledge, my own statement on this was often naturally erroneous.
>
> Q. Dr. ter Meer, is not the following a true record of what you said to the investigators? "*Question*: When did you become acquainted with the mobilization plans for war drawn up in 1934 by the various I.G. plants? *Answer*: Well, I wouldn't call that mobilization for war."
>
> A. That answer shows quite well, Mr. Sprecher, that I started right away to argue the question instead of giving the right answer — which was not at my disposal.

The fateful year, said Von Schnitzler, had been 1936. "After a conference with Wehrmacht intelligence officials in 1936," Ilgner promised to send them "copies of all his reports from abroad. In 1937, the Berlin Northwest 7 office first took the initiative in preparing bombing surveys, and then interested the Wehrmacht in them. With the increased tempo after 1936, continuous union between Farben and the Wehrmacht was the consequence."

As to all these things, the vaunted Ter Meer memory was struck by amnesia. Although he stated again that the prosecution had exaggerated the *Vermittlungstelle Wehrmacht*, he had thought it

important enough, according to Dr. Struss, to make a final visit before the American troops reached Aachen:

Q. Dr. Struss, what happened to the *Vermittlungstelle Wehrmacht* files?
A. [Pause.]
Q. Did you destroy them?
A. On Dr. ter Meer's orders, yes.

Dr. Berndt questioned Ter Meer:

Q. Did you have any knowledge of the aggressive intentions of Hitler?
A. I repeat that I did not believe up to the last minute that there would be war.
Q. Dr. ter Meer, on December 17, 1936, Goering made a speech at the Pressenhaus. It was not reported in the newspapers. Mr. Krauch and Mr. von Schnitzler are supposed to have been present. As we have heard here, Goering is supposed to have spoken of the time when final altercations were approaching: "We are in the middle of mobilization and in war; there is no shooting yet." The prosecution has submitted an exhibit to prove that Mr. von Schnitzler, after this meeting, reported on the matter to the larger dyestuffs committee. You are supposed to have been present.
A. Yes, according to the minutes I did attend. But I must say quite frankly that I do not remember having attended. Even if he had reported the Goering speech very thoroughly, I do not know where the "loaded guns" were that Mr. Goering spoke of. Mr. Goering liked to express himself very bombastically, and so I do not believe I would have taken it seriously.

Assuming everything else proved, did they know when the war was coming?

Did they know when the war was coming?

Reviewing the record, I was again awed by the scope of the defendants' knowledge. Within the plants, duties were so well understood that when, on September 3, war broke out with Britain and France, the *Vermittlungstelle Wehrmacht* needed only a simple telegram to the technical committee stating that all plants were "to switch at once to the production outlined in the mobilization program." This order did not even mention the word *war.*

On September 4, a cable was received from a subsidiary in Mexico asking Farben to lend money to the German legation there "in case of war with the United States" and stating that "the press of Mexico must be influenced."

On September 19, from Mexico, German Ambassador Ott thanked Farben for the receipt of 100,000 pesos "for propaganda purposes." The operations of Berlin Northwest 7 went on as if the attack on Poland were merely one more routine step in the march to world power, different only because the Poles resisted.

Berlin Northwest 7 was feeding on the continual assumption that war must come. By August 1939, Ilgner had placed several Wehrmacht intelligence officers in his agencies abroad. A few days before the outbreak, the Wehrmacht asked Farben to hire all Army espionage agents and place them abroad. The *Vorstand* refused, but they offered an evil compromise. During the last week of "peace," they set up "The Association for Sales Promotion," a corporation to act as a cover agency for Wehrmacht spies. This Association did not promote any "sales" until war broke out, though the Farben directors played a game of cops-and-robbers with it, speculating on how the Association could operate so as not to expose either Farben or the Reich. Some time after the war began, Von Schnitzler, in a letter to another Farben director, described the success of the Association since the invasion of Poland:

I recently had reason in Berlin to discuss with Major Bloch of the Army Supreme Command to what extent the Supreme Command still wants to use the services of the Association for Sales Promotion. This company has been particularly well suited for the intended camouflaging maneuvers, since the failure of one of its emissaries has never led to a catastrophe; if worse comes to worse, this company might not have to confine its activities to other neutral countries.

As soon as war broke out, spies were sent out, under cover of the Association, to get information for Major Bloch in enemy and neutral countries. The Association became part of the *Vermittlungstelle Wehrmacht,* rather than of the German high command. Intelligence which, ten years before, would have been handled by Ilgner's statistical department was now handled by the *Vermittlungstelle Wehrmacht,* which had for several months been conducting phony negotiations with France and England on "exchanges of experience."

In England, Farben had erected a small magnesium factory in 1936, to maintain some control over the production of magnesium in the British Empire. (Already Canada was losing magnesium markets to the Farben affiliates in the United States.) Farben wrote off the risk of war by demanding and getting from General Thomas a Reich subsidy. This subsidy, plus the three-year profits from the factory itself, constituted a handsome profit and made it no sacrifice at all for Farben, on the day war broke out with

Poland, to turn over to the Luftwaffe a map of the location and capacity of the factory.

If they didn't know, months before, that the attack would begin at 5 A.M. on September 1, they couldn't have been too surprised when it did come. They had special reasons for knowing *every* morning that the world was on the verge of war. At Ilgner's direction the Carl Schurz Association had installed a secret telephone "so that in case of mobilization the Schurz Association would be available at a moment's notice to carry out its tasks." All summer the legions of Von Rundstedt massed along the Polish border, while the world still talked of the possibility of war. But what might have been a possibility to the outside world, and perhaps a probability to the average German citizen, was a predictable certainty to the men of Berlin Northwest 7. Warsaw to the southeast would be bombed; the near-by chemical factories at Wola would not, nor the Winnica plants farther east, nor any part of the area in Upper Silesia which included Auschwitz, then a town of only 10,000 souls.

A week before the bomb dropped on Puck, the accelerated activity between Ilgner's office and the Wehrmacht's military-economics division crystallized into an agreement that Ilgner would loan all his records and archives to the Wehrmacht. There was no dust on many of these records. There were maps of aluminum factories in England, with the aerial targets clearly marked; explosives and chemical-warfare agents in the United States, their "technology and production capacities"; also from the United States, a location map of rubber plants; a report on the nitrogen production of Germany's new ally Russia and her old ally Japan, as well as of their enemies, the United States and Great Britain.

This arrangement was not worked out by order of the Wehrmacht. It was an agreement, with Ilgner stating the terms. He would go on gathering intelligence, and "I.G. furthermore declared themselves prepared to answer further questions put to them, which must be kept as brief and concise as possible."

Ilgner was not alone in taking such last steps, from which only the most crucial threat of an immediate war could be deduced. The Reich had appointed a Commissioner for Chemistry, whose main connection with chemistry seemed to have been to inform Farben of the successive target dates by which mobilization would move to outbreak. On August 2, this Commissioner, whose name

was Ungewitter, gave Farben — through the *Vermittlungstelle Wehrmacht* — the alert signal for war:

> In agreement with the Reich Ministry of Economics, I accordingly direct you to stockpile that amount of the raw and auxiliary materials indicated by you as necessary for the execution of the mobilization order, which would cover the requirements for three months. . . . It is incumbent upon you to register as priority transports the quantities of these materials required, for the first four weeks, from the beginning of the mobilization, with the military-economics department concerned. Please inform me as soon as possible that the directives issued to you for stockpiling have been carried out.

The "military-economics departments" referred to by Ungewitter were under the regional quartermasters, who would expedite the flow of materials as soon as war began. The *Vermittlungstelle Wehrmacht's* specific alert to each and every Farben plant had presumably been destroyed by Dr. Struss, but two of the Farben plants had failed to destroy their orders from the Wehrmacht itself.

On August 26, the Leverkusen plant received a secret letter from the Dusseldorf military-economics department, stating that all personnel had to remain on the job. Detailed instructions were given for what Leverkusen should do "for the duration of military measures." And on August 30, the Hoechst plant received from the Kassel military-economics department the necessary requisitions for the "first fourteen days of the mobilization."

One chilling teletype from the *Vermittlungstelle Wehrmacht* had been recovered. Dated three days before war broke out, the message alerted all the Farben plants that the *V.W.* could be reached by telephone and teletype on a 24-hour basis. Teletype was preferred "because of security and speed in the transmission of news."

Time hung heavy on the defense's hands. They could not deny the terrible acceleration of events; and the re-creation of that last month seemed interminable. Yet they had to speak. They chose to break up the matter into a confusion of sociological flashbacks that might give it a more leisurely perspective.

But the prosecution felt that the judges would decide that, even if the Farben directors didn't know the exact instant war would break out, they knew war was imminent.

In the first days of August 1939 Paul Haefliger was preparing to go to Switzerland on Farben business. He was nervous because a couple of Nazi officials were watching him; before leaving,

he wanted to become a German citizen. The other directors talked him out of it. On August 11 — Haefliger was then in Bern — the *Vorstand* sent a lesser director to the authorities, to explain that it was "imperative that Herr Haefliger remain a Swiss citizen, in view of the enormous value of having a neutral representative who can pass easily back and forth." This emissary pointed out that Haefliger had served Germany well in the first World War, as head of the War Acids Commission:

However, against his personal intention, the *Vorstand* of our firm asked him to abstain from acquiring German citizenship in view of the export interests of our concern, and especially in view of possible war complications. The possibility is given . . . to have an expert who is loyal to Germany, unobtrusively negotiate abroad questions regarding war.

In the last days of August, Haefliger was "called back." According to arrangements, if war broke out he was to move his office to Berlin. Actually, he moved several days before the war. Sprecher questioned him:

Q. Now, one last question. Do you remember taking up again on the 29th of August 1939 the question of what would happen to the Frankfurt headquarters in the event of war?
A. Well, I arrived in Berlin on approximately the 22nd or 23rd of August, and I remained there. The situation at that time was extremely serious. I know that I came directly from Switzerland by car, went directly to Berlin . . . and in the Harz Mountains I received news of the pact concluded between Molotov and Ribbentrop. That was a great relief for me. I thought perhaps the matter would be straightened out and no complications would arise. . . . Then of course war broke out on the 29th of August.
Q. But did you talk about the mobilization of the Frankfurt headquarters?
A. I can't remember that.

