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HANDBOOK for
MILITARY GOVERNMENT
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GERMANY.

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U. S. Army Military History Institute

**HANDBOOK FOR MILITARY
GOVERNMENT IN GERMANY**

**PRIOR TO DEFEAT OR
SURRENDER**

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**Supreme Headquarters
ALLIED EXPEDITIONARY FORCE
Office of the Chief of Staff**

**HANDBOOK FOR MILITARY GOVERNMENT IN
GERMANY PRIOR TO DEFEAT OR SURRENDER**

1. This Handbook is published for the information and guidance of all concerned in the Military Government of Germany within the Supreme Commander's area of control. It is based on policy contained in directives issued by the Combined Chiefs of Staff for application in the period prior to defeat or surrender and may be amended or modified from time to time.

2. Considerations of military necessity or practicability are in every instance over-riding and will be treated accordingly in the application of this Handbook.

3. The Handbook, being designed primarily for use by Military Government Detachments in the field, does not enter into the details of the tasks of Specialist Officers; these are elaborated in the appropriate Technical Manuals.

4. The procedures outlined in this Handbook and the supplementary Technical Manuals will be adhered to by Military Government Officers unless otherwise directed by Army Group or subordinate Commanders. Such Commanders have been delegated Military Government authority and have been given direction on Military Government policy.

5. (a) Part I of this Handbook sets forth the basic policy governing the organization and administration of Military Government in the period prior to the defeat or surrender of Germany. It includes certain basic documents such as the initial Proclamation, Laws and Ordinances which are of concern to every Military Government Officer.

(b) Part II has been reserved for any modifications which may be required for the post-defeat or post-surrender period.

(c) Part III contains general and functional matters of concern to Military Government Officers in the field which should prove applicable in any period of the occupation.

6. This Handbook will be used as a basis of training for all officers who may be employed in the Military Government of Germany during the time of the Supreme Commander's responsibility.

7. This Handbook supersedes all previous editions, which should be destroyed.

By Command of General EISENHOWER:

A handwritten signature in cursive script, appearing to read "W. B. Smith". The signature is written in dark ink and is positioned centrally below the text "By Command of General EISENHOWER:". The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Lieutenant-General, US Army, Chief of Staff.

December, 1944.

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PART I

**General Policy Governing Organization and
Administration of Military Government in
Germany Prior to Defeat or Surrender**

Chapter I

INTRODUCTORY

1. The Supreme Commander, Allied Expeditionary Force, is initially responsible for the establishment of Military Government in areas of Germany occupied by forces under his command. At some time following the occupation, a successor agency may assume responsibility for the Military Government of Germany; until that time the Supreme Commander will be fully responsible for establishing and maintaining complete Military Government in his area.

2. Execution of the Supreme Commander's policy in the establishment and operation of Military Government during the period of the Supreme Commander's responsibility has been delegated to the Army Group Commanders in Germany. Military Government will be established by them immediately on the occupation by their forces of any part of German territory.

3. During hostilities in Germany, the Supreme Commander will possess the legislative, executive and judicial rights of an occupying power. The Supreme Commander's authority and power has been delegated to Army Group Commanders and may be re-delegated by them, in their discretion, to subordinate Commanders.

4. The authority and power in matters of Military Government will be exercised by Army Group Commanders on their own responsibility except where the Supreme Commander directs specific action (since the Supreme Commander must retain responsibility for necessary co-ordination of Military Government activities between Army Groups within his area) or where Military Government policy Directives of Supreme Headquarters specify otherwise.

5. The Supreme Commander has established the following as the primary objectives of Military Government:—

(a) Imposition of the will of the Allies upon occupied Germany.

(b) Care, control and repatriation of United Nations displaced persons and minimum care necessary to effect control of enemy refugees and displaced persons.

(c) Apprehension of war criminals.

(d) Elimination of Nazism, Fascism, German militarism, the Nazi Hierarchy and their collaborators.

(e) Restoration and maintenance of law and order, in so far as the military situation permits.

(f) Protection of United Nations property, control of certain properties and conservation of German foreign exchange assets:

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(g) Preservation and establishment of suitable civil administration to the extent required to accomplish the foregoing objectives.

In attaining these primary objectives, the following basic principles will be observed:

- (i) No steps looking toward economic rehabilitation of Germany are to be undertaken except as may be immediately necessary in support of military operations.
- (ii) No relief supplies are to be imported or distributed for the German population or for displaced enemy or enemy nationals beyond the minimum necessary to prevent disease and such disorder as might endanger or impede military operations.
- (iii) Under no circumstances shall active Nazis or ardent sympathizers be retained in office for the purpose of administrative convenience or expediency.
- (iv) Although the Nazi party and all subsidiary organizations will be dissolved, administrative machinery of certain dissolved organizations may be used when necessary to provide essential functions, such as relief, health and sanitation, with non-Nazi personnel and facilities.
- (v) Germany will always be treated as a defeated country and not as a liberated country.

6. Conduct of Military Government operations is a command responsibility. Military Government will ultimately be based on the German regional system. Where possible, military boundaries and administrative boundaries will coincide. In the initial stages of the advance into Germany the tactical boundaries between Formations will cut across civil administrative boundaries, and it will not be practical to set up complete civil administrative units. Military Government will therefore be carried out on an *ad hoc* basis in accordance with the tactical areas of command. After the situation stabilizes, it will be possible to approximate the boundaries of tactical areas more closely to civil administrative boundaries, so as to facilitate the task of regrouping and readjustment into the final spheres of Military Government responsibility. As the occupation progresses Military Districts will be established and Military District Commanders will be delegated responsibility for Military Government within their Districts. This will in no way remove from a Commander subordinate to a Military District Commander the responsibility of taking direct action when the security of the forces under his command is prejudiced, nor does it preclude the Military District Commander from allotting such responsibilities to subordinate commanders in connection with Military Government as he may see fit.

7. In addition to the normal staff/command channel, use of a Military Government/G-5 technical channel of communica-

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tions has been authorized on matters which do not affect tactical operations or concern the security of Allied troops. The Military District Commander, when designated, will be kept informed of all Military Government/G-5 technical instructions. He will suspend execution of any such technical instruction only when in his judgment conditions within his District require. Any such action will be reported to higher authority.

8. The discharge of the Commander's responsibility for Military Government may require the employment of all resources at his disposal.

9. Supreme Headquarters will furnish commanders, on their request, with Military Government Staffs, Detachments and functional experts to assist in the discharge of responsibilities for Military Government. Such personnel as have been specially trained for duty in specific areas will, so far as circumstances permit, be employed in those areas.

10. Civil Affairs Staffs already assigned to Headquarters may be retained for service in Germany; functional experts, trained for Military Government in Germany, will be available to supplement such Staffs if required.

11. Full use will be made of indigenous resources for supplies and equipment.

12. Supreme Headquarters is responsible for providing the policy governing the distribution of relief and rehabilitation supplies to United Nations displaced persons in Germany, and distribution of other supplies for Germany. In no event are relief supplies to be imported or distributed among the civil population of Germany beyond the minimum necessary to prevent disease and such disorder as might endanger or impede military operations.

13. Allocation to Army Groups of any imported supplies will be the responsibility of Supreme Headquarters. Army Groups will be responsible for calling forward the supplies thus allocated. Movement of civilian supplies will be directed through normal staff channels and performed by the normal supply and movement services, supplemented by local resources to the fullest possible extent.

14. Army Group Commanders are responsible for submitting estimates of required civilian supplies within the limitations of para. 12 above.

Chapter II

Plan for Operation of Military Government Prior to Defeat or Surrender

25. This plan is designed to apply to all Military Government operations prior to defeat or surrender conducted in Germany by forces under the command of the Supreme Commander, Allied Expeditionary Force, except as other plans may be issued with respect to special areas.

26. This plan is based on relevant directives of the Combined Chiefs of Staff and on the provisions of "Standard Policy and Procedure for Civil Affairs and Military Government Operations in Northwest Europe" (December, 1944, edition). This plan will be amended as necessary as and when further policy guidance is received from the Combined Chiefs of Staff.

27. **MANUALS.** In case of conflict with the Military Manual of Civil Affairs issued by the British War Office, or the Field Manual, 27-5, issued by the United States War Department, the provisions herein set forth and those contained in any related Directives or Instructions will apply.

28. **PROVISIONS AND DEFINITIONS.** The following provisions and definitions are employed in this Handbook:

Supreme Commander—The Supreme Commander, Allied Expeditionary Force.

Supreme Headquarters—Supreme Headquarters, Allied Expeditionary Force.

G-5, Supreme Headquarters—The Military Government Division of the General Staff of the Supreme Commander.

ACOS, G-5—Assistant Chief of Staff, G-5.

Mil. Gov.—Military Government.

Mil. Gov. Staff—Military Government Officers attached or assigned to the Staff of any Headquarters.

Mil. Gov. Detachments—There will be Military Government Detachments consisting of Military Government Officers and OR/EM provided for employment in Military Government at provincial, Regierungsbezirk and lower levels. The Officer Commanding a Mil. Gov. Detachment will be the senior officer permanently assigned thereto, irrespective of the rank of any functional specialist officer temporarily held on the strength of that Detachment.

Functional Specialists—Technicians and professional personnel trained in Military Government and schooled in the problems of their speciality relating to Germany.

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Such specialists will be provided for Mil. Gov. Staffs and Mil. Gov. Detachments.

CMGO/G-5—Chief Military Government Officer at Army Groups. In US headquarters down to and including Corps, the senior Mil. Gov. Staff Officer is known as the Assistant Chief of Staff, G-5.

ACMGO—The Assistant Chief Military Government Officer at Army, Corps, or at any other British formation.

RMGO—Regional Military Government Officer. The senior Military Government Officer of a Detachment at *Regional* level.

SMGO—Senior Military Government Officer. The senior Military Government Officer of a Detachment at *Regierungsbezirk* level.

Mil. Gov. Regions—Areas of Germany, usually corresponding with German *Land* or Prussian *Provinz*, established as a basic unit for Military Government in Germany.

Military District—Areas of Germany, in general corresponding with Mil. Gov. Regions, employed for command purposes in Military Government, administration and operation of occupation troops.

Control Commission/Council—The tripartite agency to be established by the British/US/USSR Governments for the administration of Military Government, disarmament and demobilization in Germany.

29. (a) The Supreme Commander will be responsible for Military Government of areas of Germany (international boundaries of 31st December, 1937) occupied by forces under his command. Army Group Commanders are responsible for those areas within the Supreme Commander's zone occupied by forces under their command.

(b) It is expected that the *Reichshauptstadt* of Berlin will be ultimately constituted an international zone occupied by British/USSR/US forces deployed in three national sectors and administered on a tripartite basis. The Control Commission/Council will likewise sit in Berlin.

30. Initially the Supreme Commander will be responsible for the administration of Military Government in his zone of Germany. A separate plan has been issued on the establishment of Military Government in Berlin.

31. At a time to be determined by the British and US governments and under instructions from the Combined Chiefs of Staff, the Supreme Commander will be relieved of his responsibility which may be assumed by the Tripartite Control Commission/Council. It is anticipated that this will occur as soon as practicable after the cessation of organized hostilities and completion of occupation of the zones allotted to them by the forces

of the UK, US and USSR. At this time the combined character of US/British operations in Germany will cease. Operations thereafter will be on a national basis in accord with tripartite policy established by the Control Commission/Council in Berlin.

32. The Supreme Commander's policies will be fully coordinated with tripartite policy developed by the Control Commission/Council. In the absence of tripartite policy it is essential that the Supreme Commander's policies be limited to those necessary for the attainment of the primary objectives of Military Government during his period and that the way be left as smooth as possible (by omission rather than by commission) for the assumption of power by the Control Commission/Council on its tripartite basis.

33. The British and United States elements of the Control Commission/Council will function under the command of the Supreme Commander, during the period of the latter's responsibility, in implementing on behalf of the United States and the United Kingdom governments the policies agreed upon by the three governments (US/UK/USSR), and will normally be the channel of communications between the Supreme Commander and the German Central Authorities. To the extent that tripartite policy is developed in advance of the assumption of responsibility for control by the Control Commission/Council, these elements will advise the Supreme Commander of the development of such policy.

34. The Supreme Commander will be Military Governor of those areas of Germany occupied by forces under his command. All proclamations, laws and ordinances will be stated as being issued by order of Military Government.

35. Actions taken by Army Group Commanders or subordinate commanders in many fields such as censorship, travel control and the requisition and procurement of labour and other resources will rely on the authority of the Supreme Commander as Military Governor. Such actions must necessarily conform to the general policies regulating the conduct of Military Government as laid down by the Supreme Commander.

36. Initial contacts with German civilians and German civil administrative authorities by agencies and Forces of Army Group or subordinate Commanders involving matters in which the Commander's powers under Military Government may be employed should be made where possible through Mil. Gov. Detachments at the appropriate level of government.

37. During the period of the Supreme Commander's responsibility, Army Group Commanders will be fully responsible for the Military Government of the area occupied by their groups of armies. Army Group Commanders have been delegated all of the Supreme Commander's legislative, executive and judicial

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authority and power. This authority and power will be exercised by Army Group Commanders on their own responsibility, except where the Supreme Commander directs specific action or where Military Government Policy Directives of Supreme Headquarters direct otherwise. Since Military Government is a command responsibility, its exercise within the general policies, directives and instructions laid down by the Supreme Commander will be a matter of the Army Group Commanders' discretion. Army Group Commanders will cause Mil. Gov. Detachments operating in the area occupied by their Groups of Armies to follow technical instructions issued through Military Government/G-5 channels and will suspend the effect of such instructions only when in their judgment such suspension is required by local conditions. In event of such action it will be reported to higher authority.

38. Military Government will ultimately be based on the German regional system. As rapidly as practical during the course of the occupation, recognition will be given to this ultimate organizational scheme by conforming tactical boundaries with administrative boundaries and fixing Military Government responsibility accordingly. Until it is possible to establish Military Districts, Military Government will be carried out on an *ad hoc* basis in accordance with the tactical areas of command, and Mil. Gov. operations will be the responsibility of each Military Commander in the areas occupied by his forces. Military Districts ultimately to be established in Germany will in general conform to Military Government Regions. Therefore, the basic Unit for Military Government will be the Military District, *i.e.*, the Military District Commander will be directly responsible for the efficient working of the Military Government machine provided for the whole Region under his control. This in no way removes from a subordinate commander the responsibility for taking direct action when the security of the forces under his command is prejudiced. Nor does it preclude the Military District Commander from allotting such responsibilities to subordinate commanders in connection with Military Government as he may see fit.

39. When a Military Government Region is split between two Military Districts, the commander in whose area the Regional capital falls will have Military Government control of the whole Region. Where a Military District encompasses the capitals of two or more Regions the Military District Commander will be responsible for all such Regions. Regional Mil. Gov. Detachments will be provided in such cases for the capitals of such Regions. Where practical, Military District Commanders will endeavour to conform the deployment of divisions and lower tactical units to the boundaries of subordinate political Regions employed in Military Government.

40. Army Group Commanders are responsible for providing lateral liaison between the areas occupied by their Groups of Armies and between all subordinate echelons as required to maintain consistency of policy in local regulations and to facilitate administration. This will be provided in addition to the general co-ordination exercised by the Supreme Commander.

41. (a) The areas in which certain specific functions of German government operate will be found to differ from those laid down for Military Government Regions. Since acceptance of the German system would be contrary to the principle of Military Government and the policy of regional control, the German authorities will be ordered to conform all such functions, at the earliest possible date, to the Military District areas.

(b) The presence in their command of troops of another nationality will in no way relieve Army Group Commanders of the responsibility for Military Government in such areas as are occupied by such a force. Mil. Gov. Detachments operating in such areas will be of the nationality of the commander of the Group of Armies in whose area they operate except that French Military Government personnel may be employed in areas occupied by French Units.

(c) When US forces occupy areas which will eventually form part of the British Zone, the US commanders concerned will be fully responsible for Military Government. However, in the interests of continuity, British Military Government liaison officers will be introduced into those areas under command of the US Commanders concerned. These officers will have observer status unless the US Commander chooses to make them executive. Their primary task will be to familiarize themselves with the district in order that continuity may be obtained when the re-deployment of the forces occurs. The same will apply where British Forces occupy areas which will eventually form part of the US Zone.

(d) If French Forces occupy areas which will eventually form part of the US or British Zone, they will be responsible for Military Government within their area of occupation in accordance with the directives and policies issued by the Supreme Commander and by the appropriate Army Group. Military Government Staffs for these areas will be integrated on a US/FR or BR/FR basis.

42. A Military Government/G-5 technical channel of communications will operate between Supreme Headquarters and the Military Government Staffs and Detachments and may embrace the BR/US elements of the Control Commission/Council. From the outset, such functions as Finance, Economics and Legal will utilize this channel freely for technical guidance, etc. However, command channels will be employed on all matters which affect tactical operations or concern the security of Allied troops.

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43. As military security permits, and in accordance with instructions to be issued by the responsible Military Commanders, technical policy and technical instructions on other Military Government functional matters will be communicated through such technical channels direct to regional or other administrative units of Military Government. The Military District Commander will be kept informed of all Military Government/G-5 technical instructions. He will suspend execution of any technical instruction only when in his judgment conditions within his District so require. Any such action will be reported to higher authority.

44. Any communication on matters of concern to Military Government which may issue from agencies of the central government (whether or not authorized by Mil. Gov. Officers at that level) to subordinate agencies in the Military Government Regions must be cleared by the subordinate agency with the Mil. Gov. Detachment responsible for the Region. Action on such matters will be taken by the subordinate civil agencies only on orders from a Regional Military Government Officer.

45. (a) The Military Government resources of a Military Commander will consist of:

- (i) Appropriate Military Government/G-5 Staffs.
- (ii) Mil. Gov. Detachments at Regional and subordinate centres of civil administration.

(b) It is contemplated that Mil. Gov. Staffs will be largely concerned with liaison duties and normal staff work incidental to the chain of command; and that Mil. Gov. Detachments will be the Military District Commander's executives on all matters concerning Military Government.

(c) Existing Civil Affairs Staffs of Formations/Units destined for Germany will not be disbanded but may be reduced, replaced or reinforced as required by Army Group Commanders.

(d) Personnel of Civil Affairs Staffs of Formations/Units, relieved of responsibility for the conduct of Civil Affairs or Military Government in Western Europe, may be transferred to new Formations/Units given such responsibility, or disbanded and employed to provide personnel for Military Government in Germany or for other purposes at discretion of Army Group Commanders.

(e) Supreme Headquarters will provide Army Group Commanders with trained cadres for ultimate employment as Mil. Gov. Detachments in Germany. These cadres will be comprised of officers who, during training, have studied particular localities in Germany.

(f) Military Government personnel will move into Germany under command of military formations. Army Group Commanders will be responsible for the movement and phasing of this personnel into Germany. During active military operations

Mil. Gov. Detachments will accompany the forward troops, so that they may take emergency measures for the control of the civil population. Deployment will take place on the orders of the Military Commander as troops enter an area to be occupied. Detachments may remain in their initially assigned area, and as forces to which they have been attached move on, replacements will be called forward by the formation Commander to join his forces as required. Detachments will always be under the command of the Commander of the formation operating in their areas. Army Group Commanders are responsible for the ultimate assignment of trained Mil. Gov. cadres to the areas in which they are specialized.

(g) These cadres will be augmented as and when possible by personnel withdrawn from Civil Affairs Detachments and Formation/Unit Staffs in liberated territories, up to the estimated requirements for operating Military Government control.

(h) All personnel withdrawn from Civil Affairs Detachments and Formation/Unit Staffs in liberated territories, as soon as they are reported surplus by Army Group, will be collected, US personnel in a US depot and British personnel in a British depot. These temporary depots will be set up at suitable locations in liberated territories. Here the personnel will be reorganized and reallocated to appointments on Mil. Gov. Staffs or Detachments in Germany.

(i) At a later stage Mil. Gov. Detachments may be further increased by personnel withdrawn from the combat forces if this appears necessary.

46. Military Government personnel when deployed will be administered by the nearest tactical unit. Personnel for local administration of Mil. Gov. Detachments will be provided by European Civil Affairs Division for the US Detachments, and for British Detachments will be found from the local administrative personnel in the Military Government groups allotted for the purpose.

47. Army Group Commanders will provide for the collection, preservation, classification and evaluation of all data of historical importance pertaining to the conduct of Military Government at all levels in their Army Group areas, and will make this material available to the Supreme Commander in a form from which a history of the Supreme Commander's Military Government in Germany may be prepared.

48. Army Group Commanders will provide for the collection and summarization of Mil. Gov. Detachment reports and other current information pertinent to operations of Military Government and for the distribution of such information, and other information requested, to the Supreme Commander and to Mil. Gov. Staffs and Detachments at all levels.

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49. The provision of essential signals for the conduct of Military Government will be the responsibility of R. Signals/Signal Corps. However, Mil. Gov. Detachments will assist R. Signals/Signal Corps in obtaining the use of civil communications and will employ civilian nets whenever practicable.

50. OFFICIAL GAZETTE

(a) Military Government will publish the official text of all proclamations, ordinances, and other enactments of general interest to the German Public in an Official Gazette or Gazettes. Instructions regulating internal administration of Military Government will be distributed through channels and will not be published in the Gazette.

(b) Enactments within each class (other than notices and Regulations) shall be numbered serially for identification, or shall be given such other distinctive marking or means of designation as may be deemed appropriate for such purpose.

(c) Enactments shall be deemed to have been promulgated and, unless otherwise specified therein, to have become effective when approved by the issuing authority, or upon occupation, whichever is later. Such approval shall be indicated by the signature of the issuing authority thereon or by such other means as he shall deem appropriate.

(d) Where feasible, the effective date of an enactment will be stated thereon and in the Official Gazette. For the purpose of publication in the Gazette, the date of initial occupation shall be used for enactments becoming effective on occupation.

(e) Enactments as published will not include the signature of the issuing authority. They will be headed "Military Government—Germany," and will set forth the area to which applicable (*e.g.*, the Supreme Commander's area of control/Military Government Region, etc.). All enactments should be printed in Roman, *not* Gothic, type. The English text should be placed before the German.

(f) All enactments should be given the widest publicity feasible in the area in which applicable. During the initial stages, publication will be by posting printed copies as widely as practicable and/or by such other means as the Commanders responsible therefor deem appropriate.

51. In addition to publishing Military Government enactments in the Military Government Gazette, there will be included in the first or second issue thereof the following:

(a) Regulations of Military Government (in addition to proclamations, laws and ordinances) having general application, such as censorship regulations, general licenses under the Property Control and Foreign Exchange Control Laws, etc.

(b) Directions to German authorities, or institutions, having general application, such as directions to banks, stock exchanges, etc., the Supreme Headquarters price list, etc.

52. Thus, there will be collected in convenient and compact form a large part of the Military Government documents which form the basic frame-work of Military Government. There will, however, inevitably be some directions to German authorities which will not have been published in the Gazette, in addition to those not intended so to be, such as Directions to the Directors of Prisons, Directions to Presidents of *Oberlandesgerichte*, etc.

53. Before arrival at his post, the Mil. Gov. Officer should check against the Handbook and his other instructions to ensure that copies of all required Directions to German authorities are in his possession, either in the Military Government Gazette or by separate documents.

54. Upon arrival at his post, the Mil. Gov. Officer should deliver to the office of the *Bürgermeister* all such Directions by handing over copies of the Military Government Gazette and of separate Directions and directing their distribution to all German authorities concerned and their wide-spread publication. From and after such delivery to the office of the *Bürgermeister*, all German authorities and persons within such area will be charged with knowledge of such Directions and of the other contents of the Military Government Gazette. If the town or city is also the seat of some other civil administrative unit, such as a *Land* or *Provinz*, or of some other type of governmental or regulatory agency, such as an *Oberlandesgericht* or a branch of the *Reichsbank*, the *Bürgermeister* will be charged with the necessary distribution and delivery of Directions and Gazettes to the officials of such other units or agency.

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Chapter III

POLITICAL AND GENERAL

70. This chapter contains broad general policies of Military Government in Germany. Specific guidance with respect to many of the subjects mentioned in this chapter will be found in appropriate functional chapters of Part III.

CHARACTER OF MILITARY GOVERNMENT

71. During the period of the Supreme Commander's responsibility, the Military Government of Germany will be a military administration, and representatives of Allied civilian agencies will not participate except to the extent approved by the Supreme Commander. Military Government will control the civilian population so as best to facilitate and promote the success of military operations. The administration will be firm, but just.

72. The fact of German military defeat will be made clear to the German population. The objectives of Military Government as stated in Chapter I will also be made clear to the German population.

73. The administration of Military Government will be identical throughout the Supreme Commander's area of responsibility, subject to any special requirements due to local circumstances.

ADMINISTRATIVE STRUCTURE; REMOVAL AND APPOINTMENT OF OFFICIALS

74. After the removal of all active Nazis and ardent Nazi sympathizers, the civil administrative, judicial and law enforcement structure will be utilized to the fullest extent possible. Military Government will be effected, as a general principle, through indirect rule. The Supreme Commander will instruct all civilian officials to remain at their posts until further orders and to obey and enforce all orders of Military Government addressed to the German Government or the German people. This instruction is contained in Proclamation No. 1 of the Supreme Commander (Chap. IV. of this Part I).

75. The removal and replacement of governmental officials in accordance with the instructions set forth herein (except those whose dismissal is mandatory) will be a matter for the discretion of Army Group Commanders. The guiding principle is the removal of all active Nazis and ardent sympathizers and their replacement by non-Nazis. Reference is made to Chapter II of Part III of this Handbook for specific guidance.

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No permanent appointment of Germans to posts involving the exercise of authority at Provincial levels or above and no permanent appointments of Germans to the position of *Regierungspräsident* will be made until approved by the Supreme Commander. Confirmation of permanent appointments to lower posts will be as directed by Army Group Commanders. It should be made clear to all governmental officials and employees that their continued employment is solely on the basis of satisfactory performance and behaviour. Ordinance No. 1 ("Crimes and Offences"—see Chapter IV, Part I) makes adequate provision for punishment in Military Government Courts of officials who do not fully co-operate.

