

ROUTING AND RECORD SHEET

INSTRUCTIONS: Officer designations (see separate sheet) should be used in the "To" column. Under each comment a line should be drawn across sheet and each comment numbered to correspond with the number in the "To" column. Each officer should initial (check mark insufficient) before further routing. This Record and Routing Sheet should be returned to Registry.

FROM:

ACCESSION NO.

MGH 005-1228

DATE RECEIVED IN S. A.

JAN 21 1947

TO	ROOM NO.	DATE		OFFICER'S INITIALS	COMMENTS
		RECEIVED	FORWARDED		
1. PBM	2237	23/1		W.S.	
2. H.			23/1	JH	
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[]	2216	JAN 24 1947	FEB 4	W.S.	
5. []	1116		19/2	JFH	From the [unclear] sent to [unclear]
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DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHOD EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2007

SECRET

WAR DEPARTMENT DETACHMENT (USFET)
APO 757 - U. S. ARMY

JAN 9 1947

28 December 1946

SUBJECT: Information Copies of Mr. Libich's Reports
TO: Mr. Richard Helms, Chief, FBM, Washington

1. Attached are copies of reports which Mr. Jan F. Libich has submitted for dissemination through regular channels at Bern and AMZON. This material is forwarded merely for your convenience and information and for forwarding to of Special Funds.

<u>Date</u>	<u>Subject</u>
Dec. 17	- Dunavolgy K.F.T., Budapest <i>ed</i>
Dec. 22	- Arrest of Professor DELIC <i>ed</i>
"	- Gold Smuggling into Italy <i>7. 7. 46 13/12 7. 7. 46</i>
"	- Increase in Onyx Production, Skoplje, Yugoslavia
"	- Activities of BUEHRLE, Oerlikon
Dec. 23	- Paraphrase of Cable on Gold Transactions
Dec. 24	- Bernhard BERGHAUS -- Report of Mr. Sam E. Woods, Zurich, <i>10 Hel 18/21</i> to State Department, No. 673, dated Dec. 14, 1946 (2 copies)
Dec. 27	- Bernhard BERGHAUS (2 copies) <i>copy to INS, Dec 28 51</i>

2. For the reasons indicated in the two memoranda on Bernhard BERGHAUS, it is requested that they be called to the immediate attention of the proper authorities in Washington. *S. PA*

GORDON M. STEWART
Chief, IB, AMZON

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MEMORANDUM

27 December 1946

SUBJECT: Bernhard BERGHAUS
TO: Chief, IB, AMZON

With reference to my conversation yesterday with Capt. Hans Marchand, in which he agreed to request that our representative in Nurnberg take the necessary steps to have subject included on the war criminal list, the following is submitted:

1. The enclosed Interim Report on Bernhard BERGHAUS, prepared by the Financial Investigations Section, OMOUS, APO 742, and dated 18 Nov. 1946, shows clearly that subject should be included in the war criminal list not as "wanted for interrogation" as indicated on CROWCASS Wanted List No. 13, File Number 258118, but as a "war criminal."

2. It is suggested that our Nurnberg representative contact Mr. Sprecher, Chief, Economics Division, Office of General Counsel, War Crimes, Nurnberg, and explain to him that we and the Legation in Bern are very interested in having Berghaus repatriated from Switzerland. The British and American Legations in Bern, Switzerland, have recently submitted to the Swiss authorities requests for his repatriation. To compel the Swiss to take favorable action in spite of the strong protection he receives from certain Swiss personalities, we desire inclusion of his name on the "wanted as a war criminal" list. We will thus also remove from Switzerland, and eliminate as a possible future source of danger, a clever and still wealthy German armaments manufacturer with important international connections.

3. As stated in par. 2 of the attached report, the documentary evidence in this case is far too voluminous to send around but it is available in the files of Mr. Kagan's office, Finance Division, OMOUS, Berlin, Telephone: 42-192. If Mr. Sprecher desires photostat copies of any of the material listed, Mr. Kagan will be glad to supply them.