So, in Haefliger's recollection, war broke out two days before the troops crossed the border! Could this mean that he'd confused the actual date of war with the date on which he was sure war would come?

At the Leuna plant, Christian Schneider also knew, two days ahead. He called a meeting of his department chiefs. He closed his discussion with the announcement: "This is war."

Then — late August in England. Said Ter Meer: "Some of our men were in Trafford Park until a few days before the war broke out; they were called back by telegram at the last minute."

Late August at Ludwigshafen:

Q. *Dr. Ambros, do you recall being interrogated by Mr. von Halle on 19 April 1947? I show you a copy of the interrogation, and I ask you if you made these answers:* Q. When did you suspect for the first time that an aggressive war was being waged?
A. I was afraid that in the year 1938, when the Sudeten German affair took place, war would break out. I was together with Bosch before he died, during the days when this Chamberlain agreement came about.
Q. Was there any conference among the I.G. people about the preparation for war?
A. Ludwigshafen received no products from the West during those years, and one had to assume that there was danger somewhere.
Q. You heard for the first time in September that there would be war against Poland?
A. During the last August days.
Q. Before your journey into the Dolomites?
A. Yes.
Q. *I ask you again, Dr. Ambros, did you make these answers?*
A. *I do not recall.*

Years before the "last August days," the Farben directors had planned a mobilization on their own initiative. Were these plans too far in the past to show that they premeditated war? The clock moved back only to the spring of 1939, when Krauch believed Germany could no longer avoid a "rupture with the group of powers under the leadership of Great Britain." If this meant anything but war, Krauch could explain. He took the stand:

I cannot remember that I made such a statement. I assume that one of my experts — I might give you a few names — inserted this part. They were worried about the irresponsible foreign policy of our government. They expressed misgivings voiced by various persons: "Where is the road of the government leading us?"

Thus, troubled by a hot foreign policy, Krauch had heated it up some more: "We must strengthen Germany's war potential so that it is equal to the efforts of practically the rest of the world": by expanding "peaceably at first to the Balkans and Spain"; by acting "upon these thoughts with the greatest possible speed, [or] all sacrifices of blood in the next war will not spare us the bitter end which already once before we brought upon ourselves owing to lack of foresight and fixed purposes."

One of the other defendants, Dr. Wurster, did not hide behind experts. In July of 1939, he said, Dr. Ungewitter told him that

"the conflict in Poland might break out at any moment." The next day Wurster got in touch with Ambros and Ter Meer and told them Ungewitter had suggested moving the production of intermediates from Ludwigshafen. He added that Ungewitter had official knowledge that the war would start at "harvest time." The discussion took place in Ter Meer's office, with Dr. Struss present. Struss testified he was also with Ambros and Ter Meer when Ungewitter repeated what he knew. Ter Meer said:

I believe that was supposed to have been in July? What Mr. Ungewitter could have discussed with Mr. Wurster and Mr. Ambros, I have no idea. I myself certainly was not told by anyone that there was a war with Poland coming. This is complete nonsense. Affection for Mr. Ungewitter among us technical men was not so great that we called on him voluntarily and tried to learn anything. Whether this gentleman in question discussed with me the technical possibility of transferring part of the Ludwigshafen production to other plants, I do not remember.

Struss said that Ungewitter, who moved in the highest circles, had quoted the source of his warning. In view of Krauch's superior authority and accessibility to information, no doubt by the time Ungewitter got around to talking, his chat was no longer news. Actually, the production of most Ludwigshafen intermediates was already being transferred to the interior when Ungewitter called on the gentlemen — transferred not on his order (for he had no power to order them) but on Krauch's.

Von Schnitzler offered no excuse:

Dr. Ungewitter told me in the summer of 1939 that war with Poland would not begin until harvest time, September 1939. I was a very worried man. Even if we hadn't been directly told that the government intended to wage war, it was impossible for officials of I.G. to believe that the enormous production of armaments and preparation for war, starting from the coming into power of Hitler, accelerated in 1936, and reaching unbelievable proportions in 1938, could have any other meaning but that Hitler and the Nazi government intended to wage war come what might. We of I.G. were well aware of this fact. . . . In June or July 1939, I.G. and all heavy industries were completely mobilized for the invasion of Poland . . . and we all well knew that Hitler had decided to invade Poland if Poland would not accept his demand. Of this we were absolutely certain.

The following are some of the answers Von Schnitzler gave to Sprecher at a pre-trial interrogation. The transcript of this interrogation had been before the Tribunal almost a year, to help the judges decide whether Von Schnitzler was coerced by the prosecution into confessing.

VON SCHNITZLER: Now comes my conclusion, Mr. Sprecher. I said before that only the statement of Schmitz was not among my papers; but from the conclusions Ter Meer makes at the end of his statement, the most important points of that statement can be deduced. And studying them again after the present interrogations of five weeks, I am of the opinion that my points which have been corrected there were largely correct.

Q. That is to say, that you now agree with the corrections which Ter Meer made —

A. No, on the contrary, no.

Q. In other words, you believe the corrections which Ter Meer made —

A. I think they don't touch the point.

Q. Well, let's take them separately just so we are certain what is mentioned. I was reading them at the time you made your answer, and therefore I apparently did not understand you. On page 19 of Ter Meer's statement, Ter Meer refers to a conclusion which Dr. Schmitz made in his statement of 17 September 1945. In the 17 September 1945 statement, Schmitz said: "Therefore it can be said that most of our whole investments since Hitler came into power were tied up with the Wehrmacht." You would state that from your own experience, and even after having considered for these many months the discussions with your technical colleagues, you will conclude now that Schmitz was correct in making that statement of 17 September 1945?

A. Yes, sir, I think so, after your interrogations and after having seen again my own statements on that matter, it is still correct. . . .

Q. There is still another quotation at the bottom of page 19 as follows: "It was absolutely clear, that in so far as international agreements were concerned in the chemical field, that the government wanted us to keep the Wehrmacht here as strong as possible."

A. Absolutely true — how can one deny that?

Q. I don't know, Doctor; it is probably in order to ask Dr. ter Meer.

A. Yes, you must do so.

Q. Do you have anything further?

A. No thank you. I thought it was necessary to explain it as I have been involved in that matter. I do not revoke anything. But Schmitz has revoked. I had to show you the whole development in order to make clear how things have happened.

Q. I would ask one further question. You mention that the honor of both you and Schmitz came into question.

A. Yes.

Q. And you also mention that there was a certain moral pressure?

A. Yes, sir.

Q. Would you develop that a little bit?

A. As I said before, I was in the center of that attack because they took Schmitz as not being entirely responsible owing to his mental

and physical state. They gave me (Ter Meer in the first instance) to understand — here I must repeat his own statements towards me such as "weakness," "superficiality," "presumptuousness." He said he didn't want me to have a judgment over things which I didn't understand, such as giving to the authorities wrong facts which would be detrimental for the company and for all of them.

Q. And you felt that that drew your honor into question?

A. I felt my honor was drawn into question, yes.

Q. And when you speak of the moral pressure, I take it you are referring to the pressure of a considerable group of people which was directed against one person, principally, namely, you.

A. That is right.

Q. It must have been a slightly uncomfortable situation?

A. It was terrible. Much worse than the months I have spent here in Nurnberg. I can't begin to describe it. But I mean all that I said, basing my view only on that statement of Ter Meer.

Q. That is to say — you made some of the corrections to me based upon Ter Meer's statement and yet you still recognize that some of the statements or corrections made by Ter Meer are not in fact correct?

A. That is right.

Von Schnitzler's conscience led him to confess that he knew war must come. Just as important, he had cited many circumstances, known to the other directors, which clearly forecast war.

Before finally ruling, the court had decided to see if he would take the stand. Von Schnitzler sat with his head bowed — he would say no more. Since the first shaky ruling apparently stood, his statements applied only to himself, if indeed they were worth that much.

Judge Paul Hebert, his eyes snapping, dissented from the effect of this ruling. From the beginning, he pointed out, the court had openly invited Von Schnitzler not to take the stand. Judge Merrell, in an "alternate's" informal opinion, joined Hebert.

Now there was grave doubt as to just what motives and what knowledge would, in the opinion of the other two judges, make up the criminal intent to prepare an aggressive war. For a long time the air of a business meeting had pervaded the court; on this last day of trial, we might have been at a convention of psychologists. What the defendants "believed" at one time and another was the center of attention.

Yet could not a crime be planned, and eventually committed according to that plan, after moments when the criminal impatiently believed that the thing would never come off? Hitler himself was so overcome with joy at the blitzkrieg conquest of France that for days he found the victory hard to believe. In

twelve years, must not he have wondered sometimes if victory would ever come?

The anxious conflicting impulses of a criminal's imagination help very little in determining his legal state-of-mind. Even with the help of every psychiatrist in the world, the law could not uncover what psychiatry cannot: the criminal's every personal motive.

But "aggressive war," containing many offenses, is the most complex of crimes. Having decided that Von Schnitzler's statements proved nothing about the common intentions of the *Vorstand,* the Tribunal had at least two standards by which they might weigh the remaining evidence. One was a recent precedent, the other as old and broad as the common law.

Three times during the summer and autumn of 1939, in secret meetings, Hitler had set the exact date for the attack on Poland. Since industrialists would not march, or negotiate with "the enemy," or concern themselves with the tactical value of invading at harvest time, no industrialist went to those three meetings. Only a few of Hitler's top military and political advisors were there. These were the men found guilty at the Goering trial.

Especially because no industrialists were tried with Goering, the prosecution felt that the International Military Tribunal didn't intend to squeeze a situation of fact into a narrow precedent that would exonerate all those who still knew fairly accurately when war was coming. Must it be shown that the defendants knew the exact day?

All of them knew the season. If that weren't proof enough, a man could premeditate a war for years, work for it, and then escape responsibility because his political and military conspirators moved the first week of September when he believed they would move the second week.

Even if the defendants thought France would be attacked first, they were, in our judgment, guilty. Suppose I join in a plan to rob five banks in Camden, New Jersey. The Camden Trust is robbed by my fellow conspirators on a day when I believed they were going to rob the First National. Am I not just as guilty as they are, though I wasn't there and didn't know which bank they were going to rob? I am guilty even if the bank is robbed on Wednesday whereas I thought it would be robbed on the following Monday. And if murder results, I am just as guilty of the murder.