76. The entire Nazi leadership will be removed from all posts of authority and no member of the German General Staff or of the Nazi Hierarchy should occupy any important government or civil position. Active Nazis or ardent Nazi sympathizers will not be employed and no exceptions will be made to this policy on grounds of administrative convenience or expediency. Army Group Commanders will also remove and exclude from office any officials who act, or who are deemed likely to act, contrary to Allied interests and principles.

77. Because of the desirability of using the German Governmental machinery to assist in accomplishing Military Government objectives, prompt action should be taken for the appointment of acceptable substitutes to important administrative posts vacated by the Nazis and other undesirable elements. If acceptable German officials cannot be found in time to prevent an administrative breakdown which would imperil the attainment of the objectives of Military Government, direct administration by Military Government personnel may be necessary as a temporary expediency.

LEGISLATION

78. Legislation necessary for the purposes of Military Government will be enacted. German legislation containing policies or doctrines of the NSDAP will be abolished. Subject to the foregoing, existing German laws will be recognized as continuing in effect in so far as they do not conflict with the policies or legislation of the Military Government.

79. Army Group Commanders will take all appropriate steps to enforce and carry out the proclamations, laws and ordinances to be enacted by the Supreme Commander. Army Group Commanders are authorized, when required, to enact Military Government legislation having applicability and effect within their areas of responsibility. All legislation to be enacted by Army Group Commanders will be submitted prior to promulgation to Supreme Headquarters for approval, except on unusual occasions when the military situation requires

emergency action to be taken, in which case a detailed report will be made.

80. Army Group Commanders will take steps as directed to prevent operation of all Nazi laws which discriminate on the basis of race, colour or creed, or political opinions, or against Allied subjects or their property, or impose disabilities or sentences on members of the Allied forces or informants or others rendering services to the Allied forces.

81. The initial Proclamation, laws and ordinances will be found in Chapter IV of Part I. Subsequent legislation provided by the Supreme Commander for enactment in his area of control will be added to Chapter IV from time to time.

COURTS

82. Military Government courts will be established to enforce legislation enacted by Military Government and to punish offences against the interests of the Allied forces and the United Nations. The criminal and civil court system of Germany, purged of Nazis and other undesirable persons, will be continued under Military Government supervision and control. Violation of German laws by Germans and foreigners, other than United Nations Nationals, will, therefore, normally be tried in German Courts, although they may be tried in Military Government courts when so directed.

83. With respect to German Courts it is a primary objective to eliminate all Nazis or other undesirable persons from the German judiciary and administration of justice.

84. On the commencement of occupation, all German courts, civil and criminal, will be closed, and will not be allowed to re-open until sufficient personnel have been found who can be relied upon to administer justice free from Nazi principles and doctrines. Subject to this restriction, arrangements will be made at the earliest moment for their re-opening and functioning under Military Government regulation, supervision and control. Courts will be opened for purely administrative functions at the discretion of Army Group Commanders.

85. Special courts associated with the Nazi regime, e.g. special Nazi Party Courts, including the People's Court and SS Police Courts, will be abolished.

86. As soon as practicable Military Government Courts will be established to maintain order and protect the interests of the Allied forces and of the United Nations.

87. All sentences of death or corporal punishment which have been imposed by German courts will be suspended, pending review by Military Government.

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88. Displaced persons who are nationals of any of the United Nations will not, without the approval of Mil. Gov. officers, be tried in German courts. They may be tried in Military Government courts in accordance with applicable German laws (which have not been invalidated by Military Government) or in accordance with the laws of Military Government.

NAZI OFFICIALS, WAR CRIMINALS AND OTHER CRIMINALS

89. Adolf Hitler, his Chief Nazi and Fascist associates, their collaborators and all persons suspected of having committed war crimes, including those who appear on lists communicated to Army Group Commanders by Supreme Headquarters, will be arrested and held for investigation and subsequent disposition.

90. The heads of all ministries and other high political functionaries of the German Reich and those Germans who have held high positions in German-occupied countries will be interned and held pending further instructions.

91. Army Group Commanders will also detain any national of any of the United Nations who is alleged to have committed an offence against his national law relating to the conduct of the war. Such persons will be turned over to the appropriate national authority. They will also detain any other person whose name or designation appears on lists to be drawn up by the United Nations and communicated by Supreme Headquarters to Army Group Commanders.

DISSOLUTION OF THE NAZI PARTY

92. The Nazi Party will be dissolved throughout Germany as occupation progresses.

93. In furtherance of this object, Army Group Commanders will:

(a) Take possession of offices and records of all party organizations and make lists of them.

(b) Prevent activities of all Party organizations.

(c) Arrest and imprison high party officials.

(d) Take party property into custody.

(e) Seize and preserve all records and plans of the Nazi Party and of the Security, Criminal and Order Police, and records of Nazi economic organizations and industrial establishments.

Specific guidance with respect to dissolution of the Nazi Party is contained in Chapter II of Part III of this Handbook.

CIVIL ADMINISTRATION

94. The German state has been organized by the Nazis on a highly centralized basis. The economic and to a large extent the political life of the country has been directed from Berlin through direct channels which by-pass regional and local administration. However, it will be necessary for the Supreme Commander during his period of responsibility to conduct Military Government on a regional rather than a National basis. The imposition of a Military Government system based on the principle of complete Regional control represents a drastic change which will inevitably impair the efficiency of the German governmental system, and throw a very substantial burden on Regional Mil. Gov. Detachments. This is particularly true when it is remembered that Military Government, by its inherent power and authority, must be concerned with all aspects of the legislative, judicial, political and economic administration of the country. The Regional Military Government policy has been developed with the following possible conditions in mind:

(a) Conditions in Germany may be so chaotic in the initial period that centralized administration is impossible. The Military Government must be such that it can operate under the worst conditions possible, when no responsible or competent central authority is in existence.

(b) Germany will be occupied gradually, area by area. Consequently centralized administration will be impossible. Also it may not be possible to establish centralized controls in Berlin for some time.

(c) Since Military Government responsibility is placed on Military District Commanders they must be given equivalent authority over their areas. The Military District Commanders, when designated, must be kept informed of all Military Government/G-5 technical instructions which affect Military Government operations in their District. They will normally follow such instructions unless in their judgment local conditions otherwise require. They will not suspend the execution of any such instruction without reporting such action to higher authority.

(d) Control initially can be exercised more effectively from a regional rather than a national level.

95. Army Group Commanders will be responsible for ensuring that subordinate Military District Commanders provide for an efficient working of the Military Government organization provided for their Districts. They will supervise and coordinate Military Government policies inaugurated or carried out by such District Commanders.

96. Army Group Commanders will initiate the dissolution of the *Gau* as an institution for political control and seize and

PART I

safeguard its records. Organizations based upon the *Gau*, essential to military control, should be transferred to the Military District units of the general administration.

97. The *Wehrkreis* organization in Germany will not be used for Military Government.

98. All possible use will be made of the German Civil Service system, subject however, to the elimination of the Nazi Party and its influence, collaborators with it and other undesirable personnel.

PROPAGANDA AND POLITICAL ACTIVITY

99. Propagation of enemy doctrines and propaganda in any form will be prohibited.

100. Political activity of any kind will be prohibited except as expressly permitted by the Supreme Commander. Unless the Supreme Commander directs otherwise, it is desirable that neither political personalities nor organized political groups shall have any part in determining the policies of Military Government. It is essential to avoid any commitments to, or negotiations with, any political elements.

101. In the interests of military security and intelligence Army Group Commanders will institute censorship over and control of radio broadcasting, press, printing, publications and public entertainments and the dissemination of news and information. Reference is made to Appendix C ("Psychological Warfare and the Control of German Information Services") for further details.

EDUCATION

102. Educational institutions will initially be closed and will be opened only when Nazism and German militarism have been eradicated from them.

LAW ENFORCEMENT

103. The civil law enforcement and prison systems will be purged of Nazism and other undesirable elements and will be controlled and utilized to the fullest extent necessary for the attainment of the objectives of Military Government.

104. The Order and Criminal police will be retained subject to the removal of Nazi or other undesirable elements. The Security Police, excluding the Criminal Police but including the Gestapo and *Sicherheitsdienst*, will be disarmed, disbanded, and placed under restraint. Their funds and records will be seized.

105. The police reconstituted and organized on a regional and local basis will be utilized for the maintenance of law and order.

POLITICAL PRISONERS

106. It is the policy of the Supreme Commander to release, subject to their own interests and to security requirements, all persons who have been deprived of their liberty because of their race, colour or creed or political opinions or acts antagonistic to the Nazi regime.

107. Army Group Commanders will review the cases of all persons held in prisons, concentration camps and other places of detention and, under appropriate restrictions, release all those improperly imprisoned or detained on political or other grounds. Concentration camps, as such, will be closed as early as possible and accommodation may be used for any other purposes.

UNITED NATIONS NATIONALS AND NEUTRAL CIVILIANS

108. It is the policy of the Supreme Commander to care for, control, and repatriate United Nations nationals and neutral civilians in occupied Germany.

109. German authorities will be required to provide maintenance for United Nations nationals and neutral civilians to the fullest extent possible.

110. All practical measures should be taken to ensure the health and welfare of United Nations nationals. They should not be allowed to disperse until plans are made for their employment or other disposition.

111. United Nations and neutral civilian internees (other than those of U.S. and British nationality) will be freed from confinement and placed in Assembly Centers for displaced persons, where they will be held under such military control or restriction as may be appropriate, pending other disposition. They should be offered voluntary employment where practicable. They should be registered and their presence communicated to their governments.

112. British and U.S. civilian internees will be treated as Allied P.W. and their presence communicated to G-1, Supreme Headquarters, or to the nearest PWX authorities.

113. Diplomatic and Consular Officials of neutral nations will be dealt with in accordance with instructions received from the Supreme Commander.

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ENEMY NATIONALS

114. Enemy nationals will be identified and registered, and those whose freedom of movement might endanger the security of the Allied forces or are otherwise undesirable will be interned or their activities curtailed as may be necessary under the circumstances. "Enemy nationals" as used in this paragraph shall include nationals of all countries, other than Germany, with which any of the United Nations are at war.

115. Diplomatic and Consular Officials of countries at war with any of the United Nations will be dealt with in accordance with instructions to be issued by the Supreme Commander.

RECORDS AND ARCHIVES

116. It is the policy of the Supreme Commander to ensure the preservation from destruction, alteration or concealment of all German records, documents, plans or archives of value to the attainment of the objectives of Military Government.

117. Army Group Commanders will take such steps as are necessary to carry out the above policy. Supreme Headquarters will issue a List of Archives of Western Germany, containing classifications of records and archives of interest to Military Government and specific instructions for the guidance of military personnel in taking steps for their preservation.

118. Army Group Commanders will seize and hold records and archives of interest to Military Government in cases where they deem such action is necessary for their preservation or as they may be instructed by subsequent directives of Supreme Headquarters.

119. With respect to such of these records and archives as are not seized and held by them, Army Group Commanders will, in so far as the military situation permits, supervise their custody and preservation and will make provision for their availability to authorized persons where necessary for the continued functioning of organizations and agencies permitted to operate by Military Government.

120. Records and archives may be of greatest value in the location in which they were created. Therefore, unless required for military purposes or safe preservation no attempt should be made to remove them. When possible duplicates should be made for sending elsewhere.

121. Care should be used in handling of records and archives in order to avoid disorganizing them and possibly rendering them useless. Inventories, catalogues, indices, etc., should be preserved with the records to which they relate.

122. Army Group Commanders will take such steps as are consistent with military necessity to ensure that no unnecessary

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or wanton damage is done to German records and archives by troops under their command. They will, at their discretion, place public buildings or other places containing records and archives of value to Military Government out-of-bounds/off limits to troops.

123. Army Group Commanders will require German authorities to give them any assistance they may need in connection with the discovery, seizure, custody, preservation, disposal or study of German records and archives. Full responsibility for the preservation of records and archives not seized and held by Army Group Commanders will be placed on German authorities.

124. Army Group Commanders will ensure that responsibility for the preservation of records and archives is placed on all Military Commanders. Military Government and Intelligence Officers will extend full co-operation and assistance to each other with respect to preservation of records and archives in which each is primarily interested.

Chapter IV

PROCLAMATION, LAWS AND ORDINANCES FOR
THE SUPREME COMMANDER'S AREA OF CONTROL

145. The proclamation, laws and ordinances included herein will be promulgated by Military Commanders upon occupation of any area. Subsequent legislation provided by the Supreme Commander for enactment in his area of control will be added to this Chapter from time to time.

SCHEDULE OF LEGISLATION

<i>Title</i>	<i>Serial No.</i>	<i>Subject</i>	<i>Directions regarding Publication</i>
Proclamation	1	Establishment of Military Government	On commencement of occupation
Law	.. 1	Abrogation of Nazi Law	..
	2	German Courts ..	..
	4	Military Government Gazette—Germany ..	..
	5	Dissolution of Nazi Party.. ..	..
	6	Dispensation by Act of Military Government with Necessity of Compliance with German Law .. ..	..
	51	Currency .. ..	..
	52	Blocking and Control of Property .. ..	..
	53	Foreign exchange control .. ..	..
	76	Posts, Telegraphs, Telephones and Radio ..	..
	77	Suspension of Certain Organizations and Offices Concerned with Labour .. ..	..
	161	Frontier Control ..	..
Ordinance	.. 1	Crimes and Offences ..	..
	2	Military Government Courts .. ..	..
	3	Official Language ..	..
Notices	..	Surrender of Arms, etc.	As required
	..	Declaration of Radio Equipment, etc. ..	..
	..	Curfew .. ..	..
	..	Prohibition of Access..	..
	..	Travel Restrictions ..	..

PART I

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Proclamation No. 1

To the People of Germany :—

I, General Dwight D. Eisenhower, Supreme Commander, Allied Expeditionary Force, do hereby proclaim as follows :—

I

The Allied Forces serving under my Command have now entered Germany. We come as conquerors, but not as oppressors. In the area of Germany occupied by the forces under my command, we shall obliterate Nazism and German Militarism. We shall overthrow the Nazi rule, dissolve the Nazi Party and abolish the cruel, oppressive and discriminatory laws and institutions which the Party has created. We shall eradicate that German Militarism which has so often disrupted the peace of the world. Military and Party leaders, the Gestapo and others suspected of crimes and atrocities, will be tried, and, if guilty, punished as they deserve.

II

Supreme legislative, judicial and executive authority and powers within the occupied territory are vested in me as Supreme Commander of the Allied Forces and as Military Governor, and the Military Government is established to exercise these powers under my direction. All persons in the occupied territory will obey immediately and without question all the enactments and orders of the Military Government. Military Government Courts will be established for the punishment of offenders. Resistance to the Allied Forces will be ruthlessly stamped out. Other serious offences will be dealt with severely.

III

All German courts and educational institutions within the occupied territory are suspended. The Volksgerichtshof, the Sondergerichte, the SS Police Courts and other special courts are deprived of authority throughout the occupied territory. Re-opening of the criminal and civil courts and educational institutions will be authorized when conditions permit.

IV

All officials are charged with the duty of remaining at their posts until further orders, and obeying and enforcing all orders or directions of Military Government or the Allied Authorities addressed to the German Government or the German people. This applies also to officials, employees and workers of all public undertakings and utilities and to all other persons engaged in essential work.

DWIGHT D. EISENHOWER,
General,
Supreme Commander,
Allied Expeditionary Force.

MILITARY GOVERNMENT— GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

Law No. 1

ABROGATION OF NAZI LAW

In order to eliminate from German law and administration within the occupied territory the policies and doctrines of the National Socialist Party, and to restore to the German people the rule of justice and equality before the law, it is hereby ordered :—

ARTICLE I

1. The following fundamental Nazi laws enacted since 30th January, 1933, together with all supplementary or subsidiary carrying out laws, decrees or regulations whatsoever are hereby deprived of effect within the occupied territory.

- (a) Law for Protection of National Symbols, of 19th May, 1933, RGBI I/285.
- (b) Law against the creation of Political Parties of 14th July, 1933, RGBI, I/479.
- (c) Law for securing the unity of Party and State of 1st December, 1933, RGBI I/1016.
- (d) Law concerning insidious attacks against the State and the Party and for the Protection of Party Uniform of 20th December, 1934, RGBI I/1269.
- (e) Reich Flag Law of 15th September, 1935, RGBI I/1145.
- (f) Hitler Youth Law of 1st December, 1936, RGBI I/993.
- (g) Law for protection of German Blood and Honor of 15th September, 1935, RGBI I/1146.
- (h) Decree of the Führer concerning the Legal status of the NSDAP of 12th December, 1942, RGBI I/733.
- (i) Reich Citizenship Law of 15th September, 1935, RGBI I/1146.

2. Additional Nazi laws are and will be deprived of effect by Military Government for the purpose stated in the preamble.

ARTICLE II

General Suspending Clause

3. No German law, however or whenever enacted or enunciated, shall be applied judicially or administratively within the occupied territory in any instance where such application would cause injustice or inequality, either (a) by favouring

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any person because of his connection with the National Socialist Party, its formations or affiliated or supervised organizations, or (b) by discriminating against any person by reason of his race, nationality, religious beliefs or opposition to the National Socialist Party or its doctrines.

ARTICLE III

General Interpretation Clauses

4. The interpretation and application of German law in accordance with National Socialist doctrines, however or whenever enunciated, are prohibited.

5. Decisions of German courts and official agencies and officials and legal writings supporting, expounding or applying National Socialist objectives or doctrines shall not be referred to or followed as authority for the interpretation or application of German law.

6. German law which became effective after 30th January, 1933, and is permitted to remain in force shall be interpreted and applied in accordance with the plain meaning of the text and without regard to objectives or meanings ascribed in preambles or other pronouncements.

ARTICLE IV

Limitations on Punishment

7. No charge shall be preferred, no sentence imposed or punishment inflicted for an act, unless such act is expressly made punishable by law in force at the time of its commission. Punishment for offences determined by analogy or in accordance with the alleged "sound instincts of the people" (gesundes Volksempfinden) is prohibited.

8. No cruel or excessive punishment shall be inflicted and the death penalty is abolished except for acts punishable by death under law in force prior to 30th January, 1933, or promulgated by or with the consent of Military Government.

9. The detention of any person not charged with a specific offence and the punishment of any person without lawful trial and conviction are prohibited.

10. All punishments imposed prior to the effective date of this law of a character prohibited by this law and not yet carried out shall be modified to conform to this law, or annulled.

ARTICLE V

Penalties

11. Violation of the provisions of this law shall, upon conviction by a Military Government Court, be punishable by any lawful punishment, including, in the case of Article IV, the death penalty.

ARTICLE VI

Effective Date

12. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Law No. 2

GERMAN COURTS

It is hereby ordered :

ARTICLE I

Temporary Suspension of Ordinary and Administrative Courts

1. The following German Courts and Tribunals are hereby suspended and deprived of authority in the occupied territory until authorized to re-open.

- (a) The Oberlandesgerichte, and all courts over which said courts exercise appellate or supervisory jurisdiction ;
- (b) All subordinate courts over which the Reichsverwaltungsgericht exercises appellate or supervisory jurisdiction ;
- (c) All other courts not dissolved under Article II.

2. The Reichsgericht and the Reichsverwaltungsgericht have until further notice no authority over any court or otherwise in the occupied territory.

3. Every decision, judgment, writ, order or direction issued by any such court or tribunal after the effective date of this law and during the period of suspension shall, within the occupied territory, be null and void.

ARTICLE II

Dissolution of Special and Party Courts and Tribunals

4. The jurisdiction and authority of the following courts and tribunals in the occupied territory are hereby abolished :—

- (a) The Volksgerichtshof ;
- (b) The Sondergerichte ;

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- (c) All courts and tribunals of the NSDAP and of its organizations, formations and connected associations.

ARTICLE III

Authority for Re-opening Ordinary Civil and Criminal Courts

5. Each Oberlandesgericht, Landgericht, and Amtsgericht within the occupied territory shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

6. Unless otherwise provided in such written directions, said courts, when re-opened, shall give priority to the trial and disposition of the following classes of cases in the order named :—

- (a) Criminal cases initiated during the period between the effective date of this law and the re-opening of the court ;
- (b) Criminal cases initiated before the effective date of this law ;
- (c) Criminal cases initiated after the re-opening of the court ;
- (d) Contentious and non-contentious civil cases initiated prior or subsequent to re-opening of the court involving :—
 - (1) domestic relations,
 - (2) personal status,
 - (3) claims in tort involving life, liberty or personal physical injuries, but excluding defamation,
 - (4) other claims in tort and other civil cases involving not exceeding Five Hundred Marks (RM 500),
 - (5) other civil cases.

ARTICLE IV

Re-opening of Administrative and Other Courts Temporarily Suspended

7. Each such court shall re-open and resume its usual functions only when and to the extent specified in written directions of Military Government.

ARTICLE V

Qualifications of Judges, Prosecutors, Notaries and Lawyers

8. No person shall be qualified to act as judge, prosecutor, notary or lawyer until he shall have taken an oath in the following form :—

“ Oath

I swear by Almighty God that I will at all times apply and administer the law without fear or favour and with justice and equity to all persons of whatever creed, race, colour or political

opinion they may be, that I will obey the laws of Germany and all enactments of the Military Government in spirit as well as in letter, and will constantly endeavour to establish equal justice under the law for all persons. So help me God."

Every person who takes the foregoing oath is no longer bound by obligations of any oath of office previously subscribed by him.

9. No person shall act as judge, prosecutor, notary, or lawyer without the consent of Military Government.

ARTICLE VI

Limitations on Jurisdiction

10. Except when expressly authorized by Military Government, no German Court within the occupied territory shall assert or exercise jurisdiction in the following classes of cases :—

- (a) Cases involving the Navy, Army or Air Forces of any of the United Nations or any persons serving with or accompanying any thereof ;
- (b) Cases against any of the United Nations or any national of the United Nations ;
- (c) Cases arising under any German law suspended or abrogated by Military Government ;
- (d) Cases involving offences against any order of the Allied Forces, or any enactment of Military Government, or involving the construction or validity of any such order or enactment ;
- (e) Any case over which jurisdiction has been assumed by a Military Government Court ;
- (f) Any case or class of cases transferred by Military Government to the exclusive jurisdiction of Military Government Courts ;
- (g) Cases involving claims for money against the German government or any legal entity existing under public law.

11. Any proceedings taken or decision rendered after the date hereof by a German Court in any cases excluded from its jurisdiction shall be null and void.

ARTICLE VII

Powers of Military Government

12. The following powers of control and supervision are without prejudice to the subsequent exercise of any additional or other powers, vested in the Military Government :—

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- (a) To dismiss or suspend any German judge, Staatsanwalt or other court official ; and to disbar from practice any notary or lawyer ;
- (b) To supervise the proceedings of any court, to attend the hearing of any case, whether in public or in camera, and to have full access to all files and records of the court and documents in the cases ;
- (c) To review administratively all decisions of German trial and appellate courts and to nullify, suspend, commute or otherwise modify any finding, sentence or judgment rendered by any such court ;
- (d) To transfer to the jurisdiction of the Military Government Courts any case or class of cases ;
- (e) To control or supervise the administration, budgets and personnel of all German courts authorized to function.

13. No sentence of death shall be carried out without the consent of Military Government.

14. No member of the Allied Forces nor any employec, of whatever nationality, of the Military Government, shall be required or permitted to testify in any German court without the consent of the Military Government.

ARTICLE VIII

Limitation and Prescription

15. In any case in which delay in the assertion of any right by suit or action in a German Court has the effect of rendering claims unenforceable or of extinguishing substantive rights, the period during which the bringing of such suit or action is prevented by the suspension of German courts or the limitations imposed by this Law shall be excluded in determining the applicable period of limitation or prescription.

ARTICLE IX

Penalties

16. Any person violating any of the provisions of this Law shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, as such court may determine.

ARTICLE X

Effective Date

17. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Law No. 4

**MILITARY GOVERNMENT GAZETTE
GERMANY**

In order to provide for notice to the people of occupied territory of Germany of the measures adopted by the Supreme Commander, Allied Expeditionary Force, and by the Military Government, Germany, it is hereby ordered as follows :

ARTICLE I

Establishment of the Gazettes

1. A publication known as the " Military Government Gazette, Germany," shall be published from time to time in each area of Germany occupied by Groups of Armies under the Command of the Supreme Commander, Allied Expeditionary Force, and there may be published therein all Proclamations, Laws, Ordinances, Notices, and other regulations to the people of the occupied territory of Germany issued from time to time by the Military Government. Each such gazette shall specify by a sub-title the area to which it relates.

2. Ordinances, Notices, and other regulations issued by Military Government Headquarters in States, Provinces, or other political sub-divisions of occupied territory and effective only within the boundaries thereof may be published in Gazettes, similarly entitled, with the addition of a sub-title indicating the political sub-division to which it pertains.

ARTICLE II

Effect of Publication

3. A copy of a Military Government Gazette shall, when produced, be evidence in all courts and for all purposes of the due making and tenor of any Proclamation, Law, Ordinance, Notice, or other regulation published therein.

4. All persons in occupied territory, and in any political sub-division thereof to which a Military Government Gazette purports to pertain, shall be deemed to have notice of the documents therein published.

5. In case of any discrepancy between the English text of a Military Government Gazette and the German translation hereof as published, the English text shall prevail.

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6. Nothing herein affects the validity or effectiveness of any order or direction issued by, or under the authority of, the Military Government, published or posted otherwise than as herein prescribed.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 5

DISSOLUTION OF NAZI PARTY

In order to end the regime of lawlessness, terror, and inhumanity established by the Nazi Party within the occupied territory, it is hereby ordered :

1. To the full extent of their operation in the occupied territory, the National Socialist German Labour Party, and the offices, organizations and institutions listed below are dissolved and declared illegal, all Party activities and the activities of the following offices, organizations and institutions, except as mentioned in Paragraph 5, are prohibited :

- (1) Partei-Kanzlei.
- (2) Kanzlei des Führers der NSDAP.
- (3) Auslandsorganisation.
- (4) Volksbund für das Deutschtum im Ausland.
- (5) Volksdeutschnittelstelle.
- (6) Parteiamtliche Prüfungskommission zum Schutze des NS Schrifttums.
- (7) Reichsorganisationsleiter der NSDAP.
- (8) Reichsschatzmeister der NSDAP.
- (9) Beauftragter des Führers für die Überwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP.
- (10) Reichspropagandaleiter der NSDAP.
- (11) Reichsleiter für die Presse, and Zentralverlag der NSDAP (Eher Verlag).
- (12) Reichspressechef der NSDAP.
- (13) Reichsamt für das Landvolk.
- (14) Hauptamt für Volksgesundheit.
- (15) Hauptamt für Erzieher.
- (16) Hauptamt für Kommunalpolitik.
- (17) Hauptamt für Beamte.
- (18) Beauftragter der NSDAP für alle Volkstumsfragen.
- (19) Rassenpolitisches Amt der NSDAP.