Jan F. Libich

cc: ✓ 2 - Wash
2 - Bern
2 - Sprecher
1 - IB AMZON

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COPY

FINANCIAL INVESTIGATIONS SECTION
Finance Division
APO 742

18 November 1946

SUBJECT: Interim Report on Bernhard Berghaus

TO: American Legation
Bern/Switzerland
Attn: Mr. Norton Bach

Introduction

1. The interim report which is submitted herewith includes the findings of the investigation conducted by the Finance Division, COMGUS. It establishes the responsibility of Berghaus for the commission of war crimes and refutes his allegations of anti-Nazi attitudes and activities. The findings of other agencies of American and British Military Governments will be coordinated by this Division and forwarded to you directly that they become available.

2. The volume of exhibits used in the preparation of this report forms too great a bulk to attach herewith. They will remain on file, however, with the Finance Division, COMGUS, where reference to them may be made. A list of the exhibits together with a brief description of them is attached to this report as Appendix A.

Summary

3. Bernhard Berghaus acquired control of a number of German armaments plants beginning in 1931 - 1932 and played an important role in the entire rearmament program of the Third Reich. Beginning in 1934 his armament factories devoted their production to the Luftwaffe and the Army Ordnance Office, and the research laboratories he established in the same year conducted ordnance research for the OKH.

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4. One of Berghaus' principal factories, the Leipziger Leichtmetallwerke Rackwitz was designated by Hitler as a National Socialist "Model Factory" and the Plant Director was received in person by Hitler.

5. Berghaus expressed the view in 1940 that Britain and France had been foolish to resist the armed power of Germany.

6. Berghaus pledged his entire personal fortune during the war to secure a guaranteed loan of RM 65,000,000 so as to establish "one of the largest if not the largest" light metals factory in the world.

7. Berghaus employed numerous prisoners of war in his armaments factories in direct violation of the Geneva Convention.

8. Berghaus employed a great number of slave laborers in his factories. On his own initiative he dispatched special commissions to Poland, Czechoslovakia and Italy, as well to German concentration camps to obtain additional slave laborers. Berghaus' name has been entered on the CHOWCASS registry for interrogation on the maltreatment of Russian and Polish slave laborers in his factories. One of the two principal Berghaus Plant Directors is at present under arrest and awaiting trial as a war criminal for slave labor maltreatment.

9. Berghaus has submitted two memoranda to the American consular authorities in Switzerland in support of his visa application to the United States. The statements of his political attitudes and activities which he has outlined are incompatible with the established facts. He has falsely denied his membership in the Nazi Party as well as his acquaintanceship with various high ranking Nazi officials.

Findings

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10. Bernhard Berghaus became one of the German industrialists to have an important share in the entire rearmament program of the Third Reich. In fact already during the period of the Weimar Republic he prepared himself for this role and engaged in activities which were in violation of the pro-

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visions of the Treaty of Versailles. Klaus Franke, a former Berghaus confidential employee of many years standing asserts in a written statement given on 7 June 1946 (Exhibit 15, Page 1) that

" . . . Berghaus obviously realized quite early that the buying up of equipment was a very good thing for future armament factories. Therefore he bought up at scrap metal prices huge machine dumps, particularly those of the Navy, which he was then able to keep hidden by means of his connections. Comparatively early he managed to get into the manufacture of munitions. The basis for this was the Berlin-Luebeck Maschinenfabriken."

Berghaus became the sole proprietor of this company which between 1934 - 1940 devoted itself to the manufacture of armaments exclusively although in the latter year the production of certain accessories was also undertaken. These activities were carried out on behalf of the Heereswaffenamt (Army Ordnance Office). (Exhibit 6, Pages 1, 2; Report of Deutsche Revisions & Treuhand Gesellschaft, 1942).

11. At the end of 1931, Berghaus, at the instigation of Luftwaffe circles, acquired a two thirds partnership in the Leipziger Leichtmetallwerke Rackwitz. The remaining one third interest was controlled by Dr. Walter Schmidt, a former I.G. Farben representative. Berghaus applied great quantities of time, energy, and money towards the successful development of this factory. (Exhibit 9, Page 4; Letter by Berghaus' attorney, von der Goltz, to State Secretary Dr. Freisler, of the Reich Ministry of Justice, 20 October 1941). In 1934 the Berghaus factories embarked on a great expansion program in the interests of the Nazi rearmament efforts. The Leipziger Leichtmetallwerke in particular, under the direction of plant manager Walter Marx made "through ceaseless work, and impetuous advance to its present size". The factory made so distinguished a record in the speed of its expansion and the increase of its war production that it became the first in the entire Gau to receive the designation of Hitler as a "National Socialist Model Factory". Plant Director Marx was in consequence received, in person, by the Fuehrer. (Exhibit 9, Pages 4, 5).