Or, working in the background, suppose I obtain weapons and

put them in somebody else's hands, hoping that their superior force will accomplish the robbery without anyone's getting hurt. I still cannot escape justice because someone else's finger pulled the trigger.

Nor would I be innocent of a murder during a third robbery just because the threat had worked out happily, without anyone's getting killed, the first and second time. The common law had something to say about that: *He who creates the threat of force, knowing it will be used, is responsible for all the direct consequences.*

Backed by three successive aggressions (Austria, the Sudetenland, Bohemia-and-Moravia), each of which carried the clear threat of war, the defendants worked unremittingly to increase the threat even more for the fourth attempt. A man who, as far back as March of 1938, "realized suddenly like a stroke of lightning from a clear sky" that "the matter which we had considered more or less theoretically could be deadly serious," could scarcely be presumed to be thinking theoretically any more on the twenty-second or twenty-third day of August when he arrived in Berlin and the situation "was extremely serious."

Although most of the directors said on the stand that they did not *believe* an aggressive war was coming, without exception they *feared* it. The most convincing denial of this fear any of them could think of was the argument that they had based their thin hopes on the successful robberies of the past. Dr. ter Meer argued, in effect, that the longer the danger of war continued, the more innocent the participants were when the real war began. "In the fall of 1938," he said, "there was doubtless the danger of war. There's no question of that."

We addressed our last argument to the court. The Farben directors had almost singlehanded created the threat of war. Suppose they did believe in the back of their heads that Hitler could accomplish his conquests by threat alone — but believed that if threats didn't work, Hitler would go to war? That was all the state-of-mind we had to prove.

Yes, the directors of I.G. Farbenindustrie owned the power to make a war. Through six long years they developed that power into an unprecedented military machine. Only Farben could have done it, and without Farben war was, in Von Schnitzler's word, "unthinkable."

After 1936, they deliberately decided to risk a war. By 1938, the probability of war was known to them as to only about fifty other

people in the world. Then, as troops patrolled every yard of the Polish border, they knew that only a miracle would prevent war within a few days.

Would they go free now because no one saw their faces through the drizzle at 5:30 on the morning of September 1, 1939?

PART TEN

DAY OF JUDGMENT

33. How Sorry We Are

MAY 28, 1948. THE TRIAL WAS OVER.

All the defendants had made speeches praying that the good name of I.G. Farbenindustrie be preserved. Schmitz was strangely coherent. He said Farben had been taken in by Hitler's fear of Communism, his continual warnings that Germany must be prepared to defend itself against "danger in the East."

This was the most fantastic of their appeals. I recalled Judge Morris' remark on the first day of the trial: "We have to worry about the Russians now." These days there was even more cause for worry. The Soviets were taking measures in Berlin that thirty years ago would have meant war. But surely, I thought, the judges would not read from the current situation the motives of the defendants several years ago.

We must wait two more months before the judgment would be rendered. Duke Minskoff and I took a long holiday through Italy, Belgium, Holland, France, and Luxemburg. He was carefree, convinced that all the directors would be found guilty on the slave-labor charge. I didn't reflect much on the case until we got back and met a nervous Sprecher.

Sprecher still believed the political atmosphere would seriously influence the outcome. The Soviets had just cut off rail, highway, and barge shipments to Berlin. Everyone was jittery. Judge Hebert had sent his wife and children home. So had I. Still, I made a bet with Sprecher that at least Carl Krauch would be convicted of preparing an aggressive war.

On the day of judgment, war was on everybody's lips. Two days before, the first planes of Operation Vittles (soon the "Berlin Airlift") had flown across the Soviet zone to the British, French, and American outposts in the city. The spectators' gallery was jammed with Nurnbergers.

Ten hours later, in a homey atmosphere, the twenty-three men sat in a body to hear their fate. Even those found guilty of something did not come out one by one from the elevator behind the dock to face sentencing alone, as was customary.

The sentences were light enough to please a chicken thief, or a driver who had irresponsibly run down a pedestrian.

The dueling scar on his cheek went pink with suppressed joy as the Prussian lawyer who had feared the sticks and stovepipes of the French Army walked out of court a free man. The small-town druggist's son — who among other things had sheathed the pretty legs of Western Hemisphere ladies — smiled as he opened the elevator door for the last time. Stepping after him (going over to the jail to pick up their belongings), went Professor Heinrich Hoerlein, Carl Lautenschlaeger, Wilhelm Mann, and five others. These eight were also acquitted of all charges.

Hermann Schmitz, Paul Haefliger, Von Schnitzler, and five others stood convicted only for plundering other industries. Von Schnitzler's admissions did not mean anything, even against himself. None of the directors was censured for abetting and waging an aggressive war — not even Carl Krauch.

Indeed, Krauch too would have gone scot free if he hadn't asked Goering to give him concentration-camp inmates. Besides Krauch, only four men were held responsible for Auschwitz: the affectionate Ambros, the procurer Buetefisch and his engineer Duerrfeld — and Ter Meer. As to Ter Meer, the court could not bring itself to find him guilty on the unchallenged facts; he was guilty only by the inference that Ambros must have talked to him about labor at Auschwitz.

Not a word of disapproval went to the other fifteen directors (all but four of the defendants were members of the *Vorstand*), who had approved the Auschwitz site, who had appropriated all the money for all the projects during the four-year terror there, who had built their own concentration camp, who had employed inmates at Bitterfeld and Wolfen and Hoechst and Agfa and Ludwigshafen, who had started the first modern European slave market. In the earlier days of Farben's impressment of foreign workers, one of these fifteen had pushed Krauch's plan of "work contracts," which led some foreign workers to believe they could quit when the contract was up. Farben had been reluctant to grant these "volunteers" leave, but sometimes they did when a "guarantor" — a brother, for example — would agree to come to Germany to take the worker's place. The replacement was always in better shape; that made the system practicable.

This defendant had penned a note on one of his complaints that the government wasn't co-operating. "French personnel going on leave to furnish guarantors: private agreement with slave traders?" His counsel had told the court that the defendant used the term "slave traders" in "a more or less jocular form." Didn't the court see the point? It was just a joke. The defendant added: "To what extent such practices were customary, I cannot tell you today. At any rate, if the people maintain that they did not come quite voluntarily, then in my way of expression, perhaps a joke like that could be understood."

His sense of humor was duly appreciated. In fact, he was so funny that apparently there wasn't room in him for the knowledge that he was investing in mass murder. Ambros had shown "criminal initiative" because he recommended the site to the *Vorstand;* but this other chap had exercised no "criminal initiative" in voting in the *Vorstand* to approve the recommendation.

None of the other fourteen were responsible, either, because they hadn't visited the site. So the judgment said, anyway. As for those among them who had admitted visiting the site — well, they must have been dreaming! And it came to pass that Hermann Schmitz, who, according to Fritz Sauckel, had "wildly recruited foreign workers" for Auschwitz, was "never shown to have exercised functions in the allocation or recruitment of compulsory labor."

Looking back on that day, that's how I remember the judgment — the fantastic foundation of an Auschwitz that never was, and then the tower of straw built up over it. How many times have I thought: How could they have acquitted Schneider? As director of "welfare" he visited Auschwitz many times. Yet two judges would put him into a pigeon hole called "a dearth of evidence of knowledge." The judgment would accept "corrections" on the witness stand of statements Schneider could "no longer maintain, after studying the law," and because he was "put into an excited condition," and because he had a "poor memory." Schneider had told the interrogators of "overworked and drawn human beings," but the Tribunal would believe his later explanation that this was "purely a subjective impression." On the stand Schneider had said that he never heard of any exterminations, although he recalled going along the main road one day, past a "dormant crematorium." At that time this "dormant" crematorium was burning corpses at

the rate of a thousand a day. The flames shot fifteen meters into the air; the stink pervaded the countryside to the north for forty miles until it joined the stink of the Warsaw crematorium; the fumes would pucker the nose of anyone within half a mile, and Schneider — a scientist with a specially acute sense of smell — had passed within a hundred yards of the place.

In bolstering this acquittal, the majority of the judges said also that a government quota forced Schneider to get mixed up in the Leuna expansion at Auschwitz. Then, lumping the other fifteen with him, they would find that all of them got mixed up in both the Leuna and buna activities through Government "necessity." This, although Schneider had told the interrogators: "No one in the government forced Farben to build Auschwitz factories or to operate them." The rubber quota, in excess even of Reich requests, had been set up by Carl Krauch four years before, and was continually increased over the opposition of Army Ordnance.

In Agra, India, the sweat and toil of 22,000 slaves at least resulted in a beautiful building, the Taj Mahal. But Buna-Auschwitz was not only the most appalling failure in the history of modern industry — it had no parallel anywhere in history in the uneconomical exploitation of labor. Human beings were dissipated so unmercifully that *after almost four years the construction was still unfinished.* Although methanol and gasoline were produced in quantity after 1942, buna rubber was not. At a human cost of 200,000 lives — plus a quarter-billion Reichsmarks — *not one pound of rubber was ever produced at I.G. Auschwitz!* And though the SS complained, the government did not even try to take the project away.

The Auschwitz judgment would end by featuring another fantastic contradiction. The defendants had said they didn't know of cruel events *anywhere* at Auschwitz. Then they begged the Tribunal to excuse the erection of Monowitz because they *did* know what was happening to the inmates elsewhere and they wanted to alleviate their lot. Said Judge Shake:

> Camp Monowitz was not without inhumane incidents. Occasionally beatings occurred by the Farben supervisors. While the food was inadequate at Monowitz, as was the clothing, especially in winter . . . Farben voluntarily and at its own expense provided hot soup for the workers on the site at noon. This was in addition to the regular rations.

Horror consigned to oblivion! Bags of bones resurrected by

"regular rations"! I remembered what a British prisoner of war had said:

I do not know what they got apart from the noonday meal, but that consisted only of a bowl of evil-smelling soup that our boys would not eat. The murderous working speed . . . many prisoners suddenly stretched out flat, turned blue, gasped for breath and died like beasts. . . . It was forbidden for us other prisoners — and among us many physicians — to help another prisoner. . . . Detachments of 400 to 500 men brought back each evening five to twenty corpses from each detachment. The dead were brought to the place of roll call and were counted as being present.