- (20) Amt für Sippenforschung.
- (21) Kolonialpolitisches Amt der NSDAP.
- (22) Aussenpolitisches Amt der NSDAP.
- (23) Reichstagsfraktion der NSDAP.
- (24) Reichsfrauenführung.
- (25) NSD-Aerztebund.
- (26) Hauptamt für Technik.
- (27) NS-Bund Deutscher Technik.
- (28) NS-Lehrerbund.
- (29) Reichsbund der Deutschen Beamten.
- (30) Reichskolonialbund.
- (31) NS-Frauenschaft.
- (32) NS-Reichsbund Deutscher Schwestern.
- (33) Deutsches Frauenwerk.
- (34) Reichsstudentenführung.
- (35) NSD-Studentenbund.
- (36) Deutsche Studentenschaft.
- (37) NSD-Dozentenbund.
- (38) NS-Rechtswahrerbund.
- (39) NS-Altherrenbund der Deutschen Studenten.
- (40) Reichsbund Deutsche Familie.
- (41) Deutsche Arbeitsfront.
- (42) NS-Reichsbund für Leibesübungen.
- (43) NS-Reichskriegerbund.
- (44) Reichskulturkammer.
- (45) Deutscher Gemeindetag.
- (46) Geheime Staatspolizei.
- (47) Deutsche Jägerschaft.
- (48) Sachverständigenbeirat für Bevölkerungs und Rassenpolitik.
- (49) Reichsausschuss zum Schutze des Deutschen Blutes.
- (50) Winterhilfswerk.
- (51) Hauptamt für Kriegsofopfer.
- (52) NSKOV (NS-Kriegsofopferversorgung).

2. The para-military organizations listed below, all offices, recruiting and training establishments and all depots connected therewith will in due course be dissolved. Orders regarding the personnel and equipment thereof will be issued by the Allied Military authorities. Until receipt of such orders, all embodied officers and personnel will remain at their posts in the organization. No further recruiting is permitted.

- (1) SA (Sturmabteilungen), including the SA-Wehrmannschaften.

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- (2) SS (Schutzstaffeln), including the Waffen-SS, the SD (Sicherheitsdienst) and all offices combining command over the police and the SS.
- (3) NSKK (NS-Kraftfahrkorps).
- (4) NSFK (NS-Fliegerkorps).
- (5) HJ (Hitler Jugend), including its subsidiary organizations.
- (6) RAD (Reichsarbeitsdienst).
- (7) OT (Organization Todt).
- (8) TENO (Technische Nothilfe).

3. All offices of the NS-Volkswohlfahrt in the occupied territory will be closed. Its welfare activities will, subject to further direction by Military Government, be carried on by the Bürgermeister.

4. All activities by any organization dissolved or suspended by the Military Government or their officers or members and any acts tending to continue or renew such activities under any form are prohibited.

5. All funds, property, equipment, accounts and records of any organization mentioned in this Law shall be preserved intact and shall be delivered or transferred as required by Military Government. Pending delivery or transfer, all property, accounts and records shall be subject to inspection. Officers and others in charge thereof and administrative officials will remain at their posts, until otherwise directed, and will be responsible to the Military Government for taking all steps to preserve intact and undamaged all such funds, property, equipment, accounts and records and for complying with the orders of Military Government regarding blocking and control of property.

6. Any person violating any provision of this law shall upon conviction by a Military Government Court be liable to any lawful punishment, including death, as the Court may determine.

7. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY

SUPREME COMMANDER'S AREA OF CONTROL

Law No. 6

DISPENSATION BY ACT OF MILITARY GOVERNMENT WITH NECESSITY OF COMPLIANCE WITH GERMAN LAW

1. Except as otherwise provided by Military Government :

- (a) When under German law any action, omission or matter requires for its legality or effectiveness, authorization or

PART I

approval by a specified authority or in a specified manner, such as, for example, an appointment or removal from an office, public or private, a license to carry on a profession, trade, business or other activity, or to do or omit any act, or the authorization of an official act by some higher official or authority, then and in all such cases authorization or approval of, or in a manner approved by, Military Government shall be sufficient for all purposes ;

- (b) Application for any authorization or approval shall be made, however, in the first instance to the authority, if available, and in the manner, specified under German law to the extent not suspended or abrogated by Military Government.

2. Any person acting in contravention of the foregoing shall, upon conviction thereof by a Military Government Court, be liable to any lawful punishment, not including death, as the Court may determine.

3. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

Law No. 51

CURRENCY

ARTICLE I

Allied Military Marks

1. Allied Military Mark Notes of the denominations specified in the Schedule hereto shall be legal tender in the occupied territory of Germany for the payment of any Mark debt.

2. Allied Military Mark Notes will in all respects be equivalent to any other legal tender Mark currency of the same face value.

3. No person shall discriminate between Allied Military Marks and any other legal tender Mark currency of equal face value.

ARTICLE II

Prohibited Transactions

4. Except as authorized by Military Government, no person shall make or enter, or offer to enter, into any arrangement or transaction providing for payment in or delivery of a currency other than Marks.

ARTICLE III

Penalties

5. Any person violating any provision of this Law shall, upon conviction by a Military Government Court, be liable to any lawful punishment, other than death, as the Court may determine.

ARTICLE IV

Effective Date

6. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

<i>Denominations of Allied Military Mark Notes</i>		Schedule		<i>Words and Figures indicating amount are printed in</i>
<i>(Marks)</i>		<i>Size</i>		
		<i>(in cm.)</i>		
0.50	..	6.7 × 7.8	..	Green
1	..	6.7 × 7.8	..	Dark Blue
5	..	6.7 × 7.8	..	Reddish Purple
10	..	6.7 × 11.2	..	Dark Blue
20	..	6.7 × 15.6	..	Red
50	..	6.7 × 15.6	..	Dark Blue
100	..	6.7 × 15.6	..	Reddish Purple
1,000	..	6.7 × 15.6	..	Green

On the face of all notes are printed :

- (a) The amount in words—thus : Fünfzig Pfennig, Eine Mark, etc. Also the amount in figures—thus : $\frac{1}{2}$ (on the Pf.50 note), 1 (on the M.1 note), etc.
- (b) The words "Alliierte Militärbehörde" at the top of the note.
- (c) The words "In Umlauf gesetzt in Deutschland," "Serie 1944", and the serial number of the note. On the notes for M.20, 50, 100 and 1,000, all of these appear twice.

The basic colour of the field on the face of all the notes is light blue ; on the back it is reddish brown.

MILITARY GOVERNMENT—GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 52

BLOCKING AND CONTROL OF PROPERTY

ARTICLE I

Categories of Property

1. All property within the occupied territory owned or controlled, directly or indirectly, in whole or in part, by any of the following is hereby declared to be subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government :

- (a) The German Reich, or any of the Länder, Gaue, or Provinces, or other similar political subdivision, or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under the control of any of the above ;
- (b) Governments, nationals or residents of other nations, including those of territories occupied by them, at war with any of the United Nations at any time since 1st September, 1939 ;
- (c) The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it, its officials and such of its leading members or supporters specified by Military Government ;
- (d) All persons held under detention or any type of custody by Military Government ;
- (e) All organizations, clubs or other associations prohibited or dissolved by Military Government ;
- (f) Absent owners, including United Nations governments and nationals thereof ;
- (g) All other persons specified by Military Government by inclusion in lists or otherwise.

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2. Property which has been the subject of duress, wrongful acts of confiscation, dispossession or spoliation from territories outside Germany, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise, is hereby declared to be equally subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government.

ARTICLE II

Prohibited Transactions

3. Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property :—

- (a) Enumerated in Article I hereof ;
- (b) Owned or controlled by any Kreis, municipality, or other similar political subdivision ;
- (c) Owned or controlled by any institution dedicated to public worship, charity, education, the arts and sciences ;
- (d) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof.

ARTICLE III

Responsibilities for Property

4. All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in Articles I and II hereof are required :—

- (a) (i) To hold the same, subject to the directions of the Military Government, and pending such direction not to transfer, deliver or otherwise dispose of the same ;
(ii) To preserve, maintain and safeguard and not to cause or permit any action which will impair the value or utility of such property ;
(iii) To maintain accurate records and accounts with respect thereof and the income thereof.
- (b) When and as directed by Military Government :—
 - (i) To file reports furnishing such data as may be required with respect to such property and all receipts and expenditures received or made in connection therewith ;
 - (ii) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto ; and

(iii) To account for the property and all income and products thereof.

5. No person shall do, cause, or permit to be done any act of commission or omission which results in damage to or concealment of any of the properties covered by this law.

ARTICLE IV

Operation of Business Enterprises and Government Property

6. Unless otherwise directed and subject to such further limitation as may be imposed by Military Government :—

- (a) Any business enterprise subject to control under this law may engage in all transactions ordinarily incidental to the normal conduct of its business activities within occupied Germany provided that such business enterprise shall not engage in any transaction which, directly or indirectly, substantially diminishes or imperils the assets of such enterprise or otherwise prejudicially affects its financial position and provided further that this does not authorize any transaction which is prohibited for any reason other than the issuance of this law ;
- (b) Property described in Article I 1 (a) shall be used for its normal purposes.

ARTICLE V

Void Transfers

7. Any prohibited transaction without a duly issued license or authorization from Military Government and any transfer, contract or arrangement made, whether before or after the date of this law, with the intent to defeat or evade the powers or objects of Military Government or the restitution of any property to its rightful owner, is null and void.

ARTICLE VI

Conflicting Laws

8. In case of any inconsistency between this law and any order made under it and any German law the former prevail. All laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in Articles I and II, otherwise than by the Military Government, are hereby suspended.

ARTICLE VII

Definitions

9. For the purposes of this Law, the following terms are defined :—

- (a) " Person " shall mean and include any natural person, collective persons and any entity under public or private

law having legal capacity to acquire, occupy, control or dispose of property or interests therein ;

- (b) " Business Enterprise " shall mean any individual, partnership, association, corporation or other organization engaged in commercial or other business or public welfare activities ;
- (c) " Property " shall mean and include all moveable and immoveable property and all legal, equitable or economic rights and interests in or claims to such property whether present or future, and shall include, but shall not be limited to, land and buildings, money, stocks, shares, patent rights or licenses thereunder, or other evidences of ownership, and bonds, bank balances, claims, obligations and other evidences of indebtedness, and works of art and other cultural materials ;
- (d) A " national " of a state or government shall mean and include a subject or citizen and any partnership, corporation, or other juridical person existing under the laws of or having a principal office in the territory of such state or government ;
- (e) " Germany " shall mean the area constituting " Das Deutsche Reich " as on 31st December, 1937.

ARTICLE VIII

Penalties

10. Any person violating any of the provisions of this law shall, upon conviction by a Military Government Court, be liable to any lawful punishment the Court may determine.

ARTICLE IX

Effective Date

11. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 53

FOREIGN EXCHANGE CONTROL

ARTICLE I

Prohibited Transactions

1. Except as duly licensed by or on instructions of Military Government, any transaction involving or with respect to any of the following is prohibited :

- (a) Any foreign exchange assets owned or controlled directly or indirectly, in whole or in part, by any person in Germany ;
- (b) Any property located in Germany owned or controlled directly or indirectly, in whole or in part, by any person outside Germany.

2. Any transaction with respect to or involving any of the following is also prohibited, except as duly licensed by or on instructions of Military Government :

- (a) Property wherever situated if the transaction is between or involves any person in Germany and any person outside Germany ;
- (b) Any obligation of payment or performance, whether matured or not, due or owing to any person outside Germany by any person in Germany ;
- (c) The importing or otherwise bringing into Germany of any foreign exchange assets, German currency, or securities issued by persons in Germany and expressed or payable in German currency ;
- (d) The exporting, remitting, or other removal of any property from Germany.

3. All existing licenses and exemptions issued by any German Authority authorizing any of the aforesaid transactions are cancelled.

ARTICLE II

Declaration of Property and Obligations

4. Within thirty (30) days of the effective date of this law, unless otherwise ordered, any person owning or controlling directly or indirectly, in whole or in part, any foreign exchange asset, or owing any obligation of payment or performance, whether matured or not, to a person outside Germany, shall file with the nearest branch of the Reichsbank, or other institution designated by Military Government, a written declaration of such assets or obligations in such form and manner as will be prescribed by Military Government.

ARTICLE III

Delivery of Property

5. Within fifteen (15) days of the effective date of this law, all of the following classes of property shall be delivered, against receipt therefor, by the owner, holder or other person in possession, custody or control thereof, to the nearest branch of the Reichsbank, or as otherwise directed :

- (a) Currency, other than German currency ;

- (b) Checks, drafts, bills of exchange and other instruments of payment drawn on or issued by persons outside Germany ;
- (c) Securities and other evidence of ownership or indebtedness issued by :
 - (1) Persons outside Germany ; or
 - (2) Persons in Germany if expressed in a currency other than German currency ;
- (d) Gold or silver coin, gold, silver or platinum bullion or alloys thereof in bullion form.

6. Any person owning or controlling directly or indirectly, in whole or in part, any other type of foreign exchange asset shall, when ordered by Military Government, deliver, against receipt, the possession, custody or control of such asset to the nearest branch of the Reichsbank, or as otherwise directed.

7. Any property referred to in this Article which hereafter comes into the possession, ownership or control of any person subject to this law, shall, within 3 days thereof, be delivered by such person in the same manner as provided in this Article.

ARTICLE IV

8. Applications for licenses to engage in transactions prohibited by this law, or any request in relation to the operation of this law, shall be submitted in accordance with such regulations as may be issued at a future date by Military Government.

ARTICLE V

Void Transfers

9. Any prohibited transactions effected and any transfers, contracts or other arrangements made, whether before or after the date of this law, with the intent to defeat or evade the powers or objects of Military Government, are null and void.

ARTICLE VI

Conflicting Law

10. In case of any inconsistency between this law and any orders made under it and any German law, the former prevails.

ARTICLE VII

Definitions

11. For the purposes of this law :

- (a) The term " person " shall include any natural person or collective persons and any juridical person or entity under public or private law having legal capacity to acquire, use, control or dispose of property or interests therein ;

PART I

and any government, including all political sub-divisions, public corporations, agencies and instrumentalities thereof ;

- (b) The term " transaction " shall include acquiring, importing, borrowing or receiving with or without consideration, remitting, selling, leasing, transferring, removing, exporting, hypothecating, pledging or otherwise disposing of ; paying, repaying, lending, guaranteeing or otherwise dealing in any property mentioned in this law ;
- (c) The term " property " shall include all movable and immovable property and all legal, equitable, or economic rights and interests in or claims to such property, whether matured or not, and shall include but shall not be limited to land and buildings ; money, bank balances, checks, drafts, bills of exchange and other instruments of payment ; stock, shares, patent rights or licenses thereunder, and other evidences of ownership ; claims, bonds, debentures and other evidences of indebtedness ;
- (d) The term " foreign exchange asset " shall be deemed to include :
 - (1) Any property located outside Germany ;
 - (2) Currency (other than German currency) ; bank balances outside Germany, and checks, drafts, bills of exchange and other instruments of payment drawn on or issued by persons outside Germany ;
 - (3) Claims and any evidence thereof owned or held by :
 - (a) Any person in Germany against a person outside Germany whether expressed in German or other currency ;
 - (b) Any person in Germany against any other person in Germany if expressed in a currency other than German currency ;
 - (c) Any person outside Germany against another person outside Germany in which claim a person in Germany has any interest ;
 - (4) Any securities and other evidences of ownership or indebtedness issued by persons outside Germany, and securities issued by persons in Germany if expressed or payable in a currency other than German currency ;
 - (5) Gold or silver coin, or gold, silver or platinum bullion or alloys thereof in bullion form, no matter where located ;
 - (6) Such other property as is determined by Military Government to be a foreign exchange asset ;
- (e) A juridical person shall be deemed to be in the country by or under the laws of which such person was created, or carries on business, or in which such person has a principal place of business ;

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- (f) Property shall be deemed to be "owned or controlled" by any person if such property is held in his name or for his account or benefit, or owed to him or to his nominee or agent, or if such person has a right or obligation to purchase, receive or acquire such property ;
- (g) The term "Germany" shall mean the area constituting "Das Deutsche Reich" as it existed on 31st December, 1937.

ARTICLE VIII

Penalties

12. Any person violating the provisions of this law shall upon conviction by Military Government Court be liable to any lawful punishment other than death as the Court may determine.

ARTICLE IX

Effective Date

13. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Law No. 76

POST, TELEPHONES, TELEGRAPHS AND RADIO

ARTICLE I

Public Means of Communication

1. Until further order of Military Government, all telephone, teletype, telegraph and radio services (inland, foreign and transit) and all external and transit mail services rendered by the Deutsche Reichspost are suspended. Radio broadcasting transmissions are excluded and are subject to separate regulations.

2. All mail in course, whether internal, foreign or transit, will be impounded and protected pending further instructions from Military Government.

3. Savings bank and other post office financial services may be continued except as otherwise prohibited by Military Government but may be restricted or modified according to circumstances.

4. All officials and employes of the Reichspost (except such as may be suspended) shall continue to report to their normal places of duty until otherwise ordered by Military Government. They will be responsible for the preservation, maintenance and repair of all facilities of communication and for the preservation of all records, books of account and documents relating thereto, details of all telegraph, teletype and telephone circuits (both radio and line) with particulars of associated equipment, and for the protection of such facilities and records against sabotage, damage or removal, except as ordered by Military Government.

ARTICLE II

Private Means of Communication

5. All wireless transmission sets, carrier pigeons and other privately owned means of communication will be surrendered against receipt, in accordance with notices published by Military Government in each locality.

6. All persons having in their possession any wireless (or radio) receiving sets, or any parts, accessories or material used in connection with wireless reception, any telephone or telegraph wire, or facilities for the installation, maintenance or repair of radio, wireless, telephone or telegraph apparatus, or any electro-medical equipment or diathermy apparatus, shall declare the same within the time and at the place specified by Military Government in each locality.

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ARTICLE III

Censorship

7. All correspondence, personal papers and documents and all communications by telephone, teletype, telegraph and radio (when these services are restored) must conform with the detailed censorship regulations and must only be transmitted through authorized channels. Correspondence carried by civilian travelers is equally subject to censorship.

8. The effective regulations as from the date of this law are the "CENSORSHIP REGULATIONS FOR THE CIVILIAN POPULATION OF GERMANY UNDER THE JURISDICTION OF THE MILITARY GOVERNMENT" copies of which will be displayed in so far as possible in every post office and which will be published in the Military Government Gazette. These regulations may be extended and amended from time to time.

9. All officials and employees of the Reichspost will take all practicable steps to ensure that Censorship requirements are fully met and that there is no evasion of censorship.

ARTICLE IV

Penalties

10. Any person violating any provision of this Law shall, upon conviction by Military Government Court, be liable to any lawful punishment, including death, as the Court may determine.

ARTICLE V

Effective Date

11. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Law No. 77

**SUSPENSION OF CERTAIN ORGANIZATIONS
AND OFFICES CONCERNED WITH LABOUR**

1. The organizations, agencies and offices listed in the appendix to this Law are hereby suspended to the full extent of their present operation in the occupied territory.

2. The Arbeitsgerichte (Labour Courts) are hereby suspended until further directions of the Military Government.

3. All funds, records and property of the organizations, agencies and offices hereby suspended shall be preserved intact by the present custodians thereof for such disposition as may be directed by the Military Government. Pending such directions all such records and property shall be subject to inspection by officers of the Military Government. Officers in charge thereof and administrative officials will remain at their posts, until otherwise directed, and will be responsible to the Military Government for taking all steps to preserve intact and undamaged all such funds, property, equipment, accounts and records and for complying with the directions of Military Government regarding Blocking and Control Property.

4. Any person violating the provisions of this law shall upon conviction by Military Government Court be liable to any lawful punishment including death as the Court may determine.

5. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

APPENDIX TO LAW No. 77

SUSPENSION OF CERTAIN ORGANIZATIONS AND OFFICES CONCERNED WITH LABOUR

Appendix

Generalbevollmächtigter für den Arbeitseinsatz (Office of the Plenipotentiary for the Employment and Distribution of Labour).

Reichswohnungskommissar (Office of the Reich Housing Commissioner).

Reichstreuhand der Arbeit (Office of the Reich Trustees of Labour).

Sonderbeauftragter für Landwirtschaftliche Arbeiten (Office of the Special Commissioner for Agricultural Labour).

Ehrengerichte (Honor Courts).

Auskämm-Commissionen (Comb-Out Commissions).

Reichsarbeitseinsatzingenieure (Reich Allocation Engineers).

Reichsinspektoren (Reich Inspectors).

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Law No. 161

FRONTIER CONTROL

1. Until further instructions by the Military Government all inward or outward movement over the frontiers of Germany of all persons, goods and property of any kind is prohibited.

2. This does not apply to members of the Allied Forces or persons specially authorized by Military Government or to equipment of the Allied Forces or goods under authority of the Military Government.

3. The frontiers of Germany for the purpose of this law shall be those existing on 31st December, 1937, within the above area of control, subject to any variations made by the Military Government for the purpose of frontier control.

4. Any person violating the provisions of this law shall upon conviction by Military Government Court be liable to any lawful punishment including death as the Court may determine.

5. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

Ordinance No. 1

CRIMES AND OFFENCES

In order to provide for the security of the Allied Forces and to establish public order throughout the territory occupied by them, it is ordered :—

ARTICLE I

Capital Offences

The following offences are punishable by death or such other penalty as a Military Government Court may impose :—

- (1) Espionage.
- (2) Communication with the enemy forces or, except through authorized channels, with any person in enemy territory not occupied by the Allied Forces.
- (3) Communication of information which may be dangerous to the security or property of the Allied Forces, or unauthorized possession of such information without promptly reporting it ; and unauthorized communication by code or cipher.
- (4) Armed attack on or armed resistance to the Allied Forces.
- (5) Acting in defiance or contravention of terms imposed by the Allies upon Germany on its defeat or surrender, or of any orders supplementing such terms.
- (6) Acts or conduct in support or aid of any nation at war with any of the United Nations, or of the NSDAP or other organization dissolved or declared illegal by the Allied Forces, including publication and circulation of matter printed or written in aid of any thereof, or the possession thereof with intent to publish or circulate, and the provocative display of flags, uniform, or insignia of any such organization.
- (7) Killing or assaulting any member of the Allied Forces.
- (8) Falsely pretending to be a member of the Allied Forces ; unlawfully wearing any uniform of the Allied Forces.
- (9) Unlawful possession or control of any firearm, ammunition, explosive, or other war material or of apparatus or other means for transmitting messages.
- (10) Unauthorized use of any firearm or other deadly weapon, ammunition, explosive or similar war material.
- (11) Furthering the escape of any person detained by Allied authority or assisting or concealing any such person after escape.

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- (12) Assisting any member of the enemy forces to avoid capture.
- (13) Interference with transportation or communication or the operation of any public service or utility.
- (14) Sabotage of any war material of the Allied Forces or of any installations or property necessary or useful to military operations or the Military Government.
- (15) Wilful destruction, removal, interference with, or concealment of, records or archives of any nature, public or private.
- (16) Plunder, pillage or looting ; robbing or abusing the dead or wounded.
- (17) Wilfully interfering with or misleading any member of or person acting under the authority of the Allied Forces in the performance of his duties.
- (18) Incitement to or participation in rioting or public disorder.
- (19) Stealing, or obtaining by fraud, property of the Allied Forces or any member thereof.
- (20) Any other violation of the laws of war or act in aid of the enemy or endangering the security of the Allied Forces.

ARTICLE II

Other Offences

The following offences are punishable by such penalty other than death as a Military Government Court may impose :—

- (21) Disobedience of any proclamation, law, ordinance, notice or order of the Military Government or of any representative where a penalty is not expressly imposed or of any German authority issued pursuant to any such order.
- (22) Circulating without a permit during curfew which, unless otherwise provided by public notice, shall be sunset to sunrise.
- (23) In the coastal area leaving the shore in any vessel or otherwise except as authorized by Allied authority.
- (24) Moving any ship or vessel or any aircraft except as authorized by Military Government.
- (25) Failure, without authority, to have possession of a valid identity card.
- (26) Making, issuing or knowingly having possession of any false permit, identity card or other document of official concern to the Allied Forces ; delivery of any such matter, whether false or valid, to any unauthorized person or for an unauthorized purpose.

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- (27) Counterfeiting or altering any Allied Military Marks or any other currency, coin or stamps or having possession of or uttering any thereof, having reason to believe it to be false or altered; or having possession of or disposing of any property for use for any such purpose.
- (28) Inviting or conducting any member of the Allied Forces into a place designated "Off Limits" or "Out of Bounds," or supplying goods or services to such member in any such place.
- (29) Bribery, corruption or intimidation of any member of, or person acting under the authority of, the Allied Forces; receiving, or offering to receive, a bribe for non-performance of duty to the Allied Forces.
- (30) Obstructing or contravening any announced programme or orders of the Military Government with respect to Allied prisoners of war or nationals of the United Nations in Germany, or assaulting, despoiling or without justification confining or otherwise infringing the rights of such prisoners or nationals.
- (31) Unauthorized possession, control or disposition of property belonging to the Allied Forces or to a member of the Allied Forces.
- (32) Destruction, concealment, unauthorized possession or disposition of, or interference with, any ship, installation, plant, equipment or other economic asset, or plans or records with respect thereto, required by the Military Government.
- (33) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces in a matter of official concern; or in any manner defrauding, or refusing to give information required by Military Government.
- (34) False assumption of authority from the Allied Forces; wrongful possession or control of any part of an Allied uniform, whether genuine or false.
- (35) Defacement or unauthorized removal of written or printed matter posted under authority of Military Government.
- (36) Wilful destruction, alteration or concealment of any work of art, monument or other cultural property created by another.
- (37) Promoting, aiding or attending any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions authorized by the Allied Forces.
- (38) Resisting arrest by a person acting under the authority of the Allied Forces, or escaping from arrest or detention imposed under such authority.