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12. During 1934 Berghaus also established a research laboratory, the "Versuchsstation und Laboratorium Bernhard Berghaus" for technical experiments in the armament problems with which his factories were engaged. These researches produced for Berghaus some 800 patents in the armaments field, some of which were of such significance that they were brought to the personal attention of the Fuehrer (Exhibit 9, Page 2). During the six year period between 1934 - 1940 Berghaus spent some RM 4 million on these researches (Exhibit 1, Page 3; Statement in May 1940 by a Berghaus attorney, Dr. Noack, to the Public Prosecutor's office, Berlin).

13. In seeking to develop new and improved metals for armaments purposes the Berghaus laboratories traveled far afield in an effort to overcome existing raw material shortages. Hence, directly upon the conclusion of the Italo-Ethiopian War, Berghaus organized an expedition to Ethiopia to prospect for copper and wolfram ores. For this enterprise he received the support of the Office of the Four Year Plan (State Secretary Koerner) and the Reichsamt fuer Bodenforschung (State Secretary Wilhelm Keppler) as well as of the Italian Government. The expedition remained in Ethiopia for a year and a half and the costs of it amounted to some RM 1 million. (Exhibit 3, Page 3; Interrogation of Viktor Schulz, 19 October 1946).

14. The Berghaus armament enterprises during these years proceeded with their expansion and increased their production to such a degree that at the outbreak of the war Berghaus expressed his amazement that the French and British had chosen to resist at all. He could scarcely believe, he stated, that these powers would be foolish enough to risk their very national existences to combat the armed might of Germany, the enormous scope of which he had learned through his own factories. (Exhibit 2, Page 4; Copy of undated memorandum by Berghaus written presumably in November 1940).

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15. The Berghaus factories continued their expansion after the outbreak of war. By the end of 1942 Berghaus added the "Sintermetallwerke Bernhard Berghaus to the war factories of which he was the sole owner. This company was established for the application of new techniques to the manufacture of war materials developed in the laboratories of the Berlin-Luebecker Maschinenfabriken on behalf of the OKH (Exhibit 7, Pages 1, 2; Report of Deutsche Revisions & Treuhand Gesellschaft 1943). Some time earlier Berghaus, with the encouragement of the Office of the Four Year Plan and of the Air Ministry, had commenced to build, at Engerau, Austria, what was envisaged to become "one of the largest if not the very largest light metal factory in the world." (Exhibit 9, Pages 2, 3). The enterprise was of such importance to the German war economy, that the Reich Economics Ministry guaranteed a loan of RM 65,000,000 for its construction (Exhibit 10, Page 1). The enterprise was of such importance to Berghaus that to secure the loan, it is stated, he pledged his entire personal fortune. (Statement by Viktor Schuls, the confidential secretary to Berghaus after 1935, and embodied in Airgram to the American Legation at Bern by Ambassador Murphy, 30 January 1946). By the autumn of 1944 the plant remained unfinished although the original 65 millions were exhausted and Berghaus was compelled to request fresh sums. (Exhibit 10, Page 1, Copy of letter to the Economics Ministry by Berghaus, 22 September 1944)

16. Although the Berghaus factories were devoted to the direct production of armaments they employed prisoners of war in the execution of these tasks in direct violation of the Geneva Convention. Chapter 3, Article 31 of the Convention Relative to the Treatment of Prisoners of War, 27 July 1929 states:

"Labor furnished by prisoners of war shall have no direct relation with war operations. It is especially prohibited to use prisoners for manufacturing and transporting arms or munitions of any kind, or for combatant units."

Notwithstanding this prohibition Berghaus employed in 1942 123 PWs in the Berlin-Luebecker Maschinenfabrik (Exhibit 6, Page 3) and 308 PWs in 1943 at the Sintemetallwerke Bernhard Berghaus (Exhibit 7, Page 8). At the beginning of 1945 some 60 PWs were still employed at the Luebeck factory (Exhibit 14, Report by British Military Government, 18 October 1946).