I thought of the Monowitz records, scrupulously kept by the defendants' agents. From 1942 to 1945, over 50,000 deaths a year. The workers "sometimes" collapsing — at the rate of 25,000 a month. The beatings that were "occasionally administered" — 200,000 times a year.

And then I wondered at the literal quality of my own mind. Perhaps I was a little jealous of fifteen men endowed with the phenomenal genius of knowing while they knew not. Or of two judges who appeared to understand that paradox so well.

By the time Judge Shake and Judge Morris got to Auschwitz, rosy fiction was not unexpected. The night before the judgment the plant at Ludwigshafen, touched off by an unknown cause, had blown up. When the court came to order, Judge Shake commiserated with the defendants: "I want to say how sorry the Tribunal is that this happened." His tone bespoke a disproportionate compassion. We saw that Judge Clarence Merrell was not sitting today. He had sat every other day, even when his wife was in the hospital after a serious accident.

Judge Shake then proceeded to the meat of the matter, as he'd been wont to say:

Two thoughts permeated Hitler's public utterances from his seizure of power up until 1939. These were the fear of Communism and love of peace. On 18 March 1938 Cardinal Innitzer and the Bishops of Austria issued from Vienna a solemn declaration in which they said: "We recognize with joy that the National Socialist movement has produced outstanding achievements in the spheres of national and economic reconstruction. We are also convinced that through the activities of the National Socialist movement, the danger of all-destroying godless Bolshevism was averted." Thus it appears that even high ecclesiastical leaders were misled as to Hitler's ultimate program.

After securing Austria for the Reich, Hitler turned his attention to Czechoslovakia and applied increasing pressure upon that country under the pretext of rescuing the Sudeten Germans from claimed oppression by the Czech government.

In the light of history we now know that Hitler had no intention of stopping with the gains he made through the Munich agreement. In order to justify . . . the threat of invasion . . . of Bohemia and Moravia, . . . Hitler carried on for some time systematic propaganda against the Czechs, the foundation of which was, as usual, the fear of Communism.

On 23 August 1939, Germany and the Soviet Union likewise entered into a non-aggression pact. [Such] agreements were made public and are of such a nature as to conceal rather than expose an intention on the part of Hitler and his immediate circle to start an aggressive war.

In April 1939, Hitler issued strict directives to the high command to prepare for war against Poland. But in a speech to the Reichstag, on 28 April, he said: "The intention to attack on the part of Germany . . . was merely invented by the international press."

Thus he led the public to believe that he still maintained the view that Poland and Germany could work together in harmony.

During this period, Hitler's subordinates occasionally gave expression to belligerent utterances. But even these can only by remote inference, formed in retrospect, be connected with a plan for aggressive war. . . .

Hitler was the dictator. It was natural that the people of Germany listened to and read his utterances in the belief that he spoke the truth. The statesmen of other nations, conceding Hitler's successes by the agreements they made with him, affirmed their belief in his word. Can we say that the common man of Germany believed less? . . . The average citizen of Germany, be he professional man, farmer, or industrialist, could scarcely be charged by these events with knowledge that the rulers of the Reich were planning to plunge Germany into a war of aggression.

We reach the conclusion that common knowledge of Hitler's plans did not prevail in Germany, either with respect to a general plan to wage aggressive war, or . . . specific plans to attack individual countries, beginning with the invasion of Poland on 1 September 1939.

During recess, I recalled some things that the court would say were "remote inferences formed in retrospect":

We are already at war, only the guns are not yet being fired. . . . The German Army must be ready for war within four years. . . . Seebohm laughed and said: "Czechoslovakia attack? No, there's nothing to it." . . . I went to Goering and said, "We will lose the war on this basis."

So far, the heart of the matter had embraced the political arena in which every German sat as a spectator for twelve years. All the German people knew some things that even the statesmen of other nations did not know. This, we had pointed out, was only one small area in the defendants' total knowledge of Hitler's aims.

But the discussion had lasted an hour and a half. Obviously, Shake was leading up to something else. The other prosecution people were too stunned to be sure, but Sprecher was bitter. "We are about to hear a new definition of the Common Man," he said.

The judgment went on as if Sprecher had been overheard:

> In considering the many conflicts in the evidence, as the multitude of circumstances from which inferences may be drawn, as disclosed by the voluminous record before us, we have endeavored to avoid the danger of viewing the conduct of the defendants wholly in retrospect. On the contrary, we have sought to determine their knowledge, their states-of-mind, and their motives from the situation as it appeared, or should have appeared, to them at the time.
>
> If we emphasize the defendant Krauch in the discussion which follows, it is because the prosecution has done so throughout the trial and has apparently regarded him as the connecting link between Farben and the Reich on account of his official connections with both.

Judge Shake went on in a firm, pleasant voice. The following are a few excerpts from the judgment. (As throughout this book, nothing is taken out of context where it would change the basic meaning to do so.)

> The prosecution has, with emphasis, quoted several passages as evidence of Krauch's intention to wage aggressive war. In his report to the Four Year Plan [wherein Krauch had spoken of the "peaceful hypothesis" that was no longer possible], Krauch's conclusion is in the nature of a commentary on Germany's position of disadvantage with respect to her economic and military situation. The thoughts expressed are none too coherent. There are some expressions consistent with a warlike intention, but to say that these statements impute to Krauch a knowledge of impending aggressive war is to draw from them inferences that are not justified. It seems that Krauch was recommending plans for the strengthening of Germany which, to his mind, was being encircled and threatened by strong foreign powers, and that this situation might and probably would at some time result in war. But it falls far short of being evidence of his knowledge of the existence of a plan to start an aggressive war against either a definite or a probable enemy.

The lunch recess came. The three judges would be eating at the Palace. Most of us wanted to get away. We straggled over to the Grand Hotel, knowing now what was coming, no one willing to say so.

After lunch I saw Clarence Merrell slumping in a lobby chair. His hand was like a visor over his forehead, as if protecting his eyes from a glare. "How come you're not over at the courthouse?" I asked him.

With obvious disgust, he shook his head.

That afternoon, the scapegoat Professor who didn't know any more about his duties than did the German people was joined by another stranger to the record. The Tribunal couldn't avoid finding that Von Schnitzler's statements to Sprecher were freely made. Shake held, on behalf of the Tribunal, that Von Schnitzler's statements were *too* voluntary! Even this one about the *Vermittlungstelle Wehrmacht:* "A whole range of problems was worked out, and only later, after certain results of experiments could be seen, the offices of the Army were made interested. The cases were rare where the Army approached the *V.W.* — usually it was the other way around. If the *V.W.* were as unimportant as my colleagues say, they would not have put it in charge of one of I.G.'s first technical men."

Judge Shake continued:

> Von Schnitzler was seriously disturbed and no doubt somewhat mentally confused by the calamities that had befallen Germany, his firm of Farben, and himself personally. His eagerness to tell his interrogators what he thought they wanted to hear is apparent throughout. . . . The *Vermittlungstelle Wehrmacht* was part of the program for rearmament, but neither its organization nor its operations gives any hint of plans for aggressive war. . . .
>
> We find that none of the defendants is guilty of the crimes set forth in Counts One and Five.[1] They are therefore acquitted under said counts.

As Presiding Judge Shake finished reading the judgment, Judge Hebert announced that he differed on many points. He looked down, except once when he swayed slightly toward the empty chair of Judge Merrell. Hebert added that he would file separate opinions later, including a dissent on the slave-labor count.

The twenty-three defendants[2] sat as a body, as Judge Shake solemnly announced the results of the eleven-month trial:

Fritz Gajewski	Not guilty on all counts
Heinrich Hoerlein	Not guilty on all counts
August von Knieriem	Not guilty on all counts
Christian Schneider	Not guilty on all counts

[1] These counts charged preparing and waging aggressive war, and participating in a conspiracy to wage aggressive war.

[2] Max Bruegemann, the twenty-fourth defendant (Secretary of the *Vorstand*), had been discharged before the trial began on grounds of poor health.

Hans Kuehne	Not guilty on all counts
Carl Lautenschlaeger	Not guilty on all counts
Wilhelm Mann	Not guilty on all counts
Karl Wurster	Not guilty on all counts
Heinrich Gattineau	Not guilty on all counts
Erich von der Hyde	Not guilty on all counts
Carl Krauch	Guilty on slave-labor count only Sentenced to six years
Hermann Schmitz	Guilty on plundering count only Sentenced to four years
Friedrich Hermann ter Meer	Guilty on slave-labor and plundering counts. Sentenced to seven years
Georg von Schnitzler	Guilty on plundering count only Sentenced to five years
Otto Ambros	Guilty on slave-labor count only Sentenced to eight years
Ernst Buergin	Guilty on plundering count only Sentenced to two years
Heinrich Buetefisch	Guilty on slave-labor count only Sentenced to six years
Paul Haefliger	Guilty on plundering count only Sentenced to two years
Max Ilgner	Guilty on plundering count only Sentenced to three years
Friedrich Jaehne	Guilty on plundering count only Sentenced to one and one half years
Heinrich Oster	Guilty on plundering count only Sentenced to two years
Walter Duerrfeld	Guilty on slave-labor count only Sentenced to eight years
Hans Kugler	Guilty on plundering count only Sentenced to one and one half years

Duke Minskoff and I walked out together. He was pale. I said: "I'll write a book about this if it's the last thing I ever do."

Bremerhafen. August 10. We sailed from Germany on the *General Patrick,* a luxurious former Army transport.

Our eight days at sea were filled with constraint. Judge Hebert, Judge Merrell and his wife, and Judge Morris and his wife were all aboard.

Judge Hebert and I shared a cabin. One of the lawyers who

had worked as advisor to the Tribunal had told me that, up until nearly the last day, Hebert had been writing a dissent on the aggressive-war count, holding that Krauch and some of the others were guilty. After an awful struggle of conscience, he had decided to go along with Shake and Morris on that count. It was clear now that, from the first, the court had been split in two, with Morris and Shake on one side, Hebert and Merrell on the other.