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- (39) Aiding, or failing to report, any person known to be wanted by the Allied Forces.
- (40) Dissemination of any rumour calculated to alarm or excite the people or to undermine the morale of the Allied Forces.
- (41) Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations.
- (42) Initiating or carrying out any criminal prosecution, disciplinary measure or any other form of punishment or victimization (including boycotting) against any person for co-operating with the Allied Forces or the Military Government.
- (43) Acts to the prejudice of good order or of the interests of the Allied Forces or any member thereof.

ARTICLE III

Attempts, Conspiracies

Any one who attempts to commit, or conspires or agrees with another to commit, any offence, or who advises, assists in, or procures the commission of any offences, or who having knowledge of an alleged offence fails to report it or assists an alleged offender to avoid arrest, shall be punishable as a principal.

ARTICLE IV

Collective Fines

The Bürgermeister or other principal representative of any community may be charged and tried as representing the residents thereof with any offence for which such residents or a substantial number thereof are alleged to be collectively responsible, and in the event of his being convicted of such offence in his representative capacity, and collective responsibility being established, a collective fine may be imposed upon the community.

ARTICLE V

Responsibility for Corporate Acts

Every director, official or employee of any incorporated or unincorporated company, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, urges or votes in favour of an act or omission which constitutes an offence for which the company, society, association or partnership would be triable by a Military Government Court, shall be liable therefor as though such act or omission had been done or made in his individual capacity.

ARTICLE VI

Defences

1. It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by a person entitled to the status of a combatant.
2. It shall not be a defence to any charge hereunder that the offence charged was committed under orders of any civil or military superior or of any person purporting to act as an official or member of the NSDAP or that the offence was committed under duress.

ARTICLE VII

Definitions

1. The expression "Allied Forces" as used herein and, in the absence of indication to the contrary, in Proclamations, Laws, Ordinances, Notices or Orders of the Military Government, includes persons subject to military, naval, or air force law, or to the jurisdiction of British Naval Courts and who are serving under the command of the Supreme Commander, Allied Expeditionary Force, or of any other Commander of any forces of the United Nations, and any military formation or civilian agency composed in whole or in part of such persons.
2. The expression "enemy forces" includes all persons, whether entitled to belligerent status or not, who are engaged in armed resistance to the Allied Forces.

ARTICLE VIII

Effective Date

This Ordinance shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

Ordinance No. 2

MILITARY GOVERNMENT COURTS

It being necessary to establish Military Courts for the trial of offences against the interests of the Allied Forces, it is ordered :—

PART I

ARTICLE I

Kinds of Military Courts

Military Government Courts in the occupied territory shall be :

- General Military Courts.
- Intermediate Military Courts.
- Summary Military Courts.

ARTICLE II

Jurisdiction

1. Military Government Courts shall have jurisdiction over all persons in the occupied territory except persons other than civilians who are subject to military, naval or air force law, and are serving under the command of the Supreme Commander, Allied Expeditionary Force, or any other Commander of any forces of the United Nations.

2. Military Government Courts shall have jurisdiction over—

- (a) All offences against the laws and usages of war.
- (b) All offences under any proclamation, law, ordinance, notice or order issued by or under the authority of the Military Government or of the Allied Forces.
- (c) All offences under the laws of the occupied territory or of any part thereof.

ARTICLE III

Powers of Sentence

3. (a) A General Military Court may impose any lawful sentence, including death.
- (b) An Intermediate Military Court may impose any lawful sentence except death, or imprisonment in excess of ten years, or fine in excess of £2,500—\$10,000.
- (c) A Summary Military Court may impose any lawful sentence except death, or imprisonment in excess of one year, or fine in excess of £250—\$1,000.
- (d) Within the limits of the powers given to the court, both a term of imprisonment and a fine may be imposed for the same offence, and a further term of imprisonment within the powers of the court may be imposed in default of payment of the fine.
- (e) In addition to or in lieu of sentence of fine, imprisonment or death (within its powers), a Military Government Court may make such orders with respect to the person of the accused and the property, premises or business involved in the offence as are appropriate and authorized by the Rules of Military Government Courts ; and

shall have power to impound money or other objects, to grant bail and accept and forfeit security therefor, to order arrest, to compel the attendance and order the detention of witnesses, to administer oaths, to punish for contempt, and such other powers as may be necessary and appropriate for the due administration of justice.

- (f) Where an offence is charged under the laws of the occupied territory or any part thereof, the punishment which may be imposed shall not be limited to the punishment provided by such laws.

ARTICLE IV

Composition of Courts

4. All members of the Military Government Courts shall be officers of the Allied Forces.

5. General Military Courts shall consist of not less than three members. Intermediate and Summary Military Courts shall consist of one or more members.

6. Advisors to sit with any court may be appointed either by the court itself or by an authority empowered to appoint such class of court. They shall give the court such advice and assistance as it may require, but shall have no vote.

7. Clerks, interpreters, and other persons necessary for the conduct of proceedings, may be appointed by the court.

ARTICLE V

8. Every accused before a Military Government Court shall be entitled :—

- (a) To have in advance of trial a copy of the charges upon which he is to be tried.
- (b) To be present at his trial, to give evidence and to examine or cross-examine any witness, but the court may proceed in the absence of the accused if the accused has applied for and been granted permission to be absent, or if the accused is believed to be a fugitive from justice.
- (c) To consult a lawyer before trial and to conduct his own defence or to be represented at the trial by a lawyer of his own choice, subject to the right of the court to debar any person from appearing before the court.
- (d) In any case in which a sentence of death may be imposed, to be represented by an officer of the Allied Forces, if he is not otherwise represented.
- (e) To bring with him to his trial such material witnesses in his defence as he may wish, or to have them summoned by the court at his request, if practicable.

PART I

- (f) To apply to the court for an adjournment where necessary to enable him to prepare his defence.
- (g) To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted.
- (h) In the event of conviction, within a time fixed by the Rules of Military Government Courts, to file a petition setting forth grounds why the findings and sentence should be set aside or modified.

ARTICLE VI

Review

9. The record of every case in which a petition for review is filed and of such other cases as shall be determined in accordance with the Rules of Military Government Courts shall be reviewed by such officer or officers as may be designated for that purpose by or under the authority of the Military Government.

10. The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify the sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition of review has been filed which is considered to be frivolous, but shall not otherwise increase any sentence.

ARTICLE VII

Confirmation of Death Sentences

11. No sentence of death shall be executed unless and until confirmed in writing by the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being, or such other officer as he may designate. The confirming authority shall have, with respect to such sentence, all the powers of a reviewing authority.

ARTICLE VIII

Rules

12. Rules of Military Government Courts not inconsistent with this Ordinance prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Supreme Commander, Allied Expeditionary Force, or other head of the Military Government for the time being.

ARTICLE IX

Effective Date

13. This Ordinance shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

Ordinance No. 3

OFFICIAL LANGUAGE

1. The English language shall be the official language within the above area of control in all matters concerning the Military Government.

2. All official pronouncements and all documents issued or made by or under authority of the Supreme Commander, Allied Expeditionary Force, will be drawn in the English language. If translations into German or any other language are furnished, the English text shall, in every instance, prevail.

3. This Ordinance shall become effective on the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

NOTICE

**SURRENDER OF FIREARMS, AMMUNITION,
WEAPONS, CARRIER PIGEONS AND RADIO
SENDING EQUIPMENT**

Article I

Notice is hereby given that all firearms, including shotguns, ammunition and explosives, and all other weapons, of any kind, must be surrendered immediately.

To

At

Article II

Notice is hereby given that all wireless transmission sets and parts and accessories thereof must be surrendered immediately.

To

At

Article III

Notice is hereby given that all carrier pigeons must be surrendered immediately.

To

At

Article IV

Violations of these Orders are punishable by death or imprisonment.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

NOTICE

**DECLARATION OF RADIO RECEIVING SETS,
TELEPHONE, TELEGRAPH AND ELECTRO-
MEDICAL APPARATUS**

Article I

Notice is hereby given that all radio receiving sets, parts or accessories thereof, and all telephone or telegraph wire or

PART I

facilities for the installation, maintenance or repair of radio, wireless, telephone, teletype or telegraph apparatus must be declared immediately.

To

At

Article II

Notice is hereby given that all electro-medical equipment or diathermy apparatus must be declared immediately.

To

At

Article III

Violations of these orders are punishable by a Military Government Court.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

NOTICE
CURFEW

Until further notice no person within the occupied territory will be permitted to circulate on the streets or outside his own house without a permit of Military Government, between the hours ofand.....

Any persons found in the streets without such permit between those hours will be severely punished.

All persons are further warned that military guards are instructed to shoot any persons seen outside their houses after hours who attempt to hide or escape.

BY ORDER OF MILITARY GOVERNMENT.

MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL

NOTICE

This building.....
is closed to the public until further notice.

BY ORDER OF MILITARY GOVERNMENT.

**MILITARY GOVERNMENT—GERMANY
SUPREME COMMANDER'S AREA OF CONTROL**

**NOTICE
MOVEMENT OF PERSONS**

ARTICLE I

Travel Restrictions

No person shall travel beyond the limit of.....

.....
(here insert travel limitation specifying distance from home or
place of business or area to which travel is confined) without
a permit from the Military Government Officer at.....
.....or his authorized subordinate.

ARTICLE II

Penalties

Violation of this notice is punishable by a Military Govern-
ment Court.

BY ORDER OF MILITARY GOVERNMENT.

PART II

(This Part is reserved for future use in the event circumstances require modification of the organization or general policies established in Part I)

PART III

**Background Material and Functional Policy
for Use by Military Government Officers
in the Field**

Chapter I

CIVIL ADMINISTRATION

200. Since Military Government is to be operated by a system of supervisory control it is necessary that Mil. Gov. Officers should acquire a working knowledge first, of the system of government and public administration which the Nazis have set up in Germany, and secondly, of the changes to be made during the process of denazification. Mil. Gov. Officers should refer to the technical manual on Administration and Local Government for further details of the German governmental system.

GERMAN ADMINISTRATION

201. **THE FÜHRER.** Under the leadership principle (*Führerprinzip*) the entire administrative system of the Reich culminates in Hitler. He is the final authority in the determination and execution of policy; he boasts of his role as the supreme lawgiver and judge. However, it is impossible for him to exercise this vast power in a detailed fashion, though he does not hesitate to intervene when and where his fancy dictates. In contrast to Mussolini, who changed administrative horses every few months as a matter of principle, Hitler has depended on a fairly stable group of followers, which includes Göring, Goebbels, Himmler, Frick, Ley, Frank, and Funk, to guide the day-to-day operations of the government.

202. **THE CHANCELLERIES.** There are several chancelleries and the Bureau of the High Command of the Armed Forces through which Hitler normally controls the administration of German government in so far as he has not delegated responsibility to others. A Presidential Chancellery deals with formal appointments, pardons, and other more or less routine matters, while a Reich Chancellery handles legislative procedure, cases of conflicting jurisdiction, changes in the administrative structure, and other important political matters. A Party Chancellery serves as the medium between the Führer and the National Socialist Party. The Bureau of the High Command of the Armed Forces provides a control mechanism for the exercise of Hitler's authority as supreme commander.

203. **MINISTERIAL COUNCIL FOR THE DEFENCE OF THE REICH.** The Cabinet (*Reichsregierung*), which assumed legislative power after the Nazi accession to power in 1933, seldom meets and since the outbreak of the war it has surrendered any importance it once claimed to the Ministerial Council for the Defence of the Reich. Composed of six of the Nazis closest to Hitler this Council bears a large measure of responsibility for the actual guidance of Reich economy and administration during wartime, leaving Hitler free to give his attention to military matters. It enacts laws and issues decrees without being bound by existing legislation.

PART III

204. THE FUNCTIONAL MINISTRIES. In so far as special agencies noted below have not taken over, fifteen ministries operate the administrative system of the Reich. They are as follows: (1) Interior, (2) Foreign Affairs, (3) Public Enlightenment and Propaganda, (4) Finance, (5) Justice, (6) Economics, (7) Food and Agriculture, (8) Labour, (9) Armaments and War Production, (10) Science and Education, (11) Ecclesiastical Affairs, (12) Transport, (13) Posts and Telegraph, (14) High Command of the Armed Forces, and (15) Air. Each of these is headed by a minister assisted by one or more under-secretaries. Ministries are sub-divided into departments (*Abteilungen*) usually under a ministerial director (*Ministerialdirektor*). These departments in turn may be broken up into sections (*Unterabteilungen*) which are in charge of subdirectors (*Ministerialdirigenten*). Ministerial councillors (*Ministerialräte*) and other officials and civil servants comprise the staffs of the component parts of the ministries.

205. SPECIAL AGENCIES. Even before the outbreak of the war special provisions were made for the completely centralized control demanded by the Nazis. A Commissioner-General for Reich Administration received broad powers for the co-ordination of administration throughout the Reich. A Commissioner-General for Economic Affairs was given similar authority in the economic sphere. An elaborate Office for the Four-Year-Plan received far reaching power over many of the existing administrative agencies. Other special agencies, such as the Commissioner for War Production, the Inspector-General of German Roads, the Inspector-General for Motor Transport, and the Inspector-General for Water and Power, have been created. These agencies have been superimposed upon the existing ministries, through which they act.

206. ROLE OF THE REICH MINISTRY OF THE INTERIOR. The general problem of government administration is particularly the responsibility of the Reich Ministry of the Interior. Before the Nazis appeared on the scene, there was drafted (1st May, 1924) the General Code for Administrative Procedure which was binding on other government agencies unless "in case of urgent necessity" the Reich Minister of Interior agreed to a departure. The Nazis recognized this role of the Interior Ministry, extending it throughout the Reich by appointing the Minister of the Interior as Commissioner-General for Reich Administration. Departments I, II, V, and VI of the Interior Ministry are especially concerned with administrative procedures. The Reich Ministry of Interior also administers the following: Reich Office of Weights and Measures, Reich Archives, National Printing Office, Reich Office of Land Survey and Reich Bureau of Immigration.

207. ROLE OF THE NATIONAL SOCIALIST PARTY. It is not easy for a British or an American citizen to appreciate fully the integral relationship which exists between the governmental

structure of the Reich and the National Socialist Party. The tie-up is indeed so complete that it is difficult if not impossible to determine in every case what is government and what is party. In general, the party has a national organization which parallels the government structure and is in large measure a device for controlling the latter. On lower levels the party structure is also closely patterned upon the government structure and again it exercises a control function. The picture is further complicated by the fact that the heads of the party agencies in many instances hold corresponding offices in the government.

ADMINISTRATIVE UNITS

208. PRUSSIA/PROVINZ/LAND/REICHSGAU. In regional organization three main types of administrative units may be distinguished. First, there is the State (*Land*) of Prussia, embracing more than half of the area and population of Germany, which is actually governed through Reich ministries (except for finance) and is sub-divided for administrative purposes into Provinces (*Provinzen*). By merging Prussian ministries (except finance) with those of the Reich and assimilating the position of the *Provinzen* to that of the *Länder*, Hitler has in effect brought about the administrative partition of Prussia. Secondly, there are the parts of Germany where States (*Länder*), with remnants of their own ministries, are still to be found. And thirdly, there are the newly established districts (*Reichsgaue*) whose administration is more closely integrated with the Reich system. The chief officials in the Prussian provinces are known as *Oberpräsidenten*, while in the *Länder* and *Reichsgaue* the corresponding official is the *Reichsstatthalter*.

209. OBERPRÄSIDENT AND REICHSTATTHALTER. The *Oberpräsident* and the *Reichsstatthalter*, who are appointed by and subject to dismissal at the hands of Hitler, may be regarded as general administrative officers at the regional level. They are the permanent deputies of the Reich as well as the heads of self-government (now only nominal) within their jurisdiction. The *Oberpräsident* has jurisdiction over secondary schools, public health and welfare, and the provincial Order Police. Both the *Oberpräsident* and the *Reichsstatthalter* have usually also been Party Gauleiter to whom since the outbreak of the war many of the new economic offices have been attached.

210. REGIERUNGSBEZIRK. The Prussian provinces and Land Bavaria have an intermediate administrative sub-division known as the *Regierungsbezirk* (Government District). It is more a basis for central control than an area of local government. Not to be confused with this district are the four *Landeskommissarbezirke* in Baden, each headed by a *Landeskommissar* whose functions are limited to supervising local government. For purposes of Military Government the smaller *Länder* are to be treated as *Regierungsbezirke*, though under

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the German system they have normally had a more impressive status. At the head of a *Regierungsbezirk* there is a *Regierungspräsident* who is appointed by the Minister-President in Prussia and by the *Reichsstatthalter* in Bavaria. In Prussia this official comes directly under the Reich Minister of the Interior, but in Bavaria he is responsible to the *Reichsstatthalter*. The *Regierungspräsident* who is both an executive authority for the central government and a supervisor of the lower officials in the *Landkreise* and *Stadtkreise* has broad administrative responsibility for the general government of the *Regierungsbezirk*. Under him there is a *Bezirksausschuss* (District Committee), made up of a judge, a representative of the administrative service, and four lay members. This committee of six renders assistance in general administrative matters, gives approval to certain important decisions, and prior to 1939 served as an administrative court. The *Regierungspräsident* is the *Landespolizeibehörde* (Local Police Authority) and controls elementary schools, Reich domains, and forests. The regional administrative agents dealing with economic, food, and labour matters are grouped around him.

211. **KREIS AND GEMEINDE.** In all *Provinzen/Länder* the principal lower administrative unit is the *Kreis* (County). The *Kreis* may be either a *Stadtkreis* (City County with a population over 20,000) or a *Landkreis* which is a rural county with a population of more than 20,000. The chief official of the former is known as an *Oberbürgermeister* (Chief Mayor), while in the case of the latter he bears the title *Landrat* (County Councillor or Manager). The *Landkreis* is subdivided into *Stadtgemeinde* (Urban Communes or Towns) and *Landgemeinde* (Rural Communes or Areas). The former is headed by a *Bürgermeister* (Mayor) and combinations of the latter, for purposes of police administration only, by an *Amtsvorsteher* (District Officer).

212. **SPECIAL DISTRICTS.** The regional and intermediate units for the administration of such functions as finance, justice, labour, transportation, and post and telegraph do not correspond with those for general administration noted above. Each of these functions is separately administered through an exclusively national administrative apparatus. Finance control, for instance, runs directly from a Reich Ministry of Finance to a district finance office and thence to a local finance office. For purposes of economic control the Reich is divided into 30 *Wirtschaftsbezirke* (Economic Districts). Of these, 22 are identical with the Party Gau, while the other eight are made up of two or more Gaue. These districts, sometimes called Gau Economic Districts, deal with matters relating to food, labour, housing, rationing, and the like. Although based on the Gau which is political rather than administrative, they are staffed by members of the Civil Service. Officials of any special district may issue orders for the carrying out of their functions to

Regierungsbezirk, *Kreis* and *Gemeinde* authorities and in any case keep regional and intermediate offices of the general government informed of their actions.

213. PARTY GAU. The structure of the National Socialist Party is based on 42 *Gaue* (Regions), which include 32 in Germany proper and 10 in the occupied territory. Some Party *Gaue* contain one or more *Regierungsbezirke*, while others coincide with *Länder* or Prussian Provinces. The Party *Gau*, headed by a *Gauleiter*, is not a true administrative unit though economic functions are linked with it as noted above ; rather it is an area in which party political control is imposed on the administrative machine. Under the *Gauleiter* is a *Kreisleiter* (in the Party *Kreis*) and an *Ortsgruppenleiter* having control of an *Ortsgruppe* with a population averaging approximately 40,000. The lowest geographical subdivisions of the Party are known as Cells and Blocks, in each case controlled by a *Leiter*.

LOCAL GOVERNMENT

214. BACKGROUND. Local government in the Reich is not what the British and Americans know as local government. It may mean control exercised by the government at the lower or local level ; or it may mean government on the local level by representatives chosen by the community. Viewed in its latter aspect, local government in Germany has never been a hardy plant. Contrary to the development in England, for example, the commercial middle classes of German cities adjusted themselves to and accepted the point of view of the ruling classes. As a matter of fact the German middle class never really got a chance to participate in important political matters, although it came close to it on at least two occasions during the 19th century.

215. UNDER THE WEIMAR CONSTITUTION. The Weimar Constitution provided that the *Gemeinde* (Communes) and Districts should "have the right of self-government within the limits of the law." It also stipulated that the principle of Proportional Representation laid down for the *Länder* should be extended to the municipalities and all self-governing bodies. Practically no progress toward this end was made in Prussia, but Bavaria and Württemberg made some advance. In Bavaria, for example, city councils were popularly elected and in turn chose the *Bürgermeister*. In Württemberg both council and *Bürgermeister* were chosen by popular vote. During the early years of the Republic control from above was somewhat relaxed and municipalities engaged in many often important enterprises. However, the movement toward centralization soon set in, and economic difficulties resulted in Reich and *Länder* legislation which was fatal to any real local self-government.

216. THE NAZI NATIONAL MUNICIPAL CODE. The *Deutsche Gemeindeordnung* (Municipal Code) of 1935 gives the Reich authority to control any local government both as to *Selbst-*

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angelegenheiten (local affairs) and as to those tasks delegated from the top. It establishes the leadership principle for all local officials and provides for most of the local government machinery as well as for the *Aufsichtsbehörde* (Supervisory Authority). Though the code mentions a Supervisory Authority, it does not state who that Authority is. This is done by the Minister of the Interior of the Reich who designates both the immediate and superior Supervisory Authorities. The former is usually the *Regierungspräsident*, but in *Länder* which do not have *Regierungsbezirke*, the *Reichsstatthalter* acts in such a capacity. The Supervisory Authority has the right and indeed the duty to inspect local activities. He assists in the selection of the Mayor and Associates and holds the Mayor to strict accountability for his administration. The Higher Supervisory Authority has the power to initiate action against the local government through the Immediate Supervisory Authority. In case of conflict between the Mayor and the Immediate Supervisory Authority, the former can appeal to the Higher Supervisory Authority.

217. MACHINERY. In presenting administrative structure of German local government it must be pointed out that such a pattern is to be taken only as a guide. No pattern would hold for every German *Stadtkreis* or *Landkreis*, for a great deal depends upon the locality.

THE STADTKREIS

218. OBERBÜRGERMEISTER. The *Oberbürgermeister* is appointed in cities over 100,000 by the Reich Minister of the Interior on the nomination of the local Party Delegate ; in smaller cities he is selected by the *Reichsstatthalter* on the nomination of the *Regierungspräsident*. In all cases the local Party Delegate must be satisfied. The *Oberbürgermeister* has a term of 12 years and may be compelled to serve again unless for specified reasons he is unable. He is subject to recall at any time by the Party Delegate and the Supervisory Authority acting in conjunction, but in cities over 100,000 the Reich Minister of the Interior must approve. The *Oberbürgermeister*, who is a full-time paid official, combines both legislative and administrative powers and functions.

219. PARTY DELEGATE. Under the Nazis the *Parteibeauftragter* (Party Delegate) has played an important part in *Stadtkreis* government. He has, as noted above, been very active in selecting and removing the *Oberbürgermeister*. He also has had a great deal to say about the appointment of city councillors and the local charter.

220. CITY COUNCILLORS. The city councillors, known as *Gemeinderäte* in smaller cities and *Ratsherren* in the larger, number from 12 to 36, depending upon population. They are appointed by the *Oberbürgermeister* in agreement with the Party Delegate and usually serve in an honorary capacity for terms of

six years. They may be removed at any time by the Party Delegate and the Supervisory Authority. Their function is to keep the *Oberbürgermeister* in close touch with the citizens and for this purpose the Code lists 13 matters which are to be discussed by the *Oberbürgermeister* with them. They are "obliged to speak" when they disagree with the *Oberbürgermeister*; they must attend council meetings unless excused; but they have no vote.

221. ASSOCIATES. Department heads usually known as *Beigeordnete* (Associates), including the First Associate or deputy *Oberbürgermeister*, are appointed by the Reich Minister of the Interior from a list of three candidates proposed by the Party Delegate after consultation with the councillors in cities over 100,000. In cities under 100,000 they are chosen by the *Reichsstatthalter*, or in the case of smaller communes by the *Regierungspräsident*. They are numbered according to seniority—the city treasurer is usually the First Associate. The term of the Associates, who have a professional staff at their disposal, coincides with that of the *Oberbürgermeister*.

222. ADVISORY COMMITTEES. *Beiräte* (Advisory Committees), which are an old feature of German local government, are provided for in the municipal Code. The *Oberbürgermeister* may appoint as many as are needed. They consist of technical experts and work with the various departments of the city, particularly in the field of public works and utilities. Members of advisory committees attend council meetings.

223. CITY CHARTER. The *Hauptsatzung* (City Charter or organic Law) prescribes the number of Associates and their duties, indicating who is to serve as *Stadtkämmerer* (City Treasurer), which positions carry a salary, and which are honorary. It must be approved by the Party Delegate and the immediate Supervisory Authority.

224. ORDINANCES. *Satzungen* (ordinary city ordinances) cover a limited field dealing with such matters as public works, public health, housing, and other local enterprises. Legislative authority is vested in the *Oberbürgermeister*, who must discuss all important items with the city councillors. Ordinances to be valid must be approved by the Supervisory Authority and be published. The *Haushaltsatzung* (city finance ordinance) is drawn up for each fiscal year, which begins on 1st April. It contains the *Haushaltsplan* (budget), fixes the tax rates and prescribes the borrowing capacity for current expenses. Sections of this ordinance provide for long-term borrowing as well as for the retirement/redemption of the indebtedness.