17. The Berghaus factories during the war employed slave laborers coming from all parts of Europe but particularly from the eastern territories. Berghaus was not content to obtain slave labor through the customary official channels (Office of Gauleiter Sauckel) but dispatched special labor "commissions" to Czechoslovakia, Poland, Croatia and afterward to Italy and concluded agreements with Nazi collaborators in Russia such as Colonel Domanow, the Ataman of the Cossacks, for the procurement of additional workers. He also took special steps to recruit slave labor from German concentration camps and after the fall of Mussolini to obtain inmates from the jails of the Nazi dominated Italian Government. (Exhibit 11, Letter by Walter Marx which was forwarded to Kriminalrat Dr. Schieber by Berghaus, 3 November 1944; Exhibit 13, Authorization issued by Plant Manager Gerhard Alex of the Engerau Werke for the recruiting of Italian jail inmates).

18. The number of slave workers employed by Berghaus increased progressively during the course of the war. In 1942 some 880 slave workers out of a total labor force of some 3000 were employed in the Berlin-Luebecker Maschinenfabrik. (Exhibit 6, Page 3). By the beginning of 1945 the number of slave workers in the same factories expanded to some 1400 out of a total of 3000. (Exhibit 14).

19. The present investigation has found additional evidence to support the SSU/Bern Report, 9 Sept 1946 stating that Berghaus' factories "were known as places where Russian prisoners and other slave workers were treated worse than anywhere else in Germany." The British Military Government authorities have arrested Plant Director Hugo Wedeking, the highest ranking official

currently available of the Berlin-Luebecker Maschinenfabrik. He is confined at the Neuengamme Detention Camp awaiting trial as a war criminal for maltreatment of slave labor (Exhibit 14). The American Military Government authorities in Austria are also investigating Plant Director Walter Marx of the Leipziger Leichtmetallwerke Rackwitz, who is at present in Salzburg. The available information relating to him is being forwarded to Austria.

20. It is in this connection that CROWCASS (Central Registry of War Criminals and Security Suspects) has entered the name of Bernhard Berghaus (File Number 258118) on its wanted list for interrogation on the maltreatment of Russian and Polish slave laborers in his factories between 1941 - 1945.

21. Berghaus has submitted to the American consular authorities in Switzerland two memoranda dated 8 September 1946 and 19 September 1946 in support of his visa application to the United States. The declarations which he makes in them of his political attitudes and activities contain statements in direct contradiction to the known facts.

a. Statement: "I kept away from all national socialistic arrangements" (Memorandum, 19 September 1946, page 3).

Facts: The files of the Berlin Documents Center reveal that Berghaus joined the Nazi Party on 1 May 1933, Party Number 2878103.

b. Statement: "I never met any of the leading personalities (of National Socialism)." (Memorandum, 8 September 1946, Page 2).

Facts: Viktor Schulz has stated that Berghaus and Wilhelm Keppler were together at least fifteen times, apart from various luncheon meetings. (Exhibit 3, Page 3). Keppler was personal advisor to Hitler on economic problems even before 1933; founder of the notorious Keppler Circle known/as also the Himmler Circle which during a term of some nine years raised from German business men some RM 1 million per year for the "special uses" of Heinrich Himmler; State Secretary in the Foreign Office for special problems, e.g. to conclude the preliminary political arrangements for the Anschluss with Austria, the conquest and partition of Czechoslovakia etc.

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Viktor Schulz and others have also stated that Berghaus was personally acquainted with State Secretary Paul Koerner, Goering's deputy in the Office of the Four Year Plan. (Exhibit 3, Page 3). Koerner was an old Nazi Party activist who in 1928 gave up the business he owned because he decided to follow a purely political career. After the Nazis came to power Goering appointed him his personal deputy in various enterprises. Interrogation of Koerner and Keppler on their relations with Berghaus has revealed additional information which is being forwarded to this office.