That first night, Hebert and I talked only of milkshakes and well-fed children. Next day Hebert and the Merrells invited me to eat at their table every day. The four of us were joined one day at lunch by Duke Minskoff. Hebert made his first reference to the trial. He said the "most shocking testimony" had been the proof of what went on at Auschwitz as it concerned the engineer Duerrfeld, who had directed the construction daily for four years. For two and a half days on the stand, Duerrfeld had put in the only defense he had — which was simply that the conditions hadn't existed at all. He described every installation at Auschwitz as if it were a luxury hotel. One version against the other was "like heaven and hell," as Duke pointed out.

You could almost feel the judgment hanging over our dinner table at times, but no one spoke of it. Then one night in our cabin, Hebert commented: "When I first read the indictment, it was difficult to believe that all of this had happened. By the time we reached the end, I felt that practically every sentence of the indictment had been proved many times over." He spoke slowly, with great effort.

I still feel the same stifling anger today that I felt many times during and since that trip. I was reliably informed that, even before the trial started, one of the judges had expressed the view that he didn't believe it was ever intended that industrialists be brought to account for preparing and waging an aggressive war.

Surely something stronger than such preconceived notions had distorted the facts in their minds. But what? One evening, I searched the judgment vainly for an answer.

We had a farewell word with the Morrises as the boat docked at Staten Island. Mrs. Morris said to me: "Well, I suppose you're going back to your home in New York City."

I smiled.

34. An Extraordinary Standard

BACK HOME IN LOUISIANA, Judge Hebert began writing his separate views. Four and a half months later, in the last part of 1948, he finished and sent them to the official Trial Record. Much of the material used by Judge Hebert in his separate opinion, especially discussing the evidence as to "aggressive war," was the result of the work done by Judge Merrell in assisting Judge Hebert during the period between the close of evidence and the reading of the final judgment.

Judge Hebert was shocked that the majority had ignored so many facts:

> Utilization of slave labor in Farben was approved as a matter of corporate policy. To permit the corporate instrumentality to be used as a cloak to insulate the principal corporate officers who authorized this course of action is, in my opinion, without any sound precedent under the most elementary concepts of criminal law.
>
> Just as Ter Meer was the superior of Ambros, the *Vorstand* was the superior of both, and there is no reason to conclude that the knowledge possessed by Ambros and Ter Meer was not fully reported to and discussed in the *Vorstand*. There is indeed strong positive evidence that this was done.
>
> The majority fully accepts the defense contention that the utilization of slave labor (except as to five defendants) was the result of compulsory production quotas and other governmental regulations. This asserted defense of "necessity" is held to have been sustained because of the reign of terror within the Reich and because of possible dire consequences to the defendants had they pursued any other policy.
>
> Far from establishing that the defendants acted under "necessity" or "coercion," I conclude that Farben frequently sought the forced workers. In fact, the production quotas of Farben were largely fixed by Farben itself. I cannot agree with the assertion that these defendants had no other choice. In reality, the defense is an afterthought, the validity of which is belied by Farben's entire course of action.
>
> The conditions at Auschwitz were so horrible that it is utterly incredible to conclude that they were unknown to the defendants, the principal corporate directors, who were responsible for Farben's connection with the project. . . . The extreme cold, the inadequacy of the food, the rigorous nature of the work, the cruel treatment of the workers by their supervisors, combine to present a picture of horror which, I am convinced, has not been at all overdrawn by the prosecution and which is fully sustained by the evidence. . . . The defendants, members of the *Vorstand*, cannot, in my opinion, avoid sharing a large part of the guilt for these numberless crimes against humanity.

On the aggressive-war count, Judge Hebert held:

> Nor can I agree with factual conclusions of the Tribunal which, in my opinion, misread the record in the direction of an exculpation even of moral guilt. The record of I.G. Farbenindustrie, during the period under examination in this lengthy trial, has been shown to be an ugly record which went far beyond the activities of normal business.
>
> From a maze of statistical and detailed information in the record emerges a picture of gigantic proportions depicting feverish activity by Farben to rearm Germany in disregard of economic considerations and in a warlike atmosphere of emergency and crisis. . . .
>
> There is nothing in this record to suggest that Farben ever withheld any energy or initiative to help Hitler in plans to build a Germany that would be strong enough militarily to master the world. To assert, as the majority does, that Hitler would have "welcomed the opportunity to make an example of a Farben leader" is, in my opinion, pure speculation.

Once, indeed, the SS had searched Carl Krauch's home, but he had corrected the mistake by picking up the telephone. Once during the war Krauch was ordered by Hitler to go to Himmler's headquarters to talk about a scheme Hitler had for cultivating parts of Russia: "Speer reported to me, and since I already told him over the telephone that it would not be my desire to go to Himmler's headquarters, Speer therefore asked me to send an expert to represent me."

The majority judgment was silent on these things. Silent about Farben's open flouting of written government orders, including orders signed "Adolf Hitler." Silent about the times the defendants had actually impersonated the government to gain their own ends. Said Judges Shake and Morris:

> The defendants may have been, as some of them undoubtedly were, alarmed at the accelerated pace that armament was taking. Yet even Krauch, who participated in the Four Year Plan, undoubtedly did not realize that in addition to strengthening Germany, he was participating in making a nation ready for a planned attack of an aggressive nature. . . . It was all part of an over-all plan to strengthen Germany in the fields of economy and rearmament. To the extent that the defendants . . . in the media of nitrogen, rubber, fuels, and metals . . . contributed materially to the rearmament, the defendants must be charged with knowledge of the immediate result. But the evidence is not so clear as to Farben's responsibility for the increase in the production of explosives. The initiative lay clearly with the Reich.

Apparently the Farben men had no other choice — though other

men had. In 1936, when Goering appointed Carl Krauch to organize the synthetics program, Hjalmar Schacht — Krauch's old friend, who had up until that year been a leading figure in organizing the military economy — began to lose his influence because he opposed Krauch's proposed enormous expansion of synthetics. In our record was the finding of the International Military Tribunal which refused to convict Schacht for this very reason:

> By April 1936 . . . Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht [first] on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when Goering was appointed to put "the entire economy in a state of readiness for war" within four years. Schacht opposed the announcement of this plan and the appointment of Goering to head it. . . . After Goering's appointment, Schacht and Goering became involved in a series of disputes. . . . As a result of these disputes and a bitter argument in which Hitler accused Schacht of upsetting his plans by his financial methods, Schacht went on leave of absence from the Ministry of Economics, and on 16 November 1937 he resigned.

During the war, the Reichsminister for Industry had transmitted to Reichsminister of Economics Funk a petition addressed to Hitler, complaining of the

> . . . unrestricted hegemony which I.G. Farben secured for itself through plutocratic economic methods. The official frame was formed by the Reichsoffice for Economic Expansion, whose leader is at the same time a leader of the I.G., and his positions are filled 70 per cent with I.G. employees, and I.G. got in contact with all the other command posts and filled them in its own interest. . . . One already started handing in resignations a long time ago since nobody could dare, in their opinion, to attack I.G.'s hegemony.

This letter had concluded with the request that Hitler take over Farben. Of course no such thing happened. And, as the sender pointed out, nobody dared to attack I.G.'s hegemony; in fact, the sender was anonymous as were the many others who wrote similar complaints. It appeared that the Farben "common man" had risen to unbelievable freedom of action. Not one of the defendants had been able to prove that he feared for his life. Only a few seriously argued that they feared they would lose their jobs.

"Heaven and hell" — night and day! As to the Ilgner office, Judges Shake and Morris found "no evidence of reports concerning military or armament matters." Judge Hebert said: "There can be no doubt that Farben used its world-wide connections as a means of obtaining information of military value and furnished it to an increasing extent."

To Judges Shake and Morris, the evidence fell "far short" of proving that the defendants knew they were preparing Germany for an aggressive war. Judge Hebert countered this in part by quoting from Wagner, an official of the *Vermittlungstelle Wehrmacht:*

> Owing to these preparations, I was in no doubt in the middle of 1939 that Germany would wage an aggressive war. I believe I can say that all my colleagues of the *V.W.* were of the same opinion.
>
> Judging from the over-all political situation, I could not assume that war would be declared on us by other countries in the year 1939. I received that impression through occasional discussions with officers, and officials of the German Wehrmacht on the subject of patents and license questions; I was given various intimations on the armaments situation in non-German countries. This always occurred when we had an opportunity of discussing the possibility of German patents being released for publication. One could conclude from this that no special preparations for war were being made in foreign countries.
>
> Furthermore, in the *V.W.*, I was able to read foreign newspapers which were banned in Germany [to the general public]. From these newspapers, I gathered that foreign countries did not consider waging war at that time.
>
> Through my acquaintanceship with various officers of the Wehrmacht, which was . . . based . . . on purely professional collaboration, I learned about troop movements to the East and West before the outbreak of war. I also considered this as an indication for aggressive war, as well as the experiments and developmental work of the I.G. with the Wehrmacht.

Judge Hebert commented:

> No substantial qualification was made on cross-examination [by the defense]. From testimony of this character, there is the strong suspicion that the sources of confidential knowledge and information available to and relied upon by persons holding the elevated positions of *Vorstand* members gave them at the very least the same amount of knowledge as could be acquired by the witness Wagner. And Farben — and that means in the first place the members of the Farben *Vorstand* — had at their disposal their own far-flung intelligence system. . . . Judging the course of events in many sections of the globe, it is difficult to believe that such smoothly operating intelligence work could have failed to detect the meaning of events within Germany in the summer of 1939.

So it came to pass that Carl Krauch was an office boy emeritus. His authority "was limited largely to giving expert opinions and technical advice" in the chemical field. The judgment included a chart of his position that had been out of date since 1936, in

which he appeared as only one of several Goering assistants, and which did not cover his rise to the job of director of munitions production. "Even people in high places were kept in ignorance," but Carl Krauch, a man of low place, was just anybody who happened to stumble into the political councils of the great — a farmer, a Bishop of Vienna, the "average citizen." Like a ragged urchin who had wandered into a grand procession, he found himself in strangely epochal situations. At first naïvely believing in his Fuehrer's political invincibility, he grew more and more fearful that war would come, but he did not believe he could do anything about that, because his country was continuously threatened on every border.