THE LANDKREIS

225. GENERAL CHARACTER. The nearest counterpart of the *Landkreis* is probably either the French *Arrondissement* or the County of the United States. There were in 1943 a total of 894

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Landkreise as against 238 *Stadtkreise*. Each *Landkreis* includes a varying number of *Gemeinde* (Communes), of which there are more than 50,000 in the Reich. Approximately 85% of these *Gemeinde* have a population of less than 1,000. Within a *Landkreis* the *Gemeinde* are of two types: *Landgemeinde*, which may include small villages along with open land, and *Stadtgemeinde*, which are larger towns.

226. LANDRAT. The most important local government official, known as the *Landrat* (County Manager or Councillor), occupies a dual position as a Reich representative on the one hand and head of the *Landkreis* government on the other. He is appointed by Hitler on recommendation of the Reich Minister of the Interior and can be retired at any time. He receives orders from the *Regierungspräsident*—or in *Länder* where this intermediate official does not exist from the Land Minister of the Interior. In matters of central administration he is assisted by a *Regierungsoberspektor* (District Chief Inspector), and in matters of local self-government by a *Kreisoberinspektor* (County Chief Inspector). The *Landrat* is the police authority within the *Landkreis*, but in matters concerning security he is subject to the overriding control of the Security Police. As head of the local government he is in charge of the administration of the *Gemeinde* within the *Landkreis*, occupying as he does a position as the immediate Supervisory Authority for self-government in that area. In his capacity as a Reich official the *Landrat* cooperates with the local branch of the Reich Food Estate as well as the Economic Offices, Labour Offices, and other national services within the *Landkreis*. He must work in conjunction with the local Party Delegate and keep the latter informed on all administrative matters.

227. ADMINISTRATIVE MACHINERY. Among the administrative agencies to be found in the *Landkreis* are the following: (a) *Kreisbauamt*, dealing with buildings, works and engineering; (b) *Kreismedizinalrat*, or Health Inspection Service; (c) *Kreisschulrat*, who superintends all schools except vocational; (d) *Kreiswohlfahrtsamt*, supervising the care of needy persons; (e) *Kreiskassenführer*, or county treasurer—attached to this office are the *Katasteramt* or Land Registry, the *Vermessungsamt* (Surveyor's Office), and the *Kreissparkasse*; (f) *Kommandeur der Gendarmerie* in command of the rural police, including traffic, hunting, personal registration, military and labour registration; (g) *Kreis Wirtschaftsamt*, or economic office; (h) *Kreis Ernährungsamt*, Kreis branch of the Reich Food Estate; (i) *Finanzamt*, branch of the Reich Tax office; and (j) *Steueramt*, or municipal tax office.

CIVIL SERVICE

228. GENERAL. With a history going back more than a century and the boast that it has survived the Empire and the Republic and now functions under the National Socialist regime,

the German Civil Service occupies a much more important place than corresponding services in most other countries. It includes even municipal workers, teachers, and transportation and communication staffs. *Abteilung II* of the Reich Ministry of the Interior with its *Reichsprüfungsamt* (Reich Examination Office) exercises central control of the Civil Service under the unifying Civil Service Act of 26th January, 1937. A Chief Civil Service Official in each *Regierungsbezirk* possesses a considerable amount of authority in the direct administration of the system.

229. NAZI CONTROL. The National Socialists seized control of the Civil Service by:

- (a) eliminating obstructionists at all levels of government through dismissal, retirement, or transfer;
- (b) placement of available Nazis with or without adequate qualifications; and
- (c) indoctrination, supervision or control of non-Nazi civil servants.

It may be noted that some civil servants without enthusiasm for party activities have been retained because of technical ability.

230. CAREER AND POLITICAL CATEGORIES. The established Civil Service is subdivided into two main categories, namely, the "career service" entered through competitive examination and the "political service" which requires no examination. The greater percentage of the civil servants belong to the career service which has four grades: lower, intermediate, elevated and higher. The political Civil Service includes *Oberpräsidenten*, *Landräte*, etc., many of whom have advanced from the higher grade of the career service. Once appointed as political civil servants they tend to achieve permanent tenure, though legally subject to dismissal at the will of Hitler without any reason being given. Naturally the proportion of active National Socialists is largest among the political civil servants. Candidates for positions in each grade must meet specifications relating to citizenship, education, experience, probationary training, age, race, political reliability and personal oath to Hitler.

231. DISCIPLINARY COURTS. Prior to the Nazi regime the various *Länder* made their own provisions for agencies charged with enforcing discipline among public employees, but since 1937 the German Civil Service Act has covered the entire Reich. Thirty-one *Dienststrafkammer* (Disciplinary Chambers), each consisting of a chairman, who is a judge drawn from an ordinary court or an administrative tribunal, a legal member, and an assessor (of the same standing as the accused), operate in the larger cities. These chambers may issue a disciplinary decree, involving a warning, an admonition, or a fine, and they may also order a reduction in salary, dismissal, or a reduction or cancellation of pension. A *Dienststrafhof* (Disciplinary Court of Appeal), consisting of five members, constitutes a section of the Reich Supreme Administrative Tribunal.

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ADMINISTRATIVE TRIBUNALS

232. PRE-NAZI ADMINISTRATIVE TRIBUNALS. In contrast to the United States and Great Britain where administrative law is placed under the ordinary courts, Germany has followed the general continental practice of providing separate administrative tribunals. Prior to 1933 no uniform system of these agencies existed in the Reich because the *Länder* exercised the authority. The Weimar Constitution defined the role of these tribunals as follows: "The protection of the individual against orders and instructions of administrative authorities."

233. ADMINISTRATIVE COURTS UNDER THE NAZIS. The Decree for the Protection of People and State issued by the Nazis in 1933 undermined the jurisdiction and influence of the administrative courts. Indeed, though the formal transformation of the system took place rather gradually, the authoritarian control demanded by the National Socialists, placing as it did the emphasis on the will of the Führer rather than on "Legality," left the administrative tribunals with little vital reason for existing. Their jurisdiction was whittled away; the consent of the administrative officials whose acts were involved and of higher officials was required before cases could be brought or appeals taken; their staffs were to a considerable extent filled with Party Members. In 1939 the lowest tribunals were abolished entirely, ostensibly as a wartime measure, but in all probability with no thought of restoration, while the second grade tribunals had their jurisdiction largely transferred to the *Regierungspräsident*. In 1941 a decree was issued creating *Reichsverwaltungsgerichte* (Supreme Administrative Tribunals), which incorporated the Prussian Supreme Administrative Tribunal, the Austrian Administrative Court, the Reich Economic Court, the Reich Disciplinary Court, the War Damage Claims Office, and several other minor courts.

PUBLIC RECORDS

234. While the Archives maintained by the Reich Ministry of the Interior, the *Reichsgesetzblatt*, which is the official publication containing Reich laws, decrees, and treaties, and the *Deutscher Reichs- und Preussischer Staatsanzeiger* (the official gazette setting forth various public announcements) possess great general importance, it is not probable that Mil. Gov. officers in the field will be immediately concerned with them. Mil. Gov. officers will have considerable occasion to utilize public and party records on the local government level.

CITIZENSHIP

235. Though prior to 1933 the German provisions relating to citizenship followed a conventional pattern, they are now permeated with National Socialist principles. A decree of April,

1943, codifying the elaborate rules drafted by the Nazis provides four categories of persons, the fourth including Jews, who are not recognized as having legal existence at all. One of the immediate responsibilities of Military Government will be the suspension of the objectionable features of these citizenship regulations. Law No. 1 (see Chapter IV, Part I, this Handbook) abrogates the Reich Citizenship Law of 15th September, 1935, and all supplementary or subsidiary laws, decrees or regulations.

MILITARY GOVERNMENT ORGANIZATION FOR CONTROL OF GERMAN ADMINISTRATION

236. GENERAL. Reference is made to Chapter II of Part I of this Handbook for the general plan for operation of Military Government in Germany. Additional background information is given below. For purposes of controlling and supervising the German administrative system Mil. Gov. officers will work at four levels—Ministerial, *Provinz/Land/Reichsgau*, *Regierungsbezirk* and *Kreis*. The means through which Military Government will be imposed will depend entirely upon the military situation as areas of Germany are progressively occupied. In the event that large districts are taken over more or less intact, it will be possible to impose Military Government at higher levels in the German administrative organization. If occupation proceeds gradually and is accompanied by continual action, Military Government can only be imposed at the outset at the *Kreis* level. The plan for control at various administrative levels must be read with this possibility in mind.

237. MINISTERIAL. Military Government will impose necessary controls upon the German central authorities at the Ministerial level. The extent to which German centralized controls will be utilized in the period of the Supreme Commander's responsibility depends on factors which are impossible to accurately forecast in advance. However, the policy is established that any communications on matters of concern to Military Government which may issue from agencies of the central government (whether or not authorized by Mil. Gov. officers at that level) to subordinate civil agencies in the Mil. Gov. Regions must be cleared by the subordinate agencies with the Mil. Gov. Detachment responsible for the Region. Action on such matters will be taken by the subordinate civil agencies only on orders from an appropriate Mil. Gov. officer in the Region. Prior to the establishment of Mil. Gov. Regions similar authority will be exercised by Mil. Gov. Detachments for areas under their control.

238. SPECIALIST OFFICERS. In the field Mil. Gov. functional specialist officers on G-5/Mil. Gov. Staffs or in Mil. Gov. Detachments will supervise the operations of the Reich Ministries in so far as they are to be utilized for Military Government purposes.

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These specialists and the corresponding Ministries are as follows:

Interior, consisting of Administration and Local Government, Public Safety, Public Health and Welfare, and Monuments, Fine Arts and Archives officers.	<i>Reichsinnenministerium</i> (Reich Ministry of the Interior)
Legal	<i>Reichsjustizministerium</i> (Reich Ministry of Justice)
Finance	<i>Reichsfinanzministerium</i> (Reich Ministry of Finance)
Food and Agriculture	<i>Reichsministerium für Ernährung und Landwirtschaft</i> (Reich Ministry of Food and Agriculture)
Economics and Public Utilities ..	<i>Reichswirtschaftsministerium</i> (Reich Ministry of Economics)
Labour	<i>Reichsarbeitsministerium</i> (Reich Ministry of Labour)
Posts, Telephones and Telegraph (Co-ordination of Mil. Gov., Signals, and G-2/Int. necessary)	<i>Reichspostministerium</i> (Reich Ministry of Posts)
Education and Religious Affairs..	<i>Ministerium für Wissenschaft Erziehung und Volksbildung</i> (Reich Ministry of Science and Education)
	<i>Reichsministerium für die Kirchlichen Angelegenheiten</i> (Reich Ministry of Ecclesiastical Affairs)
Transport (Except for road transport, this is primarily a responsibility of Movement and Transportation but Mil. Gov. Officers will assist with civil authorities, if required. See Chapter XVI for Mil. Gov. Officers' responsibility for road transport.)	<i>Reichsverkehrsministerium</i> (Reich Ministry of Transport)

Additional functional specialists for Supply, Displaced Persons and Property Control will deal with their special problems.

239. **MILITARY GOVERNMENT REGIONS.** Military Government ultimately will be based on the German regional system. For the purpose of regional control the Zones in the Supreme Commander's area of responsibility are subdivided into Military Government Regions, made up of single *Länder/Provinzen*, or in the case of the smaller of these regional units, of combinations. Each area will contain from 2,500,000 to approximately 8,000,000 inhabitants. Military Districts, established for military command purposes in Germany, ultimately will coincide, in general, with Military Government Regions. The Military District Commander will be directly responsible for the Military Government of the Region under his control. He may suspend the execution of any Mil. Gov./G-5 technical instructions pending representation by him to superior authority. Military Government Staffs, Detachments and functional specialists are responsible, under the Military District Commander, for supervising the German administrative machinery. Prior to the establishment of Mil. Gov. Regions and Military Districts, the conduct of Mil. Gov. will be the responsibility of each Military Commander in the areas occupied by his forces.

240. **REGIERUNGSBEZIRKE.** Each Military Government Region is divided into administrative districts, corresponding to *Regierungsbezirke* or in certain instances small *Länder*. There are 32 of these districts in the Supreme Commander's area of control, each with a population averaging approximately 1,000,000. These districts are particularly important since they are basic units in the German administrative system, receiving their orders directly from the Berlin Ministries. Each of these districts has a Mil. Gov. Detachment of general administrative and specialist officers to supervise the office of the *Regierungspräsident*, which has charge of general government, and various Reich offices located in the District.

241. **KREISE.** The final point at which Military Government controls the German system is the *Kreis*. Detachments will be located in the *Stadtkreise*, where numerous important regional offices are located. *Landkreise* and smaller *Stadtkreise* are in charge of smaller Detachments where the principal responsibility is that of supervising the office of the *Oberbürgermeister* or *Landrat*. Military Government Detachments will in some cases supervise several smaller *Kreise*.

ESTIMATE OF THE SITUATION

242. **GENERAL.** It is impossible to foretell the conditions which will be encountered when the leading Detachments of Military Government enter Germany. It is, however, likely that there will be general confusion amounting perhaps to chaos as a direct result of military reverses. It is certain that the administrative machinery will in any case be seriously disorganized as a result of the severe bombing of Germany, which has taken place

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over a period of many months and on a scale unprecedented in history. Other features which will closely affect the problems of Military Government will be the closing down of industry, including armament plants, the presence of many millions of displaced persons and refugees of many different nationalities, longing to return to their homes and families, and the disappearance of all the prominent Nazis who, if they have not been done away with, will have taken refuge in flight in the hope of saving their skins and at least some portion of their ill-gotten gains. This will mean that many, if not the majority of the more important officials, will no longer be at their posts, and improvised measures, including the appointment of temporary officials, will be necessary. The civil servants still carrying on may be seriously demoralized due to the non-receipt of their salaries, the high prices due to inflation, and the lack of proper food and housing. It is certain also that the fear engendered by the German propaganda that the conquerors will enslave the country will contribute to the general sense of unrest and uncertainty. Many of the public records will have been destroyed or lost.

243. **ATTITUDE OF THE PEOPLE.** From the German people themselves neither a high degree of co-operation nor, perhaps, violent obstruction need be expected. It is more probable that their attitude will initially be that of dazed apathy. Many of those who have not been ardent Nazis, and who therefore might otherwise be useful, may be found to be reluctant to help Military Government, lest by so doing they should discredit themselves in the eyes of their countrymen or because of fear for the safety of members of their families in parts of Germany still controlled by the Nazis. Others may be profuse in their expressions of relief at the collapse of Hitler's tyranny and may indeed be over-anxious in proffering their services. Such people should be treated with suspicion, until they have proved by their acts that they are in fact to be relied upon.

244. **ADMINISTRATIVE MACHINERY.** In many cities committees (*Ortsdreiecke*) have been set up, consisting usually of the *Oberbürgermeister*, the Party Delegate, the local leader of the Labour Front and the local Peasant Leader. Such committees have summary powers to take action to meet emergencies. But, in general, the highly centralized form of local government in Germany and the application throughout administrative channels of the leadership principle will, when collapse comes, render confusion worse confounded. It is probable that in some places local authority will have been seized by groups representing varying political views.

245. **POLITICAL PARTIES.** It is probable that the revival of most of the Political Parties which existed under the Republic will be gradual, and that as they form there will be a pronounced swing to the left, the Socialist and Communist Parties gaining many adherents. At the same time those Nazis who escape will

certainly endeavor to build up an "underground," with the objects of interfering with government and preparing for a future recrudescence of Nazi activity.

246. CIVIL SERVICE. The serious shortage of trained personnel during the war has resulted in failure to fill many important public offices. Recent editions of the *Taschenbuch für Verwaltungsbeamte* show a surprising number of officials as *Abgegangen* (absent for the war) or as *Unbekannt* (unknown). A high proportion of Nazi officials will have disappeared, either because they have been assassinated, imprisoned or taken refuge in flight, but there will probably be a large number of minor officials and civil service employees at the lower levels who, not being active Nazis or ardent sympathizers, will be available to operate the administrative machinery. This will be particularly the case in the Government agencies dealing with technical matters.

POLICY

247. GENERAL. Reference is made to Chapter III (Political and General) of Part I of this Handbook for general policies of Military Government with respect to civil administration in Germany.

248. BASIC PRINCIPLES OF SUPERVISION. Military Government will be effected, as a general principle, through indirect rule. Mil. Gov. Detachments have the responsibility of controlling the German administrative system, not of operating it themselves. Hence they should work through *Oberpräsidenten*, *Regierungspräsidenten*, *Oberbürgermeister*, and *Landräte* rather than directly with the rank and file of German officials and citizens. The selection of persons with adequate educational background, practical experience and freedom from Nazi contamination is of the highest importance—indeed the very success or failure of each Mil. Gov. Detachment will depend in large measure upon the choice of the right persons for these key posts. Once the general administrators have been selected, they must be made to discharge their duties. Failure to obey the orders of Military Government will not be tolerated. Direct administration by Mil. Gov. personnel will be undertaken only in the event that acceptable German personnel cannot be found in time to prevent an administrative breakdown which would imperil the attainment of the objectives of Military Government.

249. REPLACEMENT OF OFFICIALS. The administrative officials in the offices of the *Oberpräsidenten*, *Regierungspräsidenten*, *Oberbürgermeister*, and *Landräte* are, with few exceptions, career civil servants, and those of them who do not have to be removed (see Part III, Chp. II) will be subject to the ordinary civil service regulations. Where replacement is necessary Mil. Gov. Officers will, as far as possible, make use of the existing civil service machinery and personnel, so far as the

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time factor and the available lists of eligible candidates will allow. To meet an emergency, it may however be necessary for Mil. Gov. Officers to act upon their own initiative, but they must be careful not to violate the basic principle that Military Government is to be carried out by supervision and not by executive action. In the discharge of their functions *Oberpräsidenten*, *Regierungspräsidenten*, *Oberbürgermeister*, and *Landräte* must be given full responsibility, and in consequence must be accorded some freedom in the selection of their subordinates, and of the members of their councils. Mil. Gov. Officers should, however, discuss the selection of candidates for these positions with them and should, when necessary, exercise a power of veto over any individual of whom they may disapprove. The German officials must be given clearly to understand that the responsibility is theirs and that they will be held strictly accountable for results. It should be made clear to all concerned that any appointments made are of a temporary nature only.

250. USE OF CIVIL ADMINISTRATIVE CHANNELS. The German administrative system will be employed where possible and Mil. Gov. Officers will recognize that officials with whom they deal will receive instructions from higher civil authorities. Any communication on matters of concern to Military Government which may be issued from the agencies of the central government to subordinate agencies in the Mil. Gov. Regions must be cleared by the subordinate civil agency with the Mil. Gov. Detachment responsible for the Region. Action on such matters may be taken by the subordinate civil agency only on orders of the Regional Mil. Gov. Officer or such subordinate as he may designate. Regional Mil. Gov. Officers will take steps to ensure that civil instructions issued at all levels within their Regions are approved by appropriate Mil. Gov. Officers and, when necessary, checked by Mil. Gov. Officers exercising direct supervision of the subordinate civil agency.

251. DUTIES OF O.C., MIL. GOV. DETACHMENT. Within the limits of authority delegated to him, and in appropriate coordination with C.I.C., an officer commanding a Mil. Gov. Detachment:

(a) Will immediately find out what government offices exist in his area and the functions for which they are responsible.

(b) Will dismiss all active Nazis and all ardent sympathizers and other German officials in accordance with the procedure laid down in Chapter II, Part III.

(c) Will suspend all German officials who in his opinion are acting in a manner inimical to Allied interests or who are non-cooperative or inefficient.

(d) Will select and appoint, on a temporary and provisional basis, replacements for the above categories (sub-paras. (b) and (c)). The selection of the new personnel will be based upon

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professional and occupational qualifications and will depend, of course, upon satisfactory political records.

(e) Will not suspend *Oberbürgermeister* or *Landräte*, once appointed under the authority of Military Government, except as an emergency measure.

(f) Will issue instructions to the *Oberbürgermeister* and *Landräte* as to their duties, making it clear to them that their activities will be constantly controlled for the purposes of Military Government and that their retention in office is dependent upon their good behaviour and loyal co-operation.

(g) Will take all possible steps to protect public records from damage and destruction and will undertake a survey of existing Public Records as soon as possible.

Chapter II

ERADICATION OF NAZISM

Section I

GENERAL

275. OBJECTIVES. It is the declared war aim of the United Nations to extirpate both Nazism and Militarism in Germany. Both of these forces are represented in, and closely interwoven with, the Army, the Government in war production and civil administration, and in the Party Organizations themselves. It will, therefore, be necessary to effect:

(a) the destruction of the Nazi Party and its subsidiary non-military political organizations;

(b) the demobilization and disbandment of the armed forces and of Nazi military and para-military formations;

(c) the purging, re-organization and control of the police;

(d) the dismissal of all active Nazis and ardent sympathizers of the Party and of all militarists and leading military figures from Government offices and from other positions of influence and trust;

(e) the dismantling of super-centralized and typically Fascist agencies of government and of agencies for war mobilization and production.

276. The foregoing will be accomplished upon the basic principle that active Nazis or ardent Nazi sympathizers will, in no circumstances, be retained in office for purposes of administrative convenience or expediency; that the National Socialist Party and its subsidiary organizations will be dissolved with the single exception that the administrative machinery of certain dissolved organizations may be used where necessary to provide the essential functions of relief, health and sanitation, after the elimination of Nazi personnel and of discriminatory features in the administration of their services.

277. An essential step, complementary to the removal of Nazis from governmental positions and positions of influence, will be the internment of certain government and Party officials and members of police and para-military formations, whose presence at large might be a threat to the security of the Allied Forces or an impediment to the attainment of the objectives of Military Government in Germany.

278. RESPONSIBILITIES. The dissolution of the National Socialist Party and its subsidiary organizations is a responsibility of Counter Intelligence personnel assisted by Mil. Gov. Officers. The demobilization and disbandment of Nazi military and para-military formations is a responsibility of Military Commanders. The purge of the police and the removal of Nazis from the civil

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administration of Germany is a responsibility of Mil. Gov. Officers in which they will be assisted by Counter Intelligence personnel. Mil. Gov. Officers, assisted by Counter Intelligence personnel, will be responsible for ensuring that those placed in civil administrative posts and other positions of influence and authority are not Nazis or ardent Nazi sympathizers. The re-organization of all types of administrative agencies necessary for government is the responsibility of Mil. Gov. Officers. Counter Intelligence personnel will be responsible for ensuring that Nazis who might, at liberty, be a danger to military security are interned or kept under surveillance.

Section II

DISSOLUTION OF NAZI INSTITUTIONS

279. ADMINISTRATIVE AGENCIES. The process of demobilization and de-Nazification will require the dismantling of those parts of the administrative structure which

- (a) were set up for war purposes,
- or (b) were set up for the government of occupied areas
- or (c) are essentially Nazi in character.

The greater part of this work must be carried out centrally and, except for those agencies whose re-organization is required to be carried out locally as well as centrally, such work will not, until further instructions are issued, be the task of Mil. Gov. Officers. Such work as must be carried out by Mil. Gov. Officers is discussed herein.

280. PARTY ORGANIZATIONS. In the practical application of de-Nazification in the province of Military Government there are differences which must be recognized in the treatment to be accorded to the various Nazi organizations. The Party Organization itself and its subsidiary organizations will be abolished forthwith. All further activities of the para-military organizations of the Party will be prohibited and their personnel and property will be subject to the orders of Military Commanders. The facilities and administrative organization of certain agencies, cleared of Nazi personnel and of National Socialist principles in the administration of their services, which serve useful functions, such as welfare, health and sanitation, may be preserved. Control of these agencies will be transferred to non-Nazi organizations at the direction of Military Government. An organization to be treated in this manner is the *N.S. Volkswohlfahrt*, an agency providing extensive and diversified relief and welfare facilities, whose activities will be transferred to the *Wohlfahrtsamt* under the *Bürgermeister*. The organizations which are at once to be dissolved are listed in Table "A," and immediately on occupation Law No. 5 will be published dissolving and prohibiting further activity on the part of the Nazi Party and all

of the subsidiary and para-military organizations listed in that Table and directing, where necessary, the disposition of personnel and property.

281. Additional Nazi organizations will have to be dissolved. Some of these organizations are central ones which can be disposed of most efficiently when there is effective control at Berlin. Mil. Gov. Officers will be furnished with lists and further directions with respect to the dissolution of any additional Nazi organizations.

282. All of the property of the organizations which have been abolished will be secured and controlled in the manner indicated in Chapter III of this Handbook, "Finance and Property Control." Particular attention will be given to securing the records and archives of the organizations which are dissolved.

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CONTROL AND ELIMINATION OF NAZI PERSONNEL

283. The elimination of Nazi Party members, and those who have collaborated with the Party, from positions of power and influence in political offices, and in the Civil Service, is an essential part of the process of eradicating Nazism. The manner of eliminating Nazi personnel will vary from case to case. In the case of high party officials, dismissal from office will not suffice; such individuals will not only have to be dismissed but will have to be arrested and imprisoned, or restricted in their actions. In the case of the holders of less important party or governmental offices, mere dismissal will suffice, though some control may have to be exercised over their movements.

284. In respect of dismissal, the policy of the Supreme Commander requires that the entire Nazi leadership will be removed from posts of authority and that no member of the German General Staff or holder of an office in the Nazi Party will occupy any official position. Political officials, civil servants and other officers holding the positions which are listed in Table "B" will be dismissed, or in the case of a few officials, suspended as a matter of principle. Many of these officers, as pointed out below, will also be arrested and detained. In considering the dismissal or internment of Nazi Party members in government offices, it must be clearly understood that the lists in the Tables appended to this Chapter should not be regarded as exclusive. As to the other officials, the general rule should be that no holder of office in the Nazi Party organization should be continued in a governmental position.

285. In the arrest or surveillance of high party officials, the holders of responsible governmental positions or the former members of the Nazi Police, Mil. Gov. Officers will give all prac-

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ticable assistance to CIC, which is primarily responsible for carrying out such arrests. Table "C" gives a list of Nazi Police, Party, Para-Military and Government Officers who will be arrested and interned. It also provides an estimate of the number involved in Germany as a whole. It is estimated that roughly one-half of the officers of the ranks and organizations mentioned will be found in the area of the Supreme Commander's responsibility. Additional persons may be designated for internment by CIC from time to time.