Klaus Franke a Berghaus confidential employee has stated that Hans Kehrl supported the efforts of Berghaus to expand his armament factories in Austria (Exhibit 15, Page 3). SS Brigadefuehrer Hans Kehrl was an old Party activist who became Gauwirtschaftsberater (Economic Advisor to the Gauleiter) of Kottbus as well as President of its Chamber of Commerce. Kehrl also became one of the active members of the notorious Himmler Circle.

c. Statement: Berghaus had certain difficulties with the Gestapo during 1940/41 which began directly upon his return from a trip to Switzerland. "The reason for these steps taken by the authorities," he states, "being our opposition to the Nazi system well-known to all the authorities". (Memorandum, 19 September 1946, Page 2). CONFIDENTIAL

Facts: Berghaus' difficulties with the Gestapo did not arise out of any political opposition to the Nazis but resulted from charges against him by Dr. Schmidt, the junior partner in the Leipziger Leichtmetallwerke Kackwitz. The charges developed in consequence of personal differences between the women (Exhibit 9, Page 6). Dr. Schmidt charged Berghaus with seeking to transfer to America from England in 1939 a large sum in pounds sterling in direct violation of the foreign exchange blocking laws of the German Government. (Exhibit 1, 9 are devoted in their entirety to this subject). Berghaus was cleared of these charges and Dr. Schmidt was compelled in consequence to dispose of his one third interest in the LLR to

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Berghaus who became thereby the sole owner of the plant. During the last three years of the war Berghaus made several trips per year to Switzerland, an indication that his difficulties with the Gestapo did not have a political foundation. Another indication of this description is to be found in the fact that during the latter months of 1940 the OKH, in recognition of Berghaus' position as an armament manufacturer appointed him trustee of the French arms factory, "Manufacture Nationale d'Armes de Chatellerault". (Exhibit 6, Page 1). Berghaus' temporary embarrassment with the Gestapo failed to disturb the harmony of the trusteeship and he retained the office until the liberation in 1944 (Exhibit 8).

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APPENDIX A

Exhibit

- 1 Statement to the Public Prosecutor of Berlin by Dr. Erwin Noack, one of Berghaus' attorneys, dated 21 May 1940.
- 2 Memorandum by Berghaus to his attorney von der Glotz. Undated though probably sent in November 1940.
- 3 Interrogation of Viktor Schulz, 19 October 1940.
- 4 Letterhead of Leipziger Leichtmetallwerke Rackwitz with imprint "M.S. Musterbetrieb," October 1941.
- 6 Auditors report of the Berlin-Luebecker Maschinenfabriken, made by the Deutsche Revisions & Treuhand Gesellschaft, the official auditing company of the Reich, for the year 1942.
- 7 Auditors report of the Sintermetallwerke Bernhard Berghaus, made by the Deutsche Revisions & Treuhand Gesellschaft for the year 1943.
- 8 A bill addressed to the Berlin-Luebecker Maschinenfabrik as Trustee of the OKH for the "Manufacture Nationale d'Armes de Chatellerault", dated 30 Sept 1944.

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Exhibit

- 9 Copy of report sent to State Secretary Freisler of the Reich Ministry of Justice by one of Berghaus' lawyers, 20 October 1941.
- 10 Copy of letter to the Reich Economics Ministry by Berghaus, 22 September 1944.
- 11 Copy of letter to Staatsrat Schieber by Walter Marx, 3 November 1944.
- 12 Copy of letter of transmittal of Exhibit 11 by Berghaus to a Kriminalrat.
- 13 Copy of an authorization to Colonel Schoeneich by Plant Director Gerhard Alex, 3 November 1944.
- 14 Report by Audits & Investigations Branch, Finance Division, Control Commission for Germany (British Element), 18 October 1946, based upon information supplied by the Custodian of the Berlin-Luebecker Maschinenfabrik.
- 15 Statement by Klaus Franke, dated 7 June 1946, to Audits & Investigations Branch, Finance Division, Control Commission for Germany (British Element).

