

## INTRODUCTION

The trial of Friedrich Flick and five other officials of the Flick Concern was commonly referred to as the "Flick Case" and is officially designated *United States of America vs. Friedrich Flick, et al.* (Case 5). The Flick case was the first of the so-called industrialist cases tried in Nuernberg. The six defendants were leading officials in the Flick Concern or its subsidiary companies and were charged with the commission of war crimes and crimes against humanity, principally because of conduct undertaken as officials of the Flick Concern. The specific counts charged criminal conduct relating to slave labor, the spoliation of property in occupied France and the Soviet Union, the "Aryanization" of Jewish industrial and mining properties, beginning in the year 1936 (charged only as crimes against humanity), and membership in and support of the SS and the "Circle of Friends of Himmler." In its judgment the Tribunal found the defendant Flick guilty under the charges of slave labor, spoliation, and support of criminal activities of the SS by his financial contributions to the "Circle of Friends of Himmler;" the defendant Steinbrinck guilty of membership in the SS and support of the criminal activities of the SS by his participation in the "Circle of Friends of Himmler;" and the defendant Weiss guilty under the slave-labor charges. The Tribunal acquitted the three other defendants Burkart, Kaletsch, and Terberger on all the counts under which they were indicted.

The Flick case was tried at the Palace of Justice in Nuernberg before Military Tribunal IV. The Tribunal convened 136 times, and the trial lasted approximately 9 months, as shown by the following schedule:

Indictment filed	8 February 1947
Indictment served	8 February 1947
Amended indictment filed	18 March 1947
Amended indictment served	18 March 1947
Arraignment	19 April 1947
Prosecution opening statement	19 April 1947
Defense opening statements	2 July 1947
Prosecution closing statement	24 November 1947
Defense closing statements	25 to 29 November 1947

Prosecution rebuttal statement	29 November 1947
Judgment	22 December 1947
Sentence	22 December 1947
Affirmation of sentences by Military Governor of the United States Zone of Occupation.	30 June 1948
Order of the District Court of the United States for the District of Columbia denying the petition for writ of habeas corpus.	6 April 1948
Order of the United States Court of Appeals for the District of Columbia denying appeal from the order of the District Court.	11 May 1949
Order of the Supreme Court of the United States denying writ of Certiorari	14 November 1949

The English transcript of the court proceedings runs to 11,026 mimeographed pages. The prosecution introduced into evidence 869 written exhibits (some of which contained several documents), and the defense 613 written exhibits. The tribunal heard oral testimony of 31 witnesses called by the prosecution and of 20 witnesses, excluding the defendants, called by the defense. Each of the six defendants testified on his own behalf and each was subject to examination on behalf of other defendants. The exhibits offered by both the prosecution and defense contained documents, photographs, affidavits, interrogatories, letters, maps, charts, and written evidence. The prosecution introduced 59 affidavits; the defense introduced 445 affidavits. The prosecution called one defense affiant for cross-examination; the defense called 13 prosecution affiants for cross-examination. The case-in-chief of the prosecution took 36 court days and the case for the six defendants took 89 court days. The Tribunal was in recess between 13 June 1947 and 2 July 1947 to give the defense additional time to prepare its case.

The members of the Tribunal and prosecution and defense counsel are listed in the ensuing pages. Prosecution counsel were assisted in preparing the case by Walter Rapp (Chief of the Evidence Division), Norbert Barr, and Erich Kaufman, interrogators, and Henry Buxbaum, Clarissa Kohn, Josif Marcu, Walter Schonfeld, Louis Stubing, Fred Thieberger, and Ernest Tislowitz, research and documentary analysts.

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Selection and arrangement of the Flick case material published herein was accomplished principally by Norbert G. Barr and Paul

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**John H. E. Fried**, Special Legal Consultant to the Tribunals, reviewed and approved the selection and arrangement of the material as the designated representative of the Nuernberg Tribunals.

Final compilation and editing of the manuscript for the printing was accomplished under the general supervision of **Colonel Edward H. Young**, JAGC, Chief of the War Crimes Division in the Office of The Judge Advocate General, Department of the Army, with **Amelia D. Rivers** as Editor in chief, **Ruth Phillips** as Editor, and **Karl Kalter** and **Theodore G. Hartry** as research analysts.