286. The *Ortsgruppenleiter* and the *Partei Beauftragter* in larger towns. As is indicated above, the lists of Party and other officials who are to be dismissed on principle or interned are not to be regarded as exclusive. While neither the *Ortsgruppenleiter* nor the *Beauftragter der NSDAP* is listed for detention by reason of his Party office alone, the positions in the Party organization and the extent of the indoctrination and possible influence of these officials may require their detention. The *Ortsgruppenleiter* may be regarded as a party official chosen for his complete loyalty to the NSDAP, with a responsibility for perpetuation and propagation of Nazi doctrine out of proportion to the position which he holds on the scale of Nazi offices. The *Beauftragter der NSDAP* is responsible for ensuring that all officials of any municipal organization are politically acceptable and that they remain politically loyal. His political surveillance usually extends to other members of the community as well. Mil. Gov. Officers will therefore be on the alert for, and give close attention to, any information that they may receive regarding political activities or activities perpetuating Nazi doctrines carried on by these officials. They will furnish any such information to CIC officers with a view to the internment of offenders. Naturally, no person who has held either of these Party positions will be retained in office or considered eligible for appointment to any other office.

Section IV

PROCEDURE FOR REMOVAL AND APPOINTMENT OF PUBLIC OFFICIALS

287. Public officials not automatically removed will be scrutinized in the order of the importance of their positions with a view to the elimination of active Nazis and ardent Nazi sympathizers and the retention or appointment of non-Nazis for the essential functions of civil administration. Each official and candidate for appointment will be required to record on a questionnaire (*Fragebogen*) detailed and specific information concerning his background and participation in Nazi activities and organizations. The information disclosed by the questionnaire will be checked against other sources of information, such as counter-intelligence, Nazi Party and police records, civil service certificates, publications and informants.

288. Officials holding certain offices or having certain political backgrounds will be dismissed from their positions forthwith, while the retention of others in office will be within the discretion of the Officer Commanding Mil. Gov. Detachment. A list of those Nazi positions which automatically entail the suspension from office of the holder are shown in Table "D." An analysis of the past record of each official will be made from the *Fragebogen* filled in by him, and a decision will be reached as to whether his dismissal is mandatory or whether he may be retained. The detailed procedure for the examination of *Fragebogen* is set out in the Public Safety Technical Manual.

289. Wherever possible, removals and appointments in the civil service will be made through German officials who are vested with power to remove under German law. Removal will be summary. Where removal through the German official is impracticable, removal will be effected directly by the Officer Commanding Mil. Gov. Detachment.

290. All appointments will be temporary and are subject to approval by higher Military Government authority.

291. REMOVAL OF NAZIS FROM QUASI-GOVERNMENTAL POSITIONS. Elimination of Nazism will also require the removal of persons holding positions of influence in certain business and commercial organizations outside of the government, originally similar to chambers of commerce and trade associations, but which have become agencies of governmental control, and have collaborated particularly closely with the Nazi Party and the German war machine. The organizations and positions from which such officials should be removed are listed in Table "E."

292. THE JUDICIARY AND LAW OFFICIALS. To achieve the elimination of Nazi elements from the judiciary, special measures are necessary. These should be initiated during the period while the courts are closed. The establishment of a working court system which will administer justice free from the principles of Nazi doctrine is an urgent requirement of Military Government. The first, and most necessary, step is to de-Nazify the *Oberlandesgerichte*, as these are the most suitable levels at which to impose control on the ordinary German court system. The members of the court will be suspended from office, as will be the *General-Staatsanwälte* and *Staatsanwälte*. The presumption is that the presidents of the *Oberlandesgerichte* and the *Generalstaatsanwälte* will be dismissed on principle unless, in the individual case, definite and over-riding reasons to the contrary are clearly established. The remaining judges of the *Oberlandesgerichte* and also the *Staatsanwälte* should be carefully scrutinized on the lines laid down in the first two paragraphs of this Section, and removal should be effected on the principle that, at this level, it is better to start with a small and evidently reliable judicial nucleus, even at the cost of accumulating arrears of court business on the calendar, than to establish a full work-

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ing system which may subsequently have to be interfered with. A new President should be selected from the existing bench only if clear evidence exists of his political independence. If none is available, every effort should be made to find a reliable and efficient ex-judge for this important post.

293. With regard to the rest of the judges and legal profession within such *Oberlandesgericht* area, a considerable measure of discretion should be exercised. The following general principles may afford guidance:

(a) Judges and prosecutors not considered suitable for responsible posts may, in some cases, be employed for such work as Land Registrar or Company Registrars, or for other appropriate subordinate posts.

(b) The bench may be recruited from retired judges—by extending the age limit—or by appointing attorneys of good standing. The latter is possible under existing German law.

(c) Special attention should be given to the *Kammervorstand* or "Benchers." These are likely to be in all cases Nazi appointees and should probably all be dismissed. A temporary body should be reconstituted through appointment by the President of the courts.

(d) With regard to the rest of the legal profession, the standard to be generally applied should be one of professional integrity. Mil. Gov. Officers should aim at transferring responsibility for upholding this standard to the profession itself, through the disciplinary courts of the profession.

294. CONTROL OF POLICE OFFICIALS AND POLICE. The importance of police functions to Military Government and the vital role which police forces have played in the execution of the plans of the Nazi leaders and the extent of penetration of the regular German police by the Nazi Party, necessitate that special measures be taken. Mil. Gov. Officers, in co-operation with the CIC, will ensure the detention and control of the police officials listed in Table "C," and of any SS personnel in the special police, such as the *Bahnschutz*, *Postschutz* and others.

295. EDUCATION OFFICIALS. Removal of active Nazis, ardent Nazi sympathizers and militarists from the German educational system and eradication of Nazis and militaristic influence is a particularly difficult and important task. Reference is made to Chapter X, "Education and Religious Affairs," for further guidance with respect to teachers and other officials who are to be removed.

296. FINANCIAL SANCTIONS. In addition to actions outlined in this Chapter, steps will be taken to block ("freeze") the properties of individuals who would be classified as active Nazis or ardent Nazi sympathizers. Reference is made to Chapter III, "Finance and Property Control," for such procedures.

Section V

THE TASK OF THE MILITARY GOVERNMENT
OFFICER

297. The Mil. Gov. Officer will be responsible:

(a) for publicizing and for enforcing the law relating to dissolution of the Nazi Party and the control of its property and records (Law No. 5);

(b) for the dismissal of the officers, referred to by rank or organization in this Chapter or who appear undesirable upon individual investigation;

(c) for ensuring that official positions in the German Administrative agencies and units within his cognizance are filled by persons who have been carefully investigated and are non-Nazis;

(d) for co-operation with the CIC in any steps which will facilitate or ensure the arrest, detention or necessary surveillance of the persons in the categories referred to in this Chapter.

TABLE "A"

Nazi Political Organizations to be Abolished

- A. Central Offices of the NSDAP.
1. Party Chancellery (*Partei-Kanzlei*).
 2. Führer's Chancellery (*Kanzlei des Führers der NSDAP*).
 3. Organization of Germans Abroad (*Auslandsorganisation*).
 4. Offices in Germany of the National Union for German Elements Abroad (*Volksbund für das Deutschtum im Ausland*).
 5. Centre for *Volksdeutsche* (*Volksdeutschemittelstelle*).
 6. Party Scrutiny Commission for the Protection of National Socialist Literature (*Parteiämliche Prüfungskommission zum Schutze des NS-Schrifttums*).
 7. Office of the Reich Organization Leader (*Reichsorganisationsleiter der NSDAP*).
 8. Office of the Reich Treasurer of the Party (*Reichsschatzmeister der NSDAP*).
 9. Supreme Party Court (*Oberstesparteigericht*) and Subordinate Courts.
 10. Office of the Führer's Commissioner for the Supervision of the Whole Intellectual and Ideological Training and Education of the Party (*Beauftragter des Führers für die Überwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP*).

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11. Office of the Reich Propaganda Leader of the Party (*Reichspropagandaleiter der NSDAP*).
 12. Office of the Reich Leader for the Press (*Reichsleiter für die Presse und Zentralverlag der NSDAP (Eher Verlag)*) together with the publishing houses owned by the Party and controlled by him.
 13. Office of the Reich Press Chief of the Party (*Reichspressechef der NSDAP*).
 14. Reich Office for the Agrarian Population (*Reichsamt für das Landvolk*).
 15. Head Office for Public Health (*Hauptamt für Volksgesundheit*).
 16. Head Office for Technology (*Hauptamt für Technik*).
 17. Head Office for Teachers (*Hauptamt für Erzieher*).
 18. Head Office for Local Government (*Hauptamt für Kommunalpolitik*).
 19. Head Office for Officials (*Hauptamt für Beamten*).
 20. Office of the Party Commissioner for all Racial Questions (*Beauftragter der NSDAP für alle Volkstumsfragen*).
 21. Racial-Political Office of the Party (*Rassenpolitisches Amt der NSDAP*).
 22. Office of Genealogical Research (*Amt für Sippenforschung*).
 23. Colonial Office of the Party (*Kolonialpolitisches Amt der NSDAP*).
 24. Foreign Office of the Party (*Aussenpolitisches Amt der NSDAP*).
 25. Reichstag Party of the NSDAP (*Reichstagsfraktion der NSDAP*).
 26. Reich Women's Leadership (*Reichsfrauenführung*).
 27. Head Office for War Victims (*Hauptamt für Kriegsoffer*).
- B. Regional and Local Offices of Party Administration.
1. *Gauleitung* in each Party *Gau* or *Reichsgau*.
 2. *Kreisleitung* in each Party *Kreis*.
 3. *Ortsgruppenleitung* in each Party *Ortsgruppe*.
 4. *Zellen* and *Block* offices.
 5. The *Beauftragter der NSDAP* in each Governmental Unit.
- C. Professional, Political and other Party Organizations.
1. Reich League of Doctors (*NSD-Ärztebund*).
 2. Party League of German Technicians (*NS-Bund Deutscher Technik*).
 3. Party League of Teachers (*NS-Lehrerbund*).

4. Reich League of German Officials (*Reichsbund der Deutschen Beamten*).
5. Reich Colonial League (*Reichskolonialbund*).
6. NS Women's Organization (*NS Frauenschaft*).
7. NS Reich League of Nurses (*NS Reichsbund der Deutschen Schwestern*).
8. German Women's Association (*Deutsches Frauenwerk*).
9. Reich Student Leadership (*Reichsstudentenführung*).
10. National Socialist German Students' League (*NSD-Studentenbund*).
11. German Students' Association (*Deutsche Studentenschaft*).
12. National Socialist German Lecturers' Association (*NSD-Dozentenbund*).
13. Party League of Lawyers, Notaries and Accountants (*NS-Rechtswahrerbund*).
14. Party League of Old Students (*NS-Altherrenbund der Deutschen Studenten*).
15. Reich League of German Families (*Reichsbund Deutsche Familie*).
16. German Labour Front (*Deutsche Arbeitsfront*).
17. Party Association for Physical Training (*NS-Reichsbund für Leibesübungen*).
18. NS-Ex-Servicemen's League (*NS-Reichskriegerbund*).
19. Reich Chamber of Culture (*Reichskulturkammer*).
20. German Local Government Union (*Deutscher Gemeindetag*).
21. Secret Police (*Geheime Staatspolizei*).
22. German Hunters' Association (*Deutsche Jägerschaft*).
23. Council of Experts on Population and Race Politics (*Sachverständigenbeirat für Bevölkerungs und Rassenpolitik*).
24. Reich Committee for the Protection of German Blood (*Reichsausschuss zum Schutze des Deutschen Blutes*).
25. National Socialist Relief Organization for War Victims (*NS-Kriegesopferversorgung*).
26. Winter Relief (*Winterhilfswerk*).

D. Para-Military and Police Organizations.

1. The Storm Troops, SA (*Sturmabteilungen*), including the SA-*Wehrmannschaften* or pre-military training centres.
2. The SS (*Schutzstaffeln*), including the Armed-SS (*Waffen-SS*) and the SD (*Sicherheitsdienst*).

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3. The National Socialist Automobile Corps, NSKK (*NS-Kraftfahrerkorps*).
4. The National Socialist Flying Corps, NSFK (*NS-Knafffahrn-Korps*).
5. The Hitler Youth (*Hitler Jugend*, or HJ).
6. The Reich Labour Service, RAD (*Reichsarbeitsdienst*).
7. The Todt Organization, OT (*Organization Todt*).
8. The Technical Emergency Squads, TENO (*Technische Nothilfe*).

NOTE:—Pending surrender, or the declaration by the Supreme Commander that the Germans have been defeated, all German personnel of the above organizations are entitled to the status and privileges of Prisoners of War.

TABLE " B "

Political Officers and Civil Servants who should be Dismissed or Suspended. (The holders of the offices marked with asterisks will be suspended.)

<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
1.	Reich Ministers and State Secretaries, Ministerial Directors**	40
2.	Land Ministers, State Secretaries and Ministerial Directors** of the Länder.. .. .	50
3.	(a) Provisional Presidents and Reich Governors ..	30
	(b) Department Heads of Provinces and Reichsgaue**	—
4.	Other Supreme Reich Authorities. At present these are :	
	Commissioner General for Medical and Health Service	
	Reich Housing Commissioner	
	Reich Commissioner for Security of the German People	
	Reich Commissioner for Shipping	
	Inspector-General for Water and Power	
	Inspector-General for German Roads	
	Inspector-General for Motor Transportation	
	Reich Commissioner for Treatment of Enemy Property	
	Reich Youth Leader	
	Head of the <i>Reichsstelle für Raummordnung</i>	
	Division Chief in Four-Year Plan Office	30

<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
5.	Heads of Reich Institutions. At present these are : Reichsbank Supreme Administrative Tribunal Reich Committee for Public Health Service Reich Office for Social Insurance Reich Hereditary Court Reich Labour Court Reich Honour Court Reich Archives	20
6.	Reich Labour Trustees	40
7.	Reich Food Estate Officials from <i>Kreisbauernführer</i> up	300
8.	Chiefs of Military and Civil Administration in the Occupied Countries.. .. .	3,000
9.	<i>Regierungspräsidenten</i>	40
10.	<i>Landräte</i>	700
11.	<i>Oberbürgermeister</i> of Cities of more than 100,000 inhabitants	95
12.	Officials of the Reich Ministry of Public Enlighten- ment and propaganda, National, Regional and subsidiary agencies	300
13.	Reich Ministry for Armaments and War Production high officials, including the Chairman of the <i>Hauptausschüsse</i> and <i>Ringe</i>	70
14.	Members of the Present German <i>Reichstag</i> not already covered on account of other positions held	—
15.	Members of the Supreme Court (<i>Reichsgericht</i>), the People's Court (<i>Volksgerecht</i>), Special Court (<i>Sondergericht</i>), members of the Courts of Appeal (<i>Oberlandesgericht</i>)**	—
16.	Chief Public Prosecutors (<i>Oberreichsanwälte</i> , <i>General</i> <i>Staatsanwälte</i> , and <i>Oberstaatsanwälte</i>)**	—
17.	Police Officials : (a) Reich Leader SS and Chief of the German Police (b) All higher SS and Police Leaders (c) All Police Presidents and Directors, and Police Officials above the rank of Lieutenant-Colonel	

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<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
(d)	All members of the <i>Gestapo</i> and <i>Sicherheitsdienst</i>	
(e)	Members of the Administrative Police who are serving with the <i>Gestapo</i> , either in their HQ or as "Special investigators." Those who have served should be treated on their merits after investigation	
(f)	Inspectors of the Security Police and ORPO	
(g)	Commissioner officers of the <i>Technische Nothilfe</i>	
18.	University Rectors and Curators, including Heads of Institutions of University rank.	

NOTE :—Figures shown are an approximation, where such can be made, of the numbers of officials in the whole of Germany.

TABLE " C "

Nazi Party, Police, Para-military and Governmental Officers to be Interned

The following categories of Nazi officers will be arrested and detained upon the entry into Germany of the Allied Occupational Forces. The figures shown are an estimate of the number of persons who will be detained in Germany as a whole. The estimate of the number in the Western Zone is roughly one half of each group.

<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
1.	<i>The Secret State Police (GESTAPO)</i> .. All personnel	15,000
2.	<i>Security Service of the SS (SD)</i> .. All personnel	15,000
3.	<i>Police Officials :</i>	
(a)	Police Presidents and Directors ..	100
(b)	<i>Befehlshaber der ORPO</i> and <i>der SIPO</i>	60
(c)	<i>Technische Nothilfe</i>	50
(d)	Police Officers in Key Posts	320
	(1) <i>Höhere SS</i> and <i>Polizei</i> führer	
	(2) <i>Inspekteur der ORPO</i>	
	(3) <i>Inspekteur der SIPO</i> und <i>SD</i>	
4.	<i>Nazi Party Officials :</i>	
(a)	Administrative officials of the Party on the Reich, <i>Gau</i> and <i>Kreis</i> levels down to the post of <i>Kreishauptstellenleiter</i>	
(b)	All other members of the Party holding rank of <i>Bereichsleiter</i>	30,000

<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
5. <i>Para-Military Officers :</i>		
(a)	<i>Waffen SS</i> (all officers)	60,000
(b)	<i>Allgemeine SS</i> (all officers)	8,000
(c)	SA (officers holding the rank of <i>Sturm-</i> <i>bannführer</i> or higher)	30,000
(d)	<i>Hitler Jugend</i> (officers holding the rank of <i>Stammführer</i> or higher)	20,000
(e)	NSKK (officers holding the rank of <i>Staffelführer</i> or higher)	10,000
(f)	NSFK (officers holding the rank of <i>Sturmabannführer</i> or higher)	5,000
(g)	RAD (Headquarters officials)	250
6. <i>Public Officials :</i>		
(a)	Reich Ministers	40
(b)	State Secretaries	40
(c)	Ministers of <i>Land</i> Governments	30
(d)	Provincial Presidents and Reich Governors	30
(e)	Heads of other supreme Reich authorities (Commissars, Inspectors, Division Chiefs in the Four-Year Plan Office, etc.)	30
(f)	Heads of certain Reich institutions such as the Reichsbank, the Reich Office for Social Insurance, the Supreme Administrative Tribunal, the Reich Health officer, Supreme Court Martial, President of the People's Court	20
(g)	All Reich Labour Trustees	40
(h)	The following officials of the Reich Food Estate: All <i>Bauernführer</i> — from and including the <i>Kreis</i> level up ; Chairman of the Central Market Associ- ations (<i>Hauptvereinigungen</i>), Regional Market Associations (<i>Wirtschaftsver-</i> <i>bände</i>) and County or Local Mar- keting Associations (<i>Unterverbände</i>), Presidents of Regional Food Offices (<i>Landesernährungsämter</i>) and County Food Offices (<i>Ernährungsämter</i>) ; and their deputies	—
(i)	The chiefs of the German military and civil administration in the occupied countries and territories	3,000

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<i>Item</i>	<i>Title of Position</i>	<i>Number</i>
(j)	District Presidents (<i>Regierungspräsidenten</i>)	40
(k)	Heads of rural <i>Kreise</i> (<i>Ländrate</i>) ..	700
(l)	Mayors of cities (<i>Oberbürgermeister</i>) over one hundred thousand inhabitants	95
(m)	The officials of the Reich Propaganda Ministry and its regional offices and branches, the heads of its subsidiary agencies	300
(n)	All high officials (from Ministerial Councillor up) in Speer's Reich Ministry for Armaments and Production and the chairman of <i>Hauptausschüsse</i> and <i>Ringe</i> in the same Ministry	70

NOTE.—Figures shown are an approximation, where such can be made, of the numbers of officials in the whole of Germany.

TABLE " D "

Positions in Nazi Party Organizations and Formations and Relations to the Party which are to be regarded as Disqualifying if held at any time

1. NSDAP ; National Socialist Party : membership in the NSDAP prior to 1933.
2. NSDAP ; National Socialist Party : holders of the positions in the Nazi formations referred to below or listed among the Party Officials in Table C or in para. 286.
3. SS : *Schutzstaffel*—holders of the rank of *Unterscharführer* or higher, and any person who was a member of the SS before 1933.
4. SA *Sturmabteilung* : holders of the rank of *Scharführer* or higher, membership in the SA prior to 1933.
5. *Hitler Jugend* : holders of the rank of *Bannführer* or *Bannmädel* or higher.
6. NS *Dozentenbund* : officials of this formation.
7. NS *Deutscher Studentenbund* : officials of this formation.
8. NS *Frauenschaft* : officials of this formation.
9. NS *Kraftfahrer-Koys* : holders of commissioned rank in this formation.
10. NS *Fliegerkorps* : holders of commissioned rank in this formation.

11. RAD—*Reichsarbeitsdienst* : holders of the rank of *Arbeitsführer* and above.
12. Business men who have accepted Nazi honours, such as the "*Ehrendolch*" or "*Ehrensold*" or "*Blutorden*".
13. Persons holding the positions in quasi-governmental organizations listed in Table E.
14. Officials in the "Affiliated Organizations" of the NSDAP named in items 1, 2, 3, 4, 13, 16 and 25 in Category C of Table A (Professional, Political and other Party Organizations) and officials of the NSV (*NS Volkswohlfahrt*).
15. Officials of the "Supervised Organizations" of the NSDAP named in item 4 in Category A of Table A (Central Offices) and officials of the similar organizations named in items 5, 7, 8, 14, 15 and 17 in Category C (Professional, Political and other Party Organizations) of Table A.

TABLE " E "

Quasi Governmental Positions from which Principal Officers should be Removed

1. Head of the National Economic Chamber (*Reichswirtschaftskammer*) and his immediate subordinates ; or president or chairman of a Gau Economic Chamber or affiliated Economic Chamber.
2. Chairman, president or deputy of a *Reichsgruppe* or an Economic Group (*Wirtschaftsgruppe*).
3. Chairman, president or deputy of a National Transportation Group (*Reichsverkehrsgruppe*).
4. *Wehr Wirtschaftsführer*.

Chapter III

FINANCE AND PROPERTY CONTROL

A. FINANCE SECTION

Survey

325. GENERAL. Under the Nazi regime, and particularly during the war, German finance has been subjected to highly centralized controls exercised partly through regular administrative channels and partly through political organizations. The Minister of Economics (who since 1939 has also been President of the Reichsbank) and the Minister of Finance stand at the apex of the existing administrative machinery for finance.

326. CURRENCY. Only three types of paper currency are legal tender or valid in Germany at present. They are:

- (a) Reichsmarks
- (b) Rentenmarks (not legal tender, but "legally admitted")
- (c) Allied Military Marks (*Alliierte Militärbehörde Mark*)
(See Appendix "B")

327. Military currency, such as the *Reichskreditkassenscheine*, which was issued to the German Army in invaded countries, is not legal tender in Germany. "Marks", as distinguished from *Reichsmarks* or *Rentenmarks*, are not legal at all. No German paper currency in denominations over 1,000 is valid. Currency which is not legal tender or valid may not be accepted for any purpose whatsoever.

(a) Reichsmarks are issued by the Reichsbank under decrees dated 30th August, 1924, and later, one of which appears on all such notes. All Reichsmarks also bear a date of issue, later than the date of the decree, the earliest date of issue being 11th October, 1924.

(b) Rentenmarks are issued by the Rentenbank. At present only denominations of Rentenmarks 1, 2 and 5 are valid. Rentenmarks are issued under decrees dated 15th October, 1923, or later, one of which appears on all Rentenmarks. The date of issue also appears on all Rentenmarks and will be 2nd January, 1926, or later. The 5 Rentenmark notes were scheduled to be withdrawn from circulation during 1943, but it appears that they have not all been withdrawn. All notes of 10 Rentenmarks or more are invalid.

(c) Allied Military Marks are in all respects legal tender in Germany and are exchangeable for Reichsmarks or Rentenmarks of equal face value. (Mil. Gov. Law No. 51.)

(d) There are also coins in circulation which are legal tender (see Appendix "B").

328. FOREIGN EXCHANGE CONTROL. Since 1931, Germany has had a stringent system of control of all transactions involving foreign exchange. The export of capital and currency has been prohibited; the proceeds, in foreign exchange, of goods delivered and services rendered to persons abroad, and all gold, securities and claims in foreign currency held by persons in Germany, have had to be declared or tendered to the Reichsbank. Imports of goods into Germany and the use of services involving outlays of foreign exchange have been subject to rigid controls exercised by the Reichsbank, the Reich Ministry of Economics, or bodies operating under the latter's authority.

329. FINANCIAL INSTITUTIONS, BANKS.

(a) The basic characteristics of the German banking system are:

- (i) highly centralized control and supervision by a number of Reich agencies, chiefly the Ministry of Economics and the Reichsbank;
- (ii) the importance of savings banks which alone hold approximately 60 per cent. of bank deposits;
- (iii) the extensive use of cashless transfer systems (*Giroverkehr*) which largely replace the check/cheque system known in other countries;
- (iv) the extent to which the entire German banking system has invested in government paper (in 1943 approximately 80 per cent. of total bank deposits); and
- (v) the close relationship with industry.

(b) Banking in Germany can be divided roughly into the following groups:

- (i) The Official Central Bank (Reichsbank), its numerous branches, and affiliated institutions;
- (ii) Commercial Banks (the Big Six in Berlin, Provincial Banks, Land Banks, and private banking firms);
- (iii) Savings Banks (*Sparkassen*, with their regional *Girozentralen* and *Landesbanken*) acting as reserve banks and clearing centres;
- (iv) Credit Co-operatives (*Kreditgenossenschaften*, both rural and urban);
- (v) Mortgage banks (*Hypothekenbanken*);
- (vi) Banks for special purposes or owned by special interests (e.g., *Deutsche Verkehrs-Kredit-Bank*, owned by and serving the German Railways).

(c) The Post Offices in Germany handle Giro payments, money orders, and travellers' checks. Since 1938 they also have handled savings accounts, the central records for which presumably are

still kept in the Postal Savings Office (*Postsparkassenamt*) in Vienna.