A TRUE COPY:

HANS MARCHAND
Capt., FA

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24 December 1946

SUBJECT: Bernhard BERGHAUS — Report of Mr. Sam E. Woods, Zurich, to State Department, No. 673, dated Dec. 14, 1946

TO: Mr. Paul C. Blum, Bern Station

FROM: Jan F. Libich

Although I had time for only a brief glance at Mr. Woods' letter criticizing SSU Reports on Berghaus, I want to call your attention to the following facts:

1. Mr. Woods states that Kurt von GONTARD could not have expressed the opinion that members of his family were coming to the U.S. as the Consulate had told GONTARD that no members of the Berghaus' family could get visas. However, members of the Legation staff ~~have told me since that Mrs. Berghaus and her two children, i.e., three members of the Berghaus family, have already obtained their visas and are only awaiting transportation to the U.S.~~

2. Mr. Woods states that Berghaus was not connected with the Luebecker Maschinenfabriken after 1940 or 1941. Mr. Woods apparently has been misinformed because a German corporation's original report, which I have seen in the files in Mr. Kagan's office, Financial Investigations Section, OMGUS, Berlin, and which included the balance sheets of the Luebecker Maschinenfabriken covering the entire year 1942, named Bernhard Berghaus as sole owner. It would follow, therefore, that he had the responsibility for recruiting and mistreatment of foreign labor and Russian prisoners of war.

3. The OMGUS Financial Investigations Section's Interim Report on Bernhard Berghaus, dated 18 Nov. 1946, states (p. 6, par. 19):

The present investigation has found additional evidence to support the SSU/Bern Report, 9 Sept. 1946, stating that Berghaus' factories "were known as places where Russian prisoners and other slave workers were treated worse than anywhere else in Germany." The British Military Government authorities have arrested Plant Director Hugo Wedeking, the highest ranking official currently available of the Berlin-Luebecker Maschinenfabrik. He is confined at the Neuengamme Detention Camp awaiting trial as a war criminal for maltreatment of slave labor (Exhibit 14). The American Military Government authorities in Austria are also investigating Plant Director Walter Marx of the Leipziger Leichtmetallwerke Rackwitz, who is at present in Salzburg. The available information relating to him is being forwarded to Austria.

4. Berghaus claims that the administration of his factories was taken away from him by the Nazis. Yet at this same time the German Government granted him exit permits as "a prominent industrialist" — an action which in itself would seem to contradict his claim of being in the bad graces of the German authorities. To infer that the German exit permits were in any way connected with a Swiss visa is entirely misleading and deceptive: the granting of the Swiss visa is an entirely different matter. Another question also arises and remains unanswered: If the Swiss authorities have such a good opinion of him, why was a Swiss expulsion order (Wegweisungsbefehl) issued against him after the war and why has it never been withdrawn? The

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OMGUS report mentioned in paragraph 3 above contains sufficient information on the large German government loans granted Berghaus to refute successfully any argument regarding his anti-Nazi activity or inclinations.

5. On the basis of recent investigations the British Legation in Bern in early December 1946 requested Swiss authorities to repatriate subject to Germany.

6. It is a well known fact in the British and American Zones of Occupied Germany that even if a government administrator is appointed for some industry, he is usually one of the former managers of the firm in question and through him the owner is in position to direct at least part of the firm's activities as control by the occupation forces is in many cases rather remote. Exports must, of course, be finally approved by Allied authorities but negotiations between Germans and foreign business partners are taking place all the time. (Re statement in Mr. Woods' letter.)

7. That Berghaus intends to go to Argentina in case he does not succeed in obtaining a visa for the U.S. was quoted as a rumor. But to have inquired of the Argentine Consul whether Mr. Berghaus has applied for a visa — as well as to have asked the Chinese representatives whether they discussed armaments with him — seems rather strange for someone who should know that as representatives of foreign governments, they could not admit to representatives of another government that they might possibly break the United Nations Charter; namely, in issuing a visa to a war criminal, and in engaging in secret negotiations about armaments equipment.

8. I further noticed that most of the statements which Mr. Woods uses to deny the accusations against Berghaus are based either on Berghaus' own statements, who is obviously a party to the proceedings, or on the statements of some Swiss officials who apparently had, to put it politely, material advantages from Berghaus, presumably as a result of the Swiss family living in a house owned by Berghaus' relatives during the war. Mr. Woods' statement that Swiss officials should be considered more reliable sources than people employed by the U.S. Government is a very interesting observation to come from an American Consul General.

9. According to recent information, Mr. Woods has left for the U.S., where he will undoubtedly present this case to his political friends.

Jan F. Libich

cc: 2 - Wash
2 - Bern
1 - AMZON

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