Said Judge Hebert:

> The corporate defendant is not under indictment. If a single individual had combined the knowledge attributable to the corporate entity, it is extremely doubtful that a judgment of acquittal could properly be entered. Recognizing this, there is considerable logic in the argument that, as Farben did not run itself, someone should be held responsible for what Farben did.
>
> I cannot agree with the implications of the majority view that the position held by Krauch was relatively unimportant and at a low level. One who could challenge the correctness of production achievements upon which the Chief of Staff Keitel relied, and have his view sustained by Goering, did not hold an unimportant position.
>
> Acts of substantial participation by certain defendants are established by overwhelming proof. The only real issue of fact is whether it was accompanied by the state-of-mind requisite in law to establish personal guilt.

So Judge Hebert got back to the point that had been plaguing him for months — the novelty of the Crime Against Peace. He believed that this crime had rightly been drawn from the broad definitions in recent conventions and treaties and from years of condemnation of war. Precise statutes hadn't been on the books when the first murderer was found guilty; and indeed, a great many murderers were convicted before the statutes and the individual case situations resulted in a fairly specific body of law on the subject.

Still, the crime of aggressive war was more complicated. I can imagine that, as the day of judgment approached, Judges Shake and Morris may have hammered away at Hebert with the traditional argument that he was trying to write new law rather than interpreting the old. This struck at the question: What degree of motive should a man have had before one can say he intended to

bring on an aggressive war? In the trial before the International Military Tribunal, attendance at the secret meetings where the date of attack was announced by Hitler was not the only circumstance considered in deciding innocence or guilt. Nor had all the defendants in the Goering trial known the exact date Poland would be invaded. But *most* of them knew, and this knowledge stood out as an exact precedent in the view of Judge Shake and Judge Morris. There was much to be said for their view on this score, because the International Military Tribunal failed to announce at the same time a more sensible criterion of the intent to prepare and wage an aggressive war.

Until Hebert changed his mind, he was ready to hold some of the defendants guilty because they created a war machine knowing it would be used for conquest; and to hold that the defendants, knowing they were creating the direct threat of a war of conquest, were responsible for all the direct consequences. That was the prosecution's contention. Carried to an extreme, the idea of "exact knowledge" led to ironical conclusions. General Keitel, who was hanged for having set up the timetable of attack, could not have projected it without basing it, in detail, upon the Krauch and Rush plans which had twice overruled his own judgment. And the day and hour of attack were changed twice. Suppose some of those Goering henchmen had attended the first and second meetings but not the third: should they have been found innocent merely because the timing of the crime had changed? If Hitler had been delirious on the first of September, and weather delayed the attack, would he, too, have been innocent just because someone gave the order next day while he lay in bed ignorant of it? The defendants knew that German troops would cross the border within two to six days and either walk through Poland or have to fight their way. And this knowledge was the climax of other knowledges. Said Hebert:

> Armament activities in such a political setting raise the highest suspicion of knowledge of the ultimate aim of aggressive war. It will suffice if the ultimate aim to resort to aggressive war is known or believed. It is not necessary, as contended by the defense, that the defendants know the specific plans . . . nor the exact order of victims. . . . There was no doubt that the defendants knew they were risking a war. Dr. ter Meer admitted:
>
> "The first time I really had the feeling that our foreign policy was in no way in order was when German military forces were used to occupy Czechoslovakia in March 1939. This deeply shocked me, the more so

because the question of the Sudetenland had been solved at Munich. I felt that this was a breach of an international agreement, and an aggressive act against a country in whose affairs we had no right to interfere."

And Krauch had this exchange with an interrogator:

Q. When the wrong figures which you submitted to Goering were corrected, where they reached the level that Keitel earlier believed, then you must have believed that they were going to war?
A. I must say so today.

The defendants, Hebert pointed out, became increasingly skeptical of Hitler's aim. By the summer of 1939, their principal fear was not what the "envious surrounding world" would do, but what Hitler would do. Von Knieriem's legal committee wrote to the Reich: "Only during recent years, since about 1937, when the danger of a new conflict became more and more apparent, did we take pains to improve our camouflage measures, especially in the endangered countries."

At first Hebert believed that international law was broad enough to cover the defendants' aggressive crimes. Then he came to feel that probably at this stage in international law, an extraordinary standard of proof should be exacted, and a "most liberal application of the rule of 'reasonable doubt' in favor of the defendants":

I concur in the acquittals on charges of planning and preparation of aggressive war. I concur, though realizing that on the vast volume of credible evidence, a contrary result might as easily be reached by other triers of the facts who would be more inclined to draw the inferences usually warranted in criminal cases. The issues of fact are truly so close as to cause genuine concern whether or not justice has actually been done.

While concurring in the acquittals, I cannot agree with the factual conclusions of the Tribunal. I do not agree with the majority's conclusion that the evidence falls far short.

Farben, under the leadership of these defendants, pursued a course of action evidencing cavalier disregard of probable consequences. Such conduct, carried out for a dictator who manifested his warlike intentions in many ways . . . is sufficiently reprehensible in its relation to the resulting holocaust of war as to cause me to feel that international law should be broadened to devise standards defining the criminality of action of the character carried out by these defendants.

The thread between innocence and guilt was the fine line of absolute certainty. Since there was a fantastic possibility that Hitler might have turned back had Poland resisted his demands, the defendants did not *know* with prophetic certainty that there would be war. Conquest was not a crime unless it was absolutely certain to explode into open war!

If Paul Hebert and Clarence Merrell had sat as a majority on the Farben court, I am convinced their opinion would have soon become a landmark in international law, which might not be without some influence on the Soviet government today. But why had Judges Shake and Morris reacted as they did? I concluded that the reason must have been fear — their own great fear of the trend of events in 1948.

The issue of Communism, pertinent to the defendants' motives in 1933 and 1934, pertinent to our out-of-court lives in 1948, was falsely read into the defendants' minds as of September 1939. Nowhere was there evidence that Farben feared Russia enough to stop producing strategic goods for that country. Many of the defendants had shown a startling affinity to controlled states like the Soviet. Yet the two judges accepted the fiction that Farben was the simple prototype of "Western capitalism." By implication, this placed the Ter Meers and Schmitzes alongside the stockholders and directors of many international firms whose policies sometimes stood out clearly against war. There were the DuPonts who sold their Farben stock some time before the war. There were the important stockholders of Standard Oil who censured their representatives for deliberately subverting their country's security even after it had gone to war. The judgment was silent on the difference between such decent representatives of big business and those who had dealt with the enemy for profit under the guise of a love of peace or of neutrality.

This commercial stereotype reached its greatest exaggeration in the case of Max Ilgner. The Tribunal rewrote into innocence even the aggressive deeds he admitted, raising the clear implication that any society could be filled with such men with no danger whatever to the peace of the world.

Having been sentenced to three years for plundering, Ilgner was given credit for the time he had spent in jail and was released immediately after the judgment was read. Two months later he wrote to Judge Shake telling him that he was about to enter a religious order. This news reached many of the prosecution staff, too, causing one among us to suggest that before long Ilgner would be printing on his new letterheads: "God Almighty Incorporated; Max Ilgner, President."

Judge Shake responded with more charity of heart. On November 10, 1948, he wrote to Ilgner that he would be happy to recommend him to General Bishop, the Military Governor at Dusseldorf.

To General Bishop, Shake addressed this letter:

Vincennes, Indiana
November 10, 1948

Dear Governor:

In the capacity of Presiding Judge of the Farben case tried before United States Military Tribunal VI at Nurnberg, I take the liberty of writing you concerning one of the defendants, Dr. M. Ilgner. As you perhaps know, Dr. Ilgner was found guilty by the Tribunal but was immediately released because he was given credit for the time that he had been confined awaiting trial.

I am now advised that Dr. Ilgner has concluded to devote his life to religious activities and that he is experiencing difficulty in obtaining permission for his wife and members of his family to visit her mother in Sweden. Mrs. Ilgner is a native of Sweden and has not seen her mother, who is old and infirm, for six years. I have the very definite personal feeling that Dr. Ilgner should be aided and encouraged in his determination to take up religious work. He is a man of fine intellect and capacity. I think it is only charitable to view his conviction in the light of conditions that existed in Germany during the Nazi regime. As I view his case, his unfortunate experience ought to be considered as an asset rather than a liability in connection with the work that he has taken up. I firmly believe that his past experience will fit him to do constructive work toward making the world a safer and better place in which to live. If his case was in my own hands, my conclusion would be the same. I, therefore, recommend that every courtesy, consideration, and encouragement be accorded Dr. Ilgner in his new endeavor. Personally I can see no reason why his wife and child should be precluded from traveling to a foreign country. In that connection I would include my own country if there was any occasion for them to visit the United States.

I have said to many convicted defendants in the Farben case that they have an unusual opportunity to perform good services for Germany and the world by reason of their unfortunate and tragic experience. I firmly believe that all of these men can and will make good citizens of the new and better Germany.

Sincerely,
C. G. SHAKE

35. *The "Bulwark" Foreign Policy*

YET, AS 1950 WENT BY, and 1951, I grew more tolerant of the two judges who went to Nurnberg more or less uninitiated. No doubt they were influenced somewhat by our foreign policy, formed by officials who have traveled farther and longer, and who are more experienced in both business and government.

I believe it fair to say that since 1945 the principal factor behind our foreign policy, like the motivation of the Farben judgment, has been the fear of Communism. The effect of the Farben judgment was to say that the fear of Communism in the 1930's came pretty close to justifying any kind of political action, even the kind that resembled Communism itself in many ways. While admittedly Russia is a grave threat, the fear of the Communist threat has been the almost exclusive basis of our foreign policy during the past seven years. What we wished to do was to contain Russia; what we actually did — and are still doing despite a few last-ditch stalemates — is the opposite.

Since 1945, democracy has lost half of Europe and vast parts of Asia — largely through a defeatist approach. After all, we are only 150,000,000 people out of more than two billion living on this earth. For every American, there are a dozen non-Americans. We cannot dictate how the other people of the world shall live. They will learn to follow the democratic way only if we export deeds — not just money — which make our declaration of faith seem reasonably sincere.

This declaration of faith should have resounded in the Palace of Justice. No playwright could have conceived a more inspiring tragedy than the Farben judges, had they stood on the ashes of that other tyranny and exhorted free institutions to rise from their sleep. Such action alone could not have rescued our foreign policy from the fear on which it bases its appeal to public opinion, but it might have helped an alert public opinion to have seen its main current.