330. STOCK AND COMMODITY EXCHANGES. The only stock exchange of any importance left in Germany is the Berlin Exchange, and even its activities are severely limited. There are still a few commodity exchanges left, mostly for trading in wheat and foods. Stock and commodity exchanges are under the supervision of the Ministry of Economics.

331. PRIVATE INSURANCE. All private insurance companies and public establishments for commercial insurance are under the supervision of the Ministry of Economics. Widely interlocked as to ownership and managerial control, they are grouped in "*Konzerne*." A close relationship exists between private insurance companies and banks.

Insurance companies have no branches as such but operate through agencies. The assets and records are centralized in the cities where the companies are located. Like the banks, the private insurance companies are heavy investors in government paper.

Reinsurance is effected chiefly through a pool of German and other European reinsurance companies under the leadership of the Munich Reinsurance Company.

332. PUBLIC FINANCE.

(a) Nazi policy has centralized the control of Public Finances in the Reich. The autonomous powers formerly exercised by the *Länder* have been practically eliminated.

(b) The administrative system for the collection of Reich taxes includes: two departments at the level of the Ministry of Finance (one dealing with customs duties and taxes on articles of consumption and the other with the remaining Reich taxes, including income, corporation, turnover, inheritance, and other taxes); a number of tax collection districts, each headed by an *Oberfinanzpräsident* and each having two departments corresponding in scope with those at the level of the Ministry; and a number of subordinate offices in each tax collection district—the *Zollämter* dealing with customs and consumption taxes and the *Finanzämter* dealing with the remaining taxes.

(c) The more important taxes are now levied and collected by the Reich. Some taxes (the Land and Building Tax and some local amusement, luxury, and license taxes) are still levied and collected by *Stadtkreise* and *Landkreise* through local tax collection offices.

(d) The Reich, *Länder*, *Stadtkreise*, *Landkreise* and other governmental subdivisions receive substantial revenues from sources other than taxation. These sources are in the main contributions, administrative fees, and profits from enterprises publicly owned in whole or in part. The *Länder*, *Provinzen*, *Stadtkreise* and *Landkreise* are dependent for a substantial

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part of their requirements upon redistribution by the Reich of a portion of Reich taxes.

(e) Budgets are prepared by the Reich, *Länder*, *Provinzen*, *Stadtkreise* and *Landkreise*. The Finance Ministry has a budget department for the Reich. In the *Länder*, budgets are prepared by the Minister of Finance of the *Land*; in the *Provinzen* by the *Oberpräsident*; in the *Stadtkreise* by the *Oberbürgermeister*; and in the *Landkreise* by the *Landräte*. Budgets of *Stadtkreise* and *Landkreise* require the consent of the supervisory authority (*Aufsichtsbehörde*).

(f) Control of the finances of the Reich and of the *Länder* is exercised primarily by the Reich Minister of Finance. The financial affairs of the municipalities are regulated by the Reich Minister of the Interior in agreement with the Reich Minister of Finance.

333. FINANCIAL INTELLIGENCE AND LIAISON. Under normal conditions, most of the German financial statistics and economic information is collated and published by the *Statistisches Reichsamt*, a subordinate department of the Ministry of Economics, at Berlin. It is believed that some of its facilities and activities have been assumed as a war-time measure by the Ministry of Armaments and War Production. There are also statistical departments of the Reichsbank, the Reichsbahn, and the Reichspost, and statistical offices are maintained by the *Provinzen*, *Länder*, and principal municipalities.

334. ESTIMATE OF THE SITUATION. The extent to which existing financial machinery will have deteriorated by the time Allied forces occupy Germany will vary with the circumstances of occupation, but in any event the effect will be severe. The destruction by bombing, the disintegration of the Nazi party and the removal, flight or death of governmental officials, the return of a defeated army, the prospect of widespread unemployment, the abrupt cessation of war production and exports and imports, the fear of a possible impending collapse and the memory of the total collapse of the German currency and price structure after the last war will be among the factors that will profoundly affect the financial picture. The collection of taxes and other public revenues will almost surely decline. If occupation is partial or gradual, administration of revenues and expenditures on a local basis may be necessary. A period of profound disturbance is almost certain to develop. In the event that general distrust of government credit results in runs on banks, financial institutions may be forced to close prior to the arrival of the occupying forces.

The uncertainty of the situation necessitates constant revision of an estimate of the financial problems which will arise. It emphasizes the importance of and the need for constant reporting of the changing factors that will affect the financial situation.

Objectives and Policies

335. GENERAL. The initial objectives of Mil. Gov. in the financial field are to take such measures:—

(a) as are necessary to eliminate active Nazis or ardent sympathizers from the financial system (see Financial and Property Control Technical Manual);

(b) as are essential to avoid conditions which will adversely affect the military forces in their operations;

(c) as will assist the Supreme Commander and any successor control organization in dealing with undesirable German practices, institutions and persons;

(d) as will facilitate control of German foreign exchange assets and certain categories of other assets;

(e) as will facilitate the obtaining of such financial and economic intelligence as will enable the Supreme Commander or any successor control organization to discharge their program and responsibilities.

To carry out these objectives the financial machinery existing in Germany at the time of occupation will be utilized to the maximum extent practicable, consistent with policy, subject to supervisory control from the highest possible level down and in accordance with instructions which may be issued from time to time to the German authorities. This will facilitate Mil. Gov. financial administration and the formulation of uniform policy.

The Finance and Property Control Technical Manual (hereafter called F & PC Manual) must be consulted.

336. INFLATION. The establishment of a comprehensive financial program to deal with long range problems of inflation is not, at least initially, a responsibility of Mil. Gov. During the period of the Supreme Commander's Military Government, the German authorities will be ordered to continue the counter-inflationary controls already operating, such as rationing and measures to control prices and to combat black markets, subject to the requirements of the military situation and the program for eliminating discriminatory and objectionable practices and undesirable personnel.

337. CURRENCY.

(a) The Currency Section will be the sole source of currency for use in Germany by the Allied Armed Forces and for Mil. Gov. purposes. If Allied Military stamps are used, this Section will supply them as needed.

(b) If, during the initial phase of operations, cash for Mil. Gov. purposes cannot, for any reason, be obtained from the Currency Section and the need for such money is urgent, Military Pay Services will issue funds to authorized Mil. Gov. Officers.

(c) The Currency Section will maintain accounts and records necessary to indicate supply, control and movement of currencies held by it, as well as financial data and expenditures arising out of operations or activities of Allied Military Forces.

(d) As soon as banking facilities are under adequate control, the Currency Section will use the Reichsbank, or if the Reichsbank is not available, other conveniently located banks, for the purpose of receiving and paying out funds.

(e) Reichsmarks will be used as far as possible for necessary cash expenditures. If the supply of Reichsmarks is insufficient, Allied Military Marks will be used to supplement the currency and coin now in circulation in Germany. (See Appendix B for denominations of Allied Military Marks.) Allied Military Marks will be declared to be legal tender by Law No. 51. Reichsmarks, Rentenmarks and German coin will be legal tender or valid to the extent fixed by existing German law. If it is found necessary to use US Yellow Seal Dollars, BMA notes, or US or British coin, specific instructions will be issued in regard thereto by higher authority.

(f) Except as authorized by Mil. Gov., no person shall enter into any transaction in which the consideration or any part thereof is expressed or is payable in a currency other than Marks. *Reichskreditkassenscheine* and other German military currency and coin will not be legal tender. Non-yellow Seal US Dollar notes and coins and regular British Pound Notes and coin are not legal tender and may not be imported, exported, acquired or otherwise dealt in, except under such conditions as may be specifically authorized by Mil. Gov. Only Finance Officers and Paymasters of the Armed Forces may accept US money, British money and other non-German currencies from the US and British military or other authorized personnel for conversion into Mark currency at the established rate of exchange, after satisfying themselves as to the legitimacy of the source of such money.

(g) Further instructions will be issued on the subject of rates of exchange of the Mark, the Dollar and the Pound Sterling and the rate of convertibility of Allied Military Marks currently circulating in Germany.

338. FOREIGN EXCHANGE CONTROL.

(a) The object of Foreign Exchange Control is to maintain control of all foreign exchange assets and transactions. Under Law No. 53 (Foreign Exchange Control), all foreign exchange transactions are prohibited, unless licensed, including transactions involving:—

- (i) German-owned foreign exchange assets, including gold or silver coin or bullion, foreign securities; foreign currencies, wherever situated; and any German-owned property located outside Germany.

(ii) Properties in Germany owned or controlled by persons outside Germany.

(iii) Export and import of German currency and securities.

(b) Law No. 53, also requires delivery of gold and silver coin or bullion, foreign currencies, foreign securities, etc., located within Germany to the Reichsbank or other designated institution within 15 days after the effective date of the Law. Such property will be delivered to the Reichsbank together with Form MGAX-2 duly filled out. Instruction No. 1 to the Reichsbank sets forth the responsibilities of the Reichsbank under Law No. 53. (See Appendix B.)

(c) In order to obtain full information concerning all German Foreign Exchange assets, and to obtain information concerning the international position of Germany, a declaration of such assets and of obligations due or owing by persons in Germany to persons outside of Germany is also required by this Law. Such declaration (Form MGAX-1) must be filed at the Reichsbank or other designated institution within 30 days of the effective date.

(d) Mil. Gov. Law No. 53 provides for licenses permitting certain transactions otherwise prohibited by the Law. All such licenses will be issued by Supreme Headquarters or under authority delegated by it to the Reichsbank or other organization, from a central control point. Pending further instruction, all applications for licenses will be filed with the Reichsbank.

339. FINANCIAL INSTITUTIONS.

(a) After the elimination of active Nazis and ardent sympathizers from the financial system, the objectives in respect to financial institutions are to permit their functioning at such time and under such conditions as will be determined by the Supreme Commander.

(b) Banks will be placed under such control as is necessary to provide adequate facilities for military needs and to ensure that instructions and regulations issued by Mil. Gov. are observed. Banks should be closed only if absolutely necessary and then only long enough to introduce satisfactory control by Mil. Gov., to remove objectionable personnel and to carry out instructions for the blocking of certain accounts and other instructions contained in the letters entitled "Instructions to Financial Institutions." (See Appendix B.) Consistent with the foregoing, banks, if closed, will be permitted to reopen as soon as possible.

(c) Control over the banking system will be exercised as much as possible through the Reichsbank and its branches.

(d) To the extent that Mil. Gov. formulates policies affecting the financial services of the Postal System, the work of formulating such policies will be done by Financial Officers. Instructions to carry out these policies will be transmitted through Mil. Gov. Officers to the Postal authorities.

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(e) Access to safe deposit boxes and vaults and other objects left for safe-keeping will be permitted only after a system of control has been inaugurated by Mil. Gov.

(f) Insurance companies will be permitted to operate subject to such control by Mil. Gov. as may be undertaken.

(g) Subject to Mil. Gov. laws, including blocking and property controls, and foreign exchange controls, and until further instructions are issued, the German authorities will be ordered to continue existing controls and regulation of transactions in real estate and securities and transactions on stock and commodity exchanges.

(h) Closest co-ordination will be maintained by Mil. Gov. Officers with Financial Officers regarding blocked accounts, credits and other assets in financial institutions.

340. BLOCKING CONTROLS.

(a) The provisions for blocking (freezing) controls are contained in Mil. Gov. Law No. 52 (Blocking and Control of Property). This law blocks transactions or other dealings in all classes of property, including bank accounts, securities and other financial assets, owned or controlled by certain categories of persons. In connection with the categories of property to be blocked, it is to be noted that all property owned or controlled by persons and organizations listed in General Order No. 1 (Blocking and Control of Property), Appendix B, will be blocked immediately.

(b) It is the fundamental purpose of freezing controls to maintain the *status quo* with respect to property of designated classes of owners. As regards enemy property, including property of hostile persons and organizations, this *status quo* is maintained in order to facilitate the application of affirmative measures by Mil. Gov. In addition it will be possible through administration of these controls to prevent fraudulent or clandestine transfers to conceal or retain ownership of such property or to evade such penalties, fines and forfeitures as may later be imposed. With respect to property of absentee owners who are not enemies, the purpose of freezing controls is to protect the property for such owners.

(c) Licenses to effect transactions with respect to property which has not been taken into control by the Property Control Branch will be issued by the Reichsbank under the supervision of the Finance Branch. The Property Control Branch will authorize necessary transactions with respect to property which has been taken into control by it. General licenses will be issued authorizing the use of a certain amount of controlled property for living expenses, as well as for other transactions which would seem clearly to be necessary and desirable. Under provisions of Law No. 52, business enterprises may continue in normal operation until otherwise ordered by Mil. Gov. Special licenses will be issued in accordance with directions and

instructions given to the Reichsbank and other authorizing institutions. See Appendix B for Instructions to Reichsbank (Instruction No. 2) with respect to its responsibilities under Law No. 52 and for general licenses to be issued under Law No. 52.

(d) At the outset the submission of the reports of property blocked pursuant to Law No. 52 (other than reports on Form MGAF-2 Series A from banks on accounts and other financial assets blocked) is not required. It is contemplated, however, that shortly thereafter the submission of detailed reports of such blocked property will be required. In the meantime persons owning or exercising control over such properties are to be advised to safeguard and protect such properties, to continue them in operation and to carry out their duties with regard thereto, as set forth in the pertinent laws, regulations or instructions.

341. MORATORIUM. A general or limited moratorium may be established only if absolutely required by the situation found in the area and only upon specific instructions from higher authority.

342. PUBLIC FINANCE. In relation to public finance, Mil. Gov. will ensure that expenditures are not made for purposes that might be prejudicial to the military situation or Mil. Gov., such as programs for control or elimination of certain German institutions and programs of demilitarization and demobilization, and will further ensure that taxes are not collected under laws abolished or suspended by order of Mil. Gov. In other respects, Mil. Gov. will order the German officials to continue collection of taxes and other public income and to make proper budgetary expenditures by local German public authorities who will continue to be responsible in such regard. See "Instructions to German Officials on Revenues and Expenditures," Appendix B.

343. ACCOUNTING AND AUDITING. Accounts, records of all receipts and disbursements of Mil. Gov. funds, and other records essential for ultimate inter-governmental settlements regarding the cost of occupation will be maintained. An audit will be made of the accounts and other records of all officers handling Mil. Gov. funds. The accounting and auditing provisions and forms in the F & PC Manual must be consulted and followed by all Mil. Gov. Officers who handle funds or supplies at any time.

344. ADVANCES OF MILITARY GOVERNMENT FUNDS. Mil. Gov. Officers will make no loans or advances. If a loan seems necessary, the facts will be reported through channels to Supreme Headquarters for action. The German public authorities, the German banking system and other normal local channels of finance will provide and pay for all required government services including all extraordinary and emergency needs, labour, supplies, equipment, and transportation required for all Mil. Gov. purposes as well as financing essential

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private enterprises. Necessary funds to meet deficits will be obtained through normal German channels, such as higher German government authority, the Reichsbank and local banks.

Duties of Military Government Officers

345. CURRENCY. Mil. Gov. Officers will make sure that the law establishing Allied Military Marks as legal tender (No. 51) is duly posted at the earliest possible time and complied with. They will inform the nearest Mil. Gov. Financial Officer of any violation of currency laws, ordinances and regulations. Mil. Gov. Officers will also include in their reports, information as to the availability of currency, including small denominations and coinage, in their areas, the acceptability of Allied Military Marks and the existence or non-existence of any unauthorized disparity in the value of Allied Military Marks and German Reichsmarks.

346. FOREIGN EXCHANGE CONTROL. Mil. Gov. Officers will see that the Foreign Exchange Control Law (No. 53) is duly posted and complied with. They will inform the nearest Mil. Gov. Financial Officer of any violation of the law, ordinances and regulations. All applications for licenses under the Foreign Exchange Control law will be filed in accordance with procedure to be prescribed by Mil. Gov.

347. BLOCKING (FREEZING) CONTROLS. Mil. Gov. Officers will make certain that the Mil. Gov. Law on Blocking and Control of Property (No. 52) is duly posted at the earliest possible time and complied with. Mil. Gov. Officers should inform the nearest Mil. Gov. Financial Officer of violations of such law that come to their attention.

348. LICENSES UNDER BLOCKING (FREEZING) LAW. This Law (Mil. Gov. Law 52) provides for licenses permitting the use of property otherwise blocked. There may be general licenses or special licenses. The former will be of general application (e.g. General Licenses—1 (Payment of Living Expenses), 2 (Payments into Blocked Accounts), 3 (Transactions on Municipal Property), 4 (Intra and Inter-bank Transfers) and 5 (Transactions in Certain Church Property)—see Appendix B). Special licenses will be granted to particular persons permitting them to engage in specified transactions. All licenses will be issued by Supreme Headquarters, or under authority delegated by it to the Reichsbank or other organization, from a central control point. For the time being no special licenses will be granted. When the German financial system is under control so as to warrant establishment of a licensing system and organization, instructions regarding such applications will be published to the Mil. Gov. Officers and financial institutions involved, as part of or supplements to the F & PC Manual, which should be consulted. Pending further instructions, all applications for licenses will be filed with the Reichsbank.

349. BANKS AND OTHER FINANCIAL INSTITUTIONS.

(a) Mil. Gov. Officers will deliver either to the individual banks in the area or through a central banking institution (for example, Reichsbank, *Girozentrale*) the letters of Instruction to Financial Institutions (see Appendix B) whether or not such banks are open at the time. If banking institutions are closed, Mil. Gov. Officers will keep in touch with local banking and public officials with a view to ascertaining what steps are being taken by the banks or by a local authority for resumption of banking activity and will advise the nearest Mil. Gov. Financial Officer. If banks are open and if there appears to be a critical situation with respect to the banks, such as an extreme run, or if, in order satisfactorily to control the banks, remove personnel, or block accounts, it appears desirable that banks in an area be closed for a temporary period or otherwise, Mil. Gov. Officers will report the facts with their recommendations to the nearest Mil. Gov. Financial Officer but will not close the banks except upon instructions from higher authority.

(b) Private insurance companies will be permitted to continue their activities. Mil. Gov. Officers will inform the nearest Mil. Gov. Financial Officer of any facts indicating inability of insurance companies to carry on normal activities or of activities of insurance companies in any way inimical to the policies of Mil. Gov.

(c) Stock and commodity exchanges will be permitted to continue their activities in accordance with Mil. Gov. law, the requirements of "Instructions to Stock Exchanges and Commodity Exchanges" (see Appendix B) and applicable German law. The Mil. Gov. Officer will see that such instructions are complied with.

350. PUBLIC FINANCE.

(a) Mil. Gov. Officers will maintain contact with all offices for the collection of taxes, customs duties and other public revenues (unless and until a Mil. Gov. Financial Officer establishes such contact) for the purpose of ascertaining whether:

(i) The German administrative machinery is continuing in the performance of its customary duties under some responsible German official; and

(ii) All funds and records are being safeguarded and preserved.

(b) Mil. Gov. Officers will deliver to the German official in charge of local budgets at *Kreis* level the Letter of Instructions to German Officials on Revenues and Expenditures (see Appendix B). Mil. Gov. Officers will not be responsible for the examination of local budgets or for the collection of taxes or revenues, by Reich, *Länder* or *Provinzen*. No Mil. Gov. Officer will collect, requisition or use any funds arising from taxation or from public revenue without specific instructions from higher authority. Mil. Gov. Officers will at once report

to higher authority any instances of payment or collections of taxes in violation of the Letter of Instructions and will immediately and specifically prohibit such payments or collections.

(c) Budgetary deficits of local governmental authorities and state enterprises will be met by funds provided by higher German governmental authorities, the Reichsbank, the German banking system, or other normal channels of finance. Mil. Gov. Officers will not advance Mil. Gov. funds to meet such deficits. If Mil. Gov. Officers find that such budgetary deficits are not being met or are unlikely to be met by funds provided through German channels, they will advise higher authority.

(d) The personnel, equipment and transactions of Allied forces and their personnel are exempt from all German taxes, customs and other fees (including social security contributions) except that the personal expenditures of Allied Military personnel are liable to non-discriminatory sales taxes.

351. DE-NAZIFICATION. Mil. Gov. Officers will initiate and carry out the policy of the Supreme Commander to remove active Nazis and ardent sympathizers. The procedures for such removals of persons in the financial systems of Germany are set forth in the F & PC Manual which Mil. Gov. Officers must consult.

352. FINANCING OF PRIVATE ENTERPRISES. Private enterprises whose activities are essential to Military Government and which require financing will obtain the same through their normal local channels. If such financing is unavailable, Mil. Gov. Officers will notify the nearest Military Government Financial Officer of all the facts so that he may take appropriate steps to require the Reichsbank or other local bank to make the necessary funds available.

353. EXPENDITURE OF MILITARY GOVERNMENT FUNDS. Services, equipment, supplies and office space necessary for the conduct of military operations and Mil. Gov. will be obtained as far as possible from the appropriate branch of the Allied Military Services, or through a purchasing or contracting officer, or in the absence of such, direct from the German public authorities. If it is impossible to secure them from such sources Mil. Gov. Officers may make necessary expenditures from Mil. Gov. funds. The needs may include the hiring of office workers and interpreters, carriage of supplies, rent, storage, heat, light, power, water, telephones, telegraph, printing, stationery, and witness fees and expenses. Whenever such expenditures are necessary, they will be made only in minimum quantities required for the immediate need, at prices in conformity with official price schedules to be issued and through methods prescribed by the Claims and Hiring Branch/General Purchasing Agent whenever possible.

354. PROHIBITED EXPENDITURES.

(a) Except on instructions from Supreme Headquarters, Mil.

Gov. funds will NOT be expended for billeting, personal rations or fuel for Mil. Gov. or other military personnel; personal travelling expenses when not on duty; pay for personnel other than Mil. Gov. civilian employees (on no account may servants of officers' messes or of individual officers be paid out of Mil. Gov. funds); or for any other expense for personal use or need; payment for requisitioned property; claims for damages made against the Armed Forces or Mil. Gov.

(b) Mil. Gov. Officers will not deal with claims. Mil. Gov. Officers will express no opinion to a claimant, nor say or do anything that might later be understood to amount to an admission of liability, but may assist in forwarding claims to the proper military agency.

355. FINANCIAL INTELLIGENCE AND LIAISON.

(a) All Mil. Gov. Officers will assist in the collection of information touching upon the financial life of their areas. They will make use of whatever agencies are available for this purpose.

(b) In the earliest report after arrival in an assigned area, Mil. Gov. Officers will include in their field report a section covering financial matters, with particular reference to the banks and other financial institutions, local government conditions and finances, and the general conditions affecting the financial and economic aspects of the area. Similar material on financial matters will also be included in their periodic reports. Such reports should be sufficiently explanatory to assist higher Mil. Gov. Financial authority to arrive at a general estimate of the situation.

356. ACCOUNTING.

(a) All Mil. Gov. Officers functioning as Sub-Accountants will conform strictly with the instructions and provisions relating to accounting procedures issued by Mil. Gov. (see F & PC Manual). Upon request, they will produce for audit all records and vouchers relating to receipts and disbursement of Mil. Gov. funds.

(b) A Sub-Accountant is any Mil. Gov. Officer who is designated as being accountable for Mil. Gov. funds. He will keep a cash book recording his transactions and will conform with the instructions and provisions relating to accounting procedure issued by Mil. Gov. (See F & PC Manual.)

357. DEPOSIT OF MILITARY GOVERNMENT FUNDS WITH SUB-ACCOUNTANTS. Any Mil. Gov. Officer who is not a Sub-Accountant and who comes into possession of Mil. Gov. funds will, at the first opportunity, deposit these funds with the nearest Sub-Accountant, furnishing to the Sub-Accountant complete information of the transaction in writing. (See F & PC Manual.)

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358. TECHNICAL CHANNELS OF COMMUNICATION. On any matter which is purely technical, a Financial Officer or Sub-Accountant may correspond directly with a Financial Officer at the next higher or lower level, but on any matter which relates solely to accounting for the receipt or expenditure of Mil. Gov. funds, a Mil. Gov. Officer shall communicate in accordance with the accounting instructions. (See F & PC Manual.)

359. CHECK LIST. A check list of financial and property control duties of Mil. Gov. Officers is inserted at the end of this Section. Frequent reference to this check list will help the Mil. Gov. Officer and make his financial duties easier to perform.

CHECK LIST

Of Financial and Property Control Duties to be Performed by Military Government Officers

IMMEDIATELY upon entry into his area, every Mil. Gov. Detachment Commander will ensure that the following action is taken:

1. See that Military Government Laws Nos. 51, 52 and 53 are posted.

2. Contact and deliver to Reichsbank, if available, otherwise to principal financial institution, for distribution to all financial institutions, a supply of:—

(a) Letters of Instructions to Financial Institutions Nos. 1, 2 and 3.

(b) Forms MGAF (2) Series A; MGAF (3); MGAF-A (1), MGAX (1); and MGAX (2).

(c) General Order No. 1 (Blocking and Control of Property).

(d) General Licences Nos. 1, 2, 3, 4 and 5 (Blocking Control).

(e) Instructions to Reichsbank and its Offices, Nos. 1 and 2.

3. Deliver supply of Letter of Instructions on Revenue and Expenditures, No. 1 to *Oberfinanzpräsident, Finanzämter* and *Zollämter* offices.

4. See that De-Nazification Program has been instituted as required by Letter to Financial Institutions, No. 3, on personnel.

5. See whether financial institutions are safe or in need of guards. If latter, post them.

6. Convene meeting of representative of each financial institution:—

(a) Deliver a copy of "Gazette" to each.

(b) Inform them they are under Mil. Gov. and must comply with *all* Proclamations, Laws, Ordinances and instructions immediately. After such compliance they may

carry on as usual upon their own responsibility and in accordance with remaining and unabrogated German law.

- (c) Notify them that future distributions of relevant material will be made through Reichsbank and they should make arrangements to get distribution promptly.
- (d) Tell them to safeguard all records, etc.

7. Initiate Blocking (Freezing) Control Program, if not already done, by directing Financial Institutions to block accounts and mark records of black-listed persons and organizations and removed persons under de-Nazification program.

8. Initiate Foreign Exchange control program, by directing Financial Institutions to comply with and publicize pertinent law, letters, etc., published in "Gazette."