The main "bulwarks" we have set up against Communism are the very institutions from which all of us suffered most. These institutions are still "enemy" because they are still rotten. Today, Germany is the most powerful industrial nation in Western Europe. All limitations on the production of its industries have been re-

moved, and Germany is now far outstripping its neighbors in the production of steel, synthetic rubber, synthetic gasoline, and other key war-potential goods. This great industrial power has been used by Western Germany as the big stick in its drive to get full independence before offering the slightest real evidence of regeneration.

The revival of German industrial strength has come about in large measure through United States investments and outright American subsidies. The United States gives lip service to the Schuman Plan; it supports a German preponderance of heavy industry against the French. No plan to "integrate" the production of Western Europe can succeed unless it offers safeguards which would prevent the Farbens and the Krupps, now rejuvenated by American help, from running the show.

Hand-in-hand with the revival of German power has been the reconstitution of I.G. Farben to its former position of power. During the first two years following the end of the Farben trial, it was repeatedly announced that I.G. Farben was being broken up. It was reported that the United States Military Government was going to sell some of the I.G. Farben affiliates to "independent" owners; then that a committee of creditors had been appointed "as one of the steps in the dissolution of the monopoly and the sale of its properties"; and at another time that a "vast liquidation program" was under way. But finally, in June 1950, it was reported that the control of the "Western German chemical industry" had been turned back to its old masters. Today, Farben stock is again in demand on the stock markets of several countries.

As early as February 1950, the New York *Times* reported that Allied officials "deplore the fact that [Farben] subsidiaries, notably in Spain and South America, are operating for the benefit of the old German proprietors." Farben still has a hold on General Aniline and Film. Though unable so far to get it back, in 1951 powerful interests in this country were able to get a United States Senator to put a rider on the bill which was supposed to end the state of war with Germany. This rider was designed as the first step to restore Farben's control over General Aniline. The attempt failed. It will be tried again.

Today the German chemical industry is run by the same interests which ran it for so many years as a state-within-a-state. All of the Devil's Chemists are now free. Of those convicted, some were released on the day of judgment because, with credit for their time

spent in jail, their sentences were satisfied; and the others were all pardoned by 1951. Most of them are back in power again.

Carl Krauch, Fritz ter Meer, Heinrich Buetefisch, and Christian Schneider are "advising" in the production of synthetic rubber and synthetic gasoline for "peacetime purposes." Often they visit at the home of Hermann Schmitz, living "in retirement" at Wesel am Rhein. From time to time Ter Meer acts as expert for the Bonn government.

Wilhelm Mann is again in charge of pharmaceutical sales at Leverkusen in the British zone. Mann is also a member of the foreign-trade committee of the Federal Association of German Industry.

August von Knieriem has been conducting conferences of "lawyers of the I.G." in Bad Homburg.

There has been no confirmation as yet that Max Ilgner has been made president in his new priestly endeavor.

Fritz Gajewski, the explosives czar who directed Farben's acquisition of the far-flung Nobel factories, is still general manager of the former Nobel home factory, Dynamit A.G. Troisdorf.

Carl Ludwig Lautenschlaeger, the admitted murderer, is working at Elberfeld in the British zone.

Professor Heinrich Hoerlein is supervisory board member of Farbenfabriken Bayer A.G., at Leverkusen — one of the huge companies which together, on paper, are "successor companies of I.G. Farben."

Karl Wurster is *Vorstand* chairman of another "successor company," which has taken again its old family name — Badische Anilin und Sodafabrik A.G. It is at Ludwigshafen, in the French zone.

And Dr. Otto Ambros, deadly-gas expert, who is still the irrepressible salesman of pure suds and shiny lacquers, has since the middle of 1951 been advisor to the Bonn government on "problems concerning I.G. Farben's southern German plants."

As this book goes to press, the effects of E.C.A. aid to England and France have been swallowed up by our greater support, in dollars and cents, of those German industrialists who were the generals in gray suits in World War II. For six years, while we grew more and more worried about Europe's "neutralism," "defeatism," and "despair," our policy ignored the desperate significance of the news from Europe.

There was the fall of Czechoslovakia, strongly supported by many decent people who had it drummed into their heads that Fascist industry in Germany was not dead. There were the French and Italian elections, won for our side by a hair, after thousands were converted to Communism by agitators' representations — some true, some hysterically false — that the United States of America was supporting Fascist institutions. The question of restoring the suspect Leopold to the throne almost tore Belgium apart, when in the United States the "German question" had been dead for two years.

The fears of the French, Belgians, Dutch, Scandinavians, and many of the British are not simply specters of past horror. The Schuman Plan, noble in intent, has not reassured the majority of any of these nations. One announced purpose of the Schuman Plan is to "integrate" West German production into Western Europe. Yet the Plan makes no effort to exclude industrialists who deliberately washed their hands in blood, and it offers little to reform the inherent secrecy of cartel management.

For centuries Germany and France have "produced together" in one cartel after another. Each integration has been climaxed in devastation, and then the industrial warmakers of Germany have again been elevated to positions where they can decide the fate of Europe, if not the world. As Germany was losing the first World War, Hugo Munsterberg, the famous philosopher and psychologist, argued for rebuilding German power in these words:

> Germany might be trampled down until it is physically devastated as it was after the great religious wars of the seventeenth century. But is this tempting scheme really safer, if the goal is to eliminate war? Can anyone dream that the alliance of today can survive tomorrow? . . . This alliance was teamwork for a definite purpose. In the perpetual striving of the nations there came one historic moment in which the two great antagonists, England and Russia, necessarily had a common wish, the crippling of Germany. That one common impulse brought them together for one day's common work. But if the sun were setting over their common success, the next morning would necessarily find them the old embittered enemies. . . . Never would Germany's power be stronger than in the hour in which it had to decide whether Central Europe ought to go with England against the Russian Empire or with Russia against Great Britain.

Hitler himself, on November 12, 1944, facing defeat in the second World War, delivered a last-ditch speech in which he said:

> Today, too, many foreign statesmen, parliamentarians, and party politicians, as well as economists, have realized the necessity of saving Europe from the Bolshevik monster. Practical results, however, can be achieved only if a strong European power succeeds in organizing this common struggle for life or death, overruling all theoretical hopes, and in waging it to a successful conclusion. This can be done, and will be done, only by Germany.

The Allied leaders have, in effect, followed the advice of Munsterberg and Hitler. As a member of the American delegation to the Potsdam Conference in July 1945, I saw this government formally endorse a program designed to insure that Germany would no longer be the dominant power in Europe. That was the program the world heard. But there was secretly circulated among the top leaders of the British and American delegations a memorandum prepared by certain top officials in the United States government, saying in effect that this whole approach was wrong and that our real interest lay in rebuilding Germany as quickly as possible "as a bulwark against Communism." As early as September 1944, while American boys were still being killed by Nazi soldiers, this same group of officials had circulated a similar memorandum within the United States government, contending that as soon as the war was over we should rebuild Germany as quickly as possible. These men were later placed in charge of carrying out America's obligations under the Potsdam agreement.

There was no real meeting of minds at Potsdam. It is small wonder that no sooner was the ink dry on the Potsdam agreement than the East and the West began playing the old game of power politics, paying only such attention to the actual provisions of the Potsdam agreement as seemed in their own best interests at the time.

The policy of bidding for the favor of Germany reached its first climax in 1946. In July, at the Paris Conference, which I attended as a member of the American delegation, Mr. Molotov came out in favor of strengthening Germany and against taking further territory away from Germany. A few weeks later at Stuttgart, Mr. Byrnes tried to outbid Mr. Molotov by suggesting that certain territory which Germany had robbed, and which according to tentative agreement should be taken away from Germany, should be returned. From then on the situation grew more and more ridiculous. We find this country finally formally canceling its program of removing ill-gotten industry from Germany; then formally announcing that we would rebuild German industry; and finally

coming out with a program of actually rearming Germany.

The Western powers, being democracies, will never be able to outbid totalitarian Soviet Russia for the good will, friendship, and alliance of totalitarian-minded Germany. This fact is supported by the history of the industrial and military collaboration between Germany and Russia ever since the Russian-German pact signed at Rapallo in 1922. Between that 1922 alliance and the Nazi-Soviet alliance in August 1939, there was frequent secret collaboration between the German general staff and the Red Army, and off-and-on collaboration between the German industrialists and the Soviet industrialists.

It is in keeping with history that since 1950 the Western German warmakers have been trading with the industrialists of Soviet-controlled Eastern Germany and the Soviet-satellite countries of Eastern Europe. The Soviet Union has had the Farben gases Tabun and Sarin since then. In Soviet East Europe, steel-producing capacity has been built up by importing from the Western Ruhr the basic machines and machine tools needed to construct plants. Through the free port of Hamburg, as much as 1500 tons of synthetic rubber per month have moved from Western Germany to Czechoslovakia, 5000 tons of phosphate per month from Western Germany to Eastern Germany, and considerable amounts of tungsten, mica, and other strategic items to Eastern Europe. An editorial in a leading newspaper of Western Germany, the *Frankfurter Allgemeine Zeitung* of April 1, 1950, summarized the situation as follows:

> Germany was always the bridge between the East and the West. . . . The Allies are not able to come to an accord with the Russians. . . . What is then more natural than for us in view of the present pressure to say: If until now, within the framework of world events, the others were not able to make an intelligent agreement, then it is our duty finally to arouse ourselves in order to obtain at least an economic understanding. . . .
>
> In doing so we will not turn to the little bosses of the Eastern Zone but directly to the big boss in Moscow. There is where decisions are being made. It is true that, according to the Occupation Statute, foreign-policy discussions must be conducted through the three High Commissioners. Therefore we will have to take the road of private mediation and thus try to arrange economic agreements between Germany and Russia, which nobody can refuse us in view of the fact that our life is at stake.

If while Germany is still under some measure of Allied supervision, a controlling organ of public opinion boldly advocates an under-the-table "economic understanding" with Russia, how much

more deadly will be the "economic understanding" when West Germany has gained the full independence for which she clamors? In Germany our Marshall Plan money has supported the very institutions which almost surely will back the Russian march to conquest. Instead of deliberately favoring democratic industrialists, we have spent most of our billions in backing predatory institutions which, based on their history and present activities, will probably align themselves against us in the showdown between East and West — and this policy alone could easily make the difference between defeat and victory for democracy. Would that we had such desperate faith in democratic institutions that we could afford the gamble of similar billions for their survival! For every dollar we have spent in Europe to strengthen democracy and arm it against conquest, we have thrown several dollars within reach of the enemy.

In the Far East, as well as in Europe, the United States has backed other totalitarian-minded groups as a "bulwark" against communism. By the end of World War II, the peoples of China, Korea, Indo-China, and the Philippines had suffered for years under the "New Order for Asia" sponsored by the Japanese equivalent of Farben, the Zaibatsu cartels. These cartels by force of arms won a stranglehold on the economies of these countries. Instead of rebuilding the Far East generally as fast as we could, we have peddled the fear that Russia would rob and plunder the people, while at the same time we backed the very forces which had *already* robbed and plundered them. The Zaibatsu cartels are as strong as ever. In Indo-China, we have backed the collaborators of the "Japanese New Order." In South Korea, faced with a variety of truly democratic choices, we backed Syngman Rhee and the few landowners and cotton millers who had cast their lot with the "New Order" gang.

The Voice of America must sound weak to those forced by the United States to choose between Communism and reliving the dark era of World War II. Their will to resist Communism is weakened — to put it mildly — by our facing them with this black alternative.

Can we expect millions of former vassals in Asia to rally around their erstwhile totalitarian oppressors? Can we rally Europe solely around the fear of Soviet enslavement while we deliberately sustain the forces which twice in recent history have enslaved that continent?

On the answer to these questions depends our survival.

ORGANIZATION CHART of I.G. FARBENINDUSTRIE A.G. (1938-1945)

AUFSICHTSRAT
Supervisory Board of Directors
VORSTAND
Managing Board of Directors
Commercial Committee
Technical Committee
BERLIN Northwest 7
LEGAL & PATENT DEPTS.
OTHER CENTRAL DEPTS.
NITROGEN, OILS, ETC. SALES ORGANIZATIONS
SALES COMBINE: PHOTOGRAPHICS AND ARTIFICIAL FIBRES
SALES COMBINE: PHARMACEUTICALS
SALES COMBINE: CHEMICALS
SALES COMBINE: DYESTUFFS
PHARMACEUTICALS Committee
CHEMICALS Committee
DYESTUFFS Committee
SPARTE III Productive Div. No. 3
SPARTE II Productive Div. No. 2
SPARTE I Productive Div. No. 1
VERMITTLUNGSTELLE WEHRMACHT (ARMY LIAISON)
COAL MINES
PLANTS COMBINES
Upper Rhine
Main Valley
Lower Rhine
Central Germany
Auschwitz (Poland)

Appendix

LIST OF I.G. FARBEN DEFENDANTS

Carl Krauch — Chairman of Farben's supervisory board of directors (*Aufsichtsrat*). First head of the *Vermittlungstelle Wehrmacht* (Farben's army liaison office). General Plenipotentiary for Special Questions of Chemical Production on Goering's staff. Eminent synthetic nitrogen and fuel scientist. Director of the Ford Motor Company of Germany.

MEMBERS OF THE MANAGING BOARD OF DIRECTORS (*Vorstand*)

Hermann Schmitz — Chairman of the *Vorstand*. Director of the Bank of International Settlements. Chairman of the board of directors of the American I.G. Chemical Corporation, New York. Chairman of I.G. Chemie, Basel, Switzerland.

Baron Georg von Schnitzler — Chief of the *Vorstand's* commercial committee, which planned and directed Farben's foreign and domestic sales and commercial activities. Chairman of the dyestuffs committee. Chairman of the Economic Group Chemistry for Germany. Member of the boards of various chemical concerns in Europe.

August von Knieriem — Farben's Chief Counsel. Chairman of its legal committee. Chairman of its patent committee.

Heinrich Hoerlein — Nobel Prizewinner in field of medicine. Chief of Farben's chemical planning of vaccines, pharmaceuticals, and poison gases.

Fritz ter Meer — Chief of the *Vorstand's* technical committee, which directed all of Farben's production. Chief of Productive Division No. 2 (*Sparte* II), which made buna rubber, poison gases, dyestuffs, chemicals, metals, and pharmaceuticals. Leading genius in development of buna rubber. Member of the board of direc-

tors of a number of other foreign corporations, including General Aniline and Film Corporation, New York. Carl Krauch's successor as head of the *Vermittlungstelle Wehrmacht*.

CHRISTIAN SCHNEIDER	Chief of the central personnel department, in charge of labor at Farben plants. Chief of Productive Division No. 1 (*Sparte* I), which made nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals.
FRITZ GAJEWSKI	Chief of Productive Division No. 3 (*Sparte* III), which directed the production of photographic materials, artificial fibers, gunpowder, and explosives. Chairman and member of various European munitions firms.
OTTO AMBROS	Production chief for buna rubber and poison gases. Manager of the Auschwitz plant. Chief of the chemical-warfare committee of the Ministry of Armaments and War Production.
HEINRICH BUETEFISCH	Production chief for gasoline, methanol, and chlorine electrolysis production. World's greatest synthetic-gasoline scientist. Lieutenant colonel in the S.S. Member of the board of directors of synthetic-oil and explosive companies in Russia, Poland, Czechoslovakia, Austria, Yugoslavia, Rumania, and Hungary.
ERNST BUERGIN	Production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen. Director of light-metals concerns throughout Europe, including Norway, Switzerland, and Spain.
HANS KUEHNE	Production chief for inorganics and organic intermediates. Chairman and member of various explosives companies in Germany, Austria, Czechoslovakia, Italy, and Yugoslavia.
CARL LAUTENSCHLAEGER	Production chief for solvents and plastics. Director of the Typhus Institute, Lemberg, Germany.
FRIEDRICH JAEHNE	Chief engineer in charge of construction and physical plant development.

KARL WURSTER	Technical director of inorganic factories. Sulphur expert. Assistant to Otto Ambros in development of chemical-warfare agents.
HEINRICH OSTER	Manager of the European nitrogen syndicate. Active in Farben's East Asia Committee.
PAUL HAEFLIGER	Farben's negotiator in nitrogen and light-metals syndicates and conventions in both hemispheres. Director of light-metals concerns throughout Europe.
MAX ILGNER	Chief of Berlin Northwest 7 office, directing Farben intelligence, espionage, and propaganda. Nephew of Hermann Schmitz.
WILHELM MANN	Chief of the Bayer Aspirin sales combine, a sales and propaganda organization covering seventy-five countries.
MAX BRUEGGEMANN	Secretary of the *Vorstand*. ("Severed" from the trial because of poor health.)

NON-VORSTAND DEFENDANTS

WALTER DUERRFELD	Director and construction manager of Farben's Auschwitz plant.
HEINRICH GATTINEAU	Chief of the political-economy department of the Berlin Northwest 7 office.
ERICH VON DER HYDE	Member of the political-economy department.
HANS KUGLER	Organizing manager of Farben's newly acquired plants throughout Europe. Member of Farben's commercial committee.

Acknowledgments

This book owes a debt to so many people that it would be impossible to name them all. The names of some of the prosecution attorneys assigned to the I.G. Farben trial appear in the book. The names of others, as well as those of interrogators, research associates, and secretarial help, were omitted reluctantly. The fact that some names were mentioned, while others were omitted, should not be taken as indicating that those mentioned in the book contributed more than the others.

Among the attorneys whose names do not appear but who contributed their best efforts to the investigation and trial were: Virgil Van Street, Mary Bakshian, James Heath, Mary Kaufman, Moses Kove, and William Zeck.

Among the research associates, interrogators, and secretarial help who worked directly on the Farben staff were: Arthur T. Cooper, Peter Miller, Otto Verber, Hans Wolffsohn, William Acton, Elinor Anspacher, Sandu Apoteker, Henry Birnbaum, John Boll, Alfred Elbau, Esther Glasman, Kurt Hauptman, Otto Heilbrunn, Moriz Kandel, Albert Levy, George Martin, Hilda Mayer, Elvira Raphael, Fred Opel, Walter Schönfeld, Erna Uiberall, Herbert Ungar, Dorothy Adams, Eve Beresford, Mary Lemon Coulter, Alice Hurst, Maxine Martin, Jeannette Marzec, Josephine Maver, Barbara Sullivan, Agnes Sue Sullivan, Jan Stengel, Ann Thrash, and Joan Wakefield.

Philip Amram of Washington, D. C., acted as consultant on the Farben-Standard Oil relationship.

In addition to the persons who served on the Farben prosecution staff were the many persons who worked in Nurnberg, Germany, during the years from 1945 to 1949, as interpreters, court stenographers, general investigators, file custodians, translators, administrative assistants, and clerks. These people helped to make possible not only the Farben trial but all the other trials conducted in Nurnberg during this period.

And then there were the many investigators who entered Germany in 1945 to represent the Justice Department, the Treasury Department, the OSS, the War Department, and other agencies of their government, and contributed to the task of bringing the Devil's Chemists to trial. The names of all these people would number well into the hundreds.

Some of the Farben prosecution staff as well as some members of the Farben investigating teams have reviewed this book and made helpful suggestions. The following persons in particular devoted much time and effort to suggesting material and reviewing the manuscript: Belle Mayer Zeck, Emanuel Minskoff, Drexel Sprecher, Joseph Friedman, Bernard Bernstein, Ansel Luxford, and John Pehle. Valuable data were supplied by Jerry Weiss, William Acton, and Benjamin Ferencz.

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Special attention should be called to the services rendered by Nathaniel Elias of New York. An expert chemist of considerable renown, he left his business and came to Nurnberg to spend several months advising us concerning many technical chemical problems involved in the trial. As an expert witness for the prosecution, he bested the chemical geniuses on trial when — dramatically leaving the dock to take over from their counsel the task of trying to break down Elias' testimony — they cross-examined him relentlessly.

Special thanks are due Warren Bower, dean of the New York University Writing Center, whose criticism was very helpful.

Judge Paul M. Hebert and Judge Clarence F. Merrell read the manuscript and gave invaluable suggestions.

Last but not least is Ruth Tarter, my secretary, who has labored many nights and days during the last three years typing and retyping, checking and rechecking, several versions of the manuscript.

Of course, full responsibility for everything that is said is mine.

J. E. D.

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