9. Take into immediate control without awaiting specific authority:

- (a) Property and records of local offices of the Nazi Party and its affiliated, attached, controlled and supervised organizations (see Mil. Gov. Law No. 5) where such property was used for party purposes. Such action to be taken in co-ordination with officers of G-2 (CIC), when available.
- (b) Abandoned properties of sufficient value and importance to warrant control, with priority given property of United Nations and their nationals.
- (c) Loot obtained by Germans from all sources outside Germany when readily identifiable as such.

10. Locate and take necessary measures to ensure protection of *Grundbücher*, *Handelsregisters* and other public records which are of use in tracing property interests.

11. Make contact with local officials, bankers and other persons from whom information regarding properties subject to control may be obtained.

B. PROPERTY CONTROL SECTION

Diverse Controls Affecting Property

360. "Property Control" is a phrase of special meaning to denote the custodianship or possession of property which a part of Military Government, *i.e.*, the G-5 Financial organization, may assume over specified categories of property (Mil. Gov. Law 52). Within certain limits the property is held by Mil. Gov. in place of the owner's control. Under military occupation property and the use thereof may be regulated or controlled, *e.g.*, deposit of radio transmitters or firearms, prohibitions on right to use transport, to manufacture munitions, etc.

These types of control, however, are *not* what is meant by Property Control. Property Control involves the taking into custody of property by Property Control personnel of the Financial organization. Thus the (freezing) blocking of bank accounts or the deposit of foreign exchange assets or the use of property by the armed forces under requisition, seizure or confiscation, are not Property Control because Property Control personnel do not take such property into control. If such deposited, blocked, seized, requisitioned or confiscated properties are later delivered to Property Control or to an agency or enterprise under Property Control, or designated by it, they would then come under Property Control.

[Definitions

361. The terms "property," "control," "Germany" and "United Nations" are defined in Military Government Law No. 52 (Blocking and Control of Property).

Categories of Property Subject to Property Control

362. (a) Under Article I of Military Government Law No. 52 (Blocking and Control of Property), properties owned by the following entities are subject to being taken into control by Mil. Gov. At the outset, however, the activities of Mil. Gov. Officers exercising Property Control functions will be limited to the instructions set forth in Paragraph 383 hereof:

- (i) The German Reich, or any of the *Länder*, *Gaue*, or Provinces, or other similar political subdivision, or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under the control of any of the above.
- (ii) Governments, nationals or residents of nations, including those of territories occupied by them, at war with any of the United Nations at any time since 1st September, 1939.
- (iii) The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it, its officials and such of its leading members or supporters as may be specified by Mil. Gov.
- (iv) All persons held under detention or any type of custody by Mil. Gov.
- (v) All organizations, clubs or other associations prohibited or dissolved by Mil. Gov.
- (vi) Absent owners, including United Nations governments and nationals thereof.
- (vii) All other persons specified by Mil. Gov. by inclusion in lists or otherwise. Included in this category will be the property of all persons and organizations listed in General Order No. 1 issued pursuant to Military Government Law No. 52, and of other undesirable or hostile

persons, institutions or agencies including war criminals, black-listed nationals of the United Nations, etc.

- (viii) Regardless of present ownership, property which has been the subject of duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise.

(b) **BLOCKING CONTROL.** In order to maintain the above categories of property *in statu quo* the technique of blocking controls has been instituted (Article II of Military Government Law No. 52) to apply to all the categories of property listed above, and also to municipal and certain institutional property and to works of art and cultural materials of value and importance. When property is blocked (frozen) no transaction or dealing in respect thereto may be engaged in, except in so far as such transaction is licensed or otherwise authorized by Mil. Gov.

GENERAL PLAN

363. Mil. Gov. Officers will post Military Government Law No. 52 (Blocking and Control of Property) and will see that it is complied with.

364. The provisions of Military Government Law No. 52 provide for holding properties until such time as it may be determined to take the property into control (*i.e.*, the present custodian, holder or other person in possession, custody or control, is charged with the responsibility of preserving, maintaining and safeguarding the property).

365. Control of property by Mil. Gov. will be organized by specialist Property Control Officers. In the initial period, however, Mil. Gov. Officers will be called upon, as described in the Working Plan below, to exercise certain controls with respect to property.

366. Mil. Gov. Officers will communicate with the appropriate Property Control Officer for advice, consultations and information and shall report to such Property Control Officer all the facts of any violation of Law No. 52 coming to their attention and of any problems arising in connection with the administration of that law within their area.

WORKING PLAN

General Instructions to Military Government Officers

367. **F. & P.C. TECHNICAL MANUAL.** Mil. Gov. Officers exercising property control functions will use this Handbook as well as the Financial and Property Control Technical Manual (F & PC Technical Manual). The Manual contains general technical guidance and property and accounting records and forms to be used in connection with property control functions.

368. Mil. Gov. Officers may be furnished with "black" lists of: (a) persons and organizations whose property will be taken into control and (b) specific property to be taken into control. "White" lists of reliable German personnel who may be used as custodians may also be furnished.

369. SUMMON PUBLIC AUTHORITIES. Local authorities will be summoned at the earliest possible moment and required to furnish information and lists concerning all property of categories subject to property control, and to assist in locating such property and all other property found in a "black" list. Reports of information thus obtained will be sent to the appropriate Property Control Officer.

370. POSTING OF NOTICES. After property to be controlled or protected has been identified or selected, the Notice of Custody (MG/PC/1) will be posted on all such properties. This will afford some deterrent against trespassing, but should not be depended upon to prevent it.

371. PRESERVATION OF PROPERTIES. In appropriate cases, particularly with respect to United Nations' properties, arrangements will be made with local Mil. Gov. Public Safety Officers for the protection of properties taken under control. Intelligence and confidential information on the associations, character, loyalty and efficiency of civilians under consideration for employment as custodians of property should be sought from Mil. Gov. Public Safety Officers.

372. PUBLIC REGISTERS. It is important to ascertain at once where the *Grundbuch* (register of title) for the area, *Handelsregister* (Register of Commerce) and other basic records are located (these will normally be at the *Amtsgericht*) and to take immediate steps for the protection of these and other public records, which are of use in tracing property interests.

373. PRIORITY. In taking control of any of the above-mentioned categories of property, priority will be given to such property as is necessary for the purpose of the military effort or for Mil. Gov. or those which may be used in a manner prejudicial to the military effort, Mil. Gov., or the United Nations.

374. RELATIONSHIP WITH MIL. GOV. FINANCIAL OFFICERS. Financial Officers will be charged with the administration of the Foreign Exchange Control Law (Military Government Law No. 53) which establishes control of foreign exchange transactions and foreign exchange assets in Germany. Financial Officers will also be concerned with the administration of the Blocking and Control of Property Law (Military Government Law No. 52), in so far as property covered by such law has not been taken into control by Property Control, and in so far as such property, whether or not taken into control, is subject to overall financial policies. An explanation of the type of

licenses and the procedure for licensing under the Blocking and Control of Property Law is set forth in the F & PC Technical Manual and should be referred to in this connection. General licenses to be issued under the Property Control Law and Instructions to Financial Institutions and the Reichsbank respecting Property Control will be found in Appendix B. It should be noted that applications for licenses to effect transactions in property not taken into control by Property Control should be made to the nearest Branch of the Reichsbank. Situations will arise in the administration of Property Control affecting the administration of the above-mentioned laws. Appropriate contact will be maintained with Mil. Gov. Financial Officers and Mil. Gov. Officers charged with administering such financial functions. As far as possible full reports of such problems will be given by Mil. Gov. Officers to the Mil. Gov. Financial Officer, as well as the appropriate Property Control Officer.

375. RELATIONSHIP WITH MONUMENTS, FINE ARTS AND ARCHIVES OFFICERS. Mil. Gov. Monuments, Fine Arts and Archives Officers will provide information regarding works of art and other similar objects which require special custody or control. Mil. Gov. Officers should consult with such specialist officers on questions arising with regard to such property.

376. RELATIONSHIP WITH LEGAL OFFICERS. Mil. Gov. Legal Officers are available in case of doubt as to property control authority in any specific case and they will be consulted with respect to all legal proceedings.

377. MILITARY FORCE REQUISITION. Requisitions of property for military use will be made through normal military channels and not through Mil. Gov. channels.

Methods of Control

378. Wherever practicable and compatible with United Nations interests, existing custodians, attendants and operators found in properties may be permitted to remain. Actual physical custody by Mil. Gov. Officers or other military personnel should be kept to a minimum.

379. In general, Mil. Gov. Officers should draw freely on all available German personnel to perform such duties as those of trustees, managers, superintendents, operators and guards. In this connection see Para. 398 of this chapter. Every effort should be made to turn over actual physical custody or operation to a responsible agency, tenant, or manager.

380. After the courts have been cleared of Nazi influence, use may be made of them to assist Mil. Gov. Officers in the control of property. Specific instructions with regard to such use of courts will be issued at a future date.

381. To assist Mil. Gov. Officers in the control of property, the German machinery for custody of property of enemy aliens (used against United Nations' property) will be continued and will also be extended to cover property of other enemies of the United Nations and will be subject to control of Mil. Gov. Pending establishment of controls by Property Control Officers the procedure under these laws may, if desirable, be resorted to by Mil. Gov. Officers to establish control over property to which they are applicable. More detailed instructions with regard to such procedure will be furnished at a later date. Custodians already appointed will be removed by Mil. Gov. Officers if they are unacceptable, or otherwise unsatisfactory; if possible the approval of the appropriate Property Control Officer will be obtained before such removal.

382. If none of the foregoing methods of control is found feasible, military personnel or guards should be installed for such time and to such extent as may be necessary.

Special Instructions to Mil. Gov. Officers

383. Mil. Gov. Officers will be concerned with the categories of property described in Para. 362 hereof to the following extent:

(a) *The German Reich, or any of the Länder, Gaue, or Provinces, or other similar political subdivision, or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under the control of any of the above:*

- (i) Mil. Gov. Officers will be specifically instructed which, if any, of such properties in their respective areas will be taken under control.
- (ii) Munitions and war supplies, unless otherwise directed, will be collected by Allied Military forces and not under Mil. Gov. direction.
- (iii) Ships and loaded cargoes, railroads and other inland transportation facilities will not be controlled by Mil. Gov. as a function of Property Control.

(b) *Governments, nationals or residents of nations, including those of territories occupied by them, at war with any of the United Nations at any time since 1st September, 1939:*

Mil. Gov. Officers will take such property into control only when specifically instructed to do so.

(c) *The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it, its officials and such of its leading members or supporters specified by Mil. Gov.:*

Mil. Gov. Officers will be specifically instructed which of such properties in their respective areas will be taken under control, except that actual headquarters and party property used for

party purposes by the Nazi Party and its affiliated, attached, controlled and supervised organizations will be taken into control at once in co-ordination with CIC.

(d) *Property of absent owners, including United Nations Governments and Nationals thereof:*

(i) PROPERTY OWNED BY ABSENT GERMANS OR NEUTRALS. Mil. Gov. Officers will take control of property of this category only if there is no custodian or other person in possession and if such property is of sufficient importance and value to warrant such control. To assist Mil. Gov. Officers in exercising such control, German laws for the appointment of custodians for property of absent owners (*curator absentis*) may be used, with care that custodians so appointed are satisfactory to Mil. Gov. Further specific instructions with regard to such use of courts will be issued at a later date.

(ii) PROPERTY OWNED BY UNITED NATIONS GOVERNMENTS OR ABSENT NATIONALS THEREOF. In most cases of property in this category custodians will probably be found in possession who were appointed under the German alien enemy property legislation. If however such property is found abandoned, it will be taken into control as soon as practicable. Custodians found in possession will be removed by Mil. Gov. Officers if found unacceptable. Full investigations should be made by Mil. Gov. Officers at the earliest possible moment to determine the efficiency and reliability of custodians. When property of the United Nations or any of their nationals has been taken into control, particular care should be taken where possible to see that the value of such property is preserved. It may be expected that shortly after the termination of hostilities nationals of United Nations whose property is in custody of the German or Mil. Gov. appointees will seek repossession, but Mil. Gov. Officers will not restore such property until specifically directed.

(e) *Property obtained by Germans through duress or wrongful acts of dispossession or spoliation:*

Mil. Gov. Officers will be specifically instructed which of such properties in their respective areas, looted from outside Germany, will be taken under control; except in cases of prima facie loot from outside Germany in which case such property will be taken into control at once and held pending further investigation. Mil. Gov. Officers will not take into control property which has been looted from within Germany unless there is some reason, other than looting, for taking such property into control.

(f) Mil. Gov. Officers should send to the Deputy Chief Property Control Officer recommendations of specific properties enumerated in Article I of Military Government Law No. 52, which they believe should be taken into control at once.

Operating Procedure

384. In exercising Property Control functions, the role of the Mil. Gov. Officer is that of a military government official, not that of a receiver or trustee in the British or American sense. He should do what is reasonable in the circumstances. No personal liability will attach to any Mil. Gov. Officer for acts which are performed, permitted or omitted, in good faith, relative to the control or administration of property.

385. Mil. Gov. Officers are not authorized to submit to the jurisdiction of the local courts in proceedings in which Mil. Gov. or Mil. Gov. Officers are, in effect, defendants. Further instructions will be issued in regard to this matter.

386. Mil. Gov. Officers will arrange for the receipt of reports and returns required from local officials, organizations and persons relating to property under control.

387. Mil. Gov. Officers will at all times gather and forward to the Deputy Chief Property Control Officer all local information relevant to the classes of property subject to property control. Of particular interest will be reports of cloaking activities used to disguise property acquired through duress or wrongful acts of dispossession or spoliation, or to conceal holdings of the Nazi Party and prominent members and supporters thereof.

388. In the event it is necessary to use force to take possession of any property or to exclude any person from it, and sufficient assistance from Mil. Gov. Public Safety Officers cannot be obtained, a request should be made for the necessary aid to the appropriate Military Commander.

389. In the administration and operation of property taken under control, Mil. Gov. Officers should not, except after consultation with the appropriate Property Control Officer, lease or repair such property, nor employ agents and fix and pay compensation for any of the foregoing.

390. Mil. Gov. does not ordinarily take title to property taken into control. Sales may be made on behalf of the owner only if specially ordered or in cases of perishables.

391. Mil. Gov. Officers will not enter into a contract for a term in excess of 30 days, without approval from the Chief Property Control Officer.

392. Property should be entered on the Property Record (MG/PC/2) as soon as taken into control. The Record of Property Transactions (MG/PC/3) will be maintained by Mil. Gov. Officers or Mil. Gov. Detachments and will recite all facts and transactions that affect the property, its condition and history. Until property is entered on the Property Record by the Mil. Gov. Officer and the Notice of Custody (MG/PC/1) is filed, it is not completely taken into control. It may there-

fore be released to its owner or his representatives without formality even though protective notices have been posted on it or have been delivered to its occupants. (See F & PC Technical Manual.)

393. When a going concern is taken over, Mil. Gov. Officers should consult with any Mil. Gov. functional specialist officers interested in the functioning of such concern. When a going concern is taken over Mil. Gov. Officers will give to the person or persons in charge Property Control Letter of Instruction No. 1 (MG/PCO/IBE/1). (See F & PC Technical Manual.)

394. Operating agents and custodians shall be instructed to keep proper and appropriate accounts so that reports and accounts may be rendered to owners or to higher authorities. Where Mil. Gov. takes control of any business or undertaking which already has a satisfactory accounting system in operation, the existing accounting system will be continued. If the Mil. Gov. Officer finds an inadequate accounting system in an undertaking taken under control, a report thereof will be made to the appropriate Property Control Officer.

395. Funds received or produced by the operation of the property may be retained in such accounts or depositories as are maintained on its behalf, subject to directions of the appropriate Property Control Officer. Large accumulations of funds by such undertakings will be reported to the appropriate Property Control Officer.

396. Custodians appointed to operate any property shall have no power, without the consent of higher authority, to alter the nature of a business, or to sell, liquidate, incur or obligate the property or any part of it beyond the ordinary course of business.

397. Fees paid to custodians, and allowances made to owners or their dependents, out of such properties may be continued, but may not be reduced or increased without prior approval from the Chief Property Control Officer. When paid they shall stand as a charge against the property and its owner.

398. Under no circumstances will persons who have been removed from any office or position because of the Supreme Commander's policy of removal of active Nazis and ardent Nazi sympathizers be employed or used in any other way in connection with the Property Control program of Mil. Gov.

399. Mil. Gov. Officers exercising property control functions will use the Finance and Property Control check list which is contained at the end of the Finance Section of this Chapter.

Chapter IV

PUBLIC SAFETY

RESPONSIBILITY

425. Mil. Gov. Public Safety Officers will be responsible for the control of the following agencies :

(a) Civil police forces, other than the *Sonderpolizei* (Special police responsible to ministries other than Interior).

(b) Fire Defence services.

(c) Civil Defence services.

(d) Concentration camps—until dissolved.

(e) Prisons.

426. Mil. Gov. Public Safety Officers will ensure that law and order are maintained as far as the military situation permits, and that the above agencies perform their proper functions in accordance with guides set out in this HANDBOOK and in the more detailed Public Safety Technical Manual and the Legal and Prison Technical Manual issued hereunder.

427. While Mil. Gov. Public Safety Officers are responsible for the control of prisons in the field all staff work in connection with these agencies will be a responsibility of Mil. Gov. Legal Officers.

428. In addition to the control of the above agencies Mil. Gov. Public Safety Officers will be particularly concerned with the assistance to be given to Counter Intelligence in the dissolution of the Nazi Party and the arrest of Nazi officials, as well as with those procedures which are set out in Chapter II, Part III, of this handbook for the removal and appointment of public officials.

THE GERMAN POLICE

429. ORGANIZATION AND CHAIN OF COMMAND. The right to exercise police power, formerly vested in the *Länder*, has been transferred to the Reich. The Chief of the German Police is Himmler, who is also head of the SS (*Schutzstaffel*). The ranks of all branches of the police have been invaded by the SS. To strengthen SS co-ordination and control the combined office of the *Höhere SS* and *Polizeiführer* staff was set up at each *Wehrkreis* headquarters. Apart from this there exist two main channels: (1) through the officers of the police force according to rank for command, inspection, discipline and training, and (2) through the Central Office for Administration and Law down to the *Polizeibehörde* (Police Authorities) for matters of policy and administration.

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430. Police authorities exist at three administrative levels. The *Landespolizeibehörde* (*Land* or *Regierungsbezirk* Police Authority) is the level immediately below the Headquarters of the Order Police in Berlin. It is represented in Prussia and Bavaria by the *Regierungspräsident*, and in other *Länder* variously by the *Reichstatthalter*, Department or Minister of the Interior of the *Land*, the *Landesregierung* or the *Regierende Bürgermeister*. Subordinate to the *Landespolizeibehörde* is the *Kreispolizeibehörde* (County or City Police Authority), represented in the *Landkreis* by the *Landrat*, in the *Stadtkreis* by the *Oberbürgermeister* and in cities or in districts with National Police Administration by the *Staatliche Polizeiverwalter* (National Police Administrator). Subordinate to the *Kreispolizeibehörde* is the *Ortspolizeibehörde* which exists in small communities and in which the mayor is usually the police authority.

431. Under the Reich Minister of the Interior, the German Police Force is divided into two main sections, the *Ordnungspolizei* (Order Police) (*ORPO*) and the *Sicherheitspolizei* (Security Police) (*SIPO*).

432. *ORDNUNGSPOLIZEI (ORPO)*. The Order Police are the uniformed police under the *Hauptamt Ordnungspolizei* (Head Office of the Order Police). They are subdivided into the following forces :

(a) *Schutzpolizei* (Protection Police) (*Schupo*).

- (1) *Schutzpolizei des Reiches* which are found in cities and districts of National Police Administration. They include the *Verkehrsbereitschaften* (Traffic Police) and the *Kasernierte Polizei* (Barrack Police). The latter is a highly militarized reserve with armoured cars and heavy weapons used when additional manpower is needed at the scenes of mass demonstrations, severe air raids, or similar emergencies.
- (2) *Schutzpolizei der Gemeinden* (Municipal Police) which comprise the local police forces in communities where National Police Administration does not exist.
- (3) *Verkehrskompanien (Mot) z.b.V.* (Motorized Special Duty Traffic Police) recently created to patrol the main highways, to regulate traffic, and to enforce special wartime measures of motor vehicle and tire conservation.
- (4) *Wasserschutzpolizei* (Waterways Protection Police) which police the navigable rivers and canals, regulate waterborne traffic, prevent smuggling, enforce safety and security measures, and inspect shipping.

(b) *Gendarmerie* (Rural Police) which perform all Order Police functions in rural areas and include the *Motorisierte Gendarmerie* (Motorized Traffic Gendarmerie) and the *Hochgebirgs Gendarmerie* (Mountain Gendarmerie).

(c) *Verwaltungspolizei* (Administrative Police), units of which are attached to police agencies to perform the clerical record-keeping and general administrative police functions and to issue permits and licences with attendant inspectional and regulatory duties. These include the *Gesundheitspolizei* (Health Police), *Gewerbepolizei* (Factory and Shops Police), *Baupolizei* (Buildings Police). In a more limited sense the term *Verwaltungspolizei* is applied to officials engaged in clerical, office and record-keeping functions.

(d) *Feuerschutzpolizei* (Fire Protection Police). See section on Fire Defence, below.

(e) *Luftschutzpolizei* (Air Raid Protection Police). See section on Civil Defence, below.

(f) *Technische Nothilfe* (Technical Emergency Service) (*Temo*) a technical auxiliary police service composed of engineers and skilled workmen used in public emergencies to perform restorative tasks for the military and civil defence services and in industries in the event of strikes.

433. Supplementary to the Order Police are the *Hilfspolizei* (Auxiliary Police) consisting of unpaid civilians who perform part-time police duty under the supervision of the regular police. The *Landwacht* (Rural Guards) assist the *Gendarmerie*, and the *Stadtwacht* (City Guards) assist the *Schutzpolizei*. In the main they are organized in collaboration with the Nazi Party. They are armed and wear brassards for identification.

434. Candidates for the *Schutzpolizei des Reiches* are recruited from the SS or other Nazi Party organizations. Officers undergo special police training and are recruited principally from the SS. Personnel of the *Gendarmerie* and *Schutzpolizei der Gemeinden* are recruited from the *Schutzpolizei des Reiches*. Thus a uniform standard obtains throughout police personnel in Germany.

435. National Police Administration, as distinct from local administration, has been set up in those cities of the greatest importance. In those cities, *Schutzpolizei des Reiches* are assigned. Where no National Police Administration exists, the *Schutzpolizei der Gemeinden* are employed and controlled by the local police authority, usually the *Bürgermeister*, under Reich supervision. Rural areas and towns up to 2,000 (sometimes 5,000) are policed by the *Gendarmerie*.

436. Basic police procedure is comparable with American and British police practice. *Schupo* duty areas in large towns are the *Gruppe* (Division), *Abschnitt* (Sub-Division) and *Revier* (Ward). In small towns, the municipal boundary is the limit of jurisdiction. The *Gendarmerie* are organized on a *Land* or *Regierungsbezirk* basis, and in rural areas duty posts are based on the distribution of the population.

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437. SICHERHEITSPOLIZEI (SIPO) AND SICHERHEITSDIENST DER SS (S.D.). The Security Police, comprising the *Reichskriminalpolizei* (Criminal Police) (*Kripo*), and *Geheime Staatspolizei* (Secret Police) (*Gestapo*), and the *SD* (Security Service of the SS), are under the joint command of the *Chef der Sicherheitspolizei und des SD*. They are thus brought together at the top in the *Reichssicherheitshauptamt* (Head Office for the Security of the Reich). The *SD* is the Party Intelligence organization. Its function is to safeguard the Party and the Reich from subversive activity by collating information and political intelligence, but it does not ordinarily adopt an executive rôle. Political crimes are the concern of the *Gestapo* which is the executive arm of the *SD*. The *Gestapo* are not subject to any judicial or administrative control other than by their own headquarters. The *Grenzpolizei* (Frontier Police), a branch of the *Gestapo*, police the borders of Germany. Ordinary crimes are the concern of the *Kripo*, whose branch offices are usually associated closely with local units of the *Schupo* in cities under National Police Administration; the personnel of both agencies work in close co-operation in the day-to-day routine of law enforcement. Thus the Security Police and the *SD* form a combination of crime specialists, political police, and quasi-official political investigators, each organization maintaining its own character and fulfilling its special mission. Co-ordination is achieved through unity of command and close liaison rather than through interpenetration or control of one agency by another.

438. SONDERPOLIZEI. Certain organizations are specialized and outside the normal Police structure (Public Safety officers are not concerned with these):

<i>Organization</i>	<i>Controlling Agency</i>
(a) <i>Eisenbahnpolizei</i> (Railway Police)	Ministry of Transport
(b) <i>Bahnschutz</i> (Railway Patrols)	S.S.
(c) <i>Bergpolizei</i> (Mines Police)	Ministry of Economics
(d) <i>Forstschutzpolizei</i> (Forest Police)	Forestry Office
(e) <i>Flurschutzpolizei</i> (Agricultural Police)	Ministry of Agriculture
(f) <i>Jagdpolizei</i> (Game Preservation Police)	Forestry Office
(g) <i>Postschutz</i> (Post Office Guards)	Postal Authorities
(h) <i>Zollbeamten</i> (Customs Officials)	Ministry of Finance
(i) <i>Werkschutz</i> * (Factory Guards)	Air Ministry
(j) <i>Deichpolizei</i> (Dyke Police)	Ministry of Economics
(k) <i>Hafenpolizei</i> (Harbour Police)	Ministry of Transport

* Privately employed by industries, subject to regulation by the Air Ministry.

439. APPRECIATION. The German Police system is under rigid national control. The police are concerned with almost every action of the individual citizens, and their functions widely exceed those of the US/Br Police. As occupation progresses it will probably be found that many of the senior police officials will have fled or have been assassinated. This will apply especially to the *Gestapo*, though it is uncertain to what extent the identity of *Gestapo* personnel is known to the civil population. All higher posts are held by Nazis, and the personnel of the Police is so closely identified with the Nazi Party that it is improbable that many of the senior officials will co-operate. Some co-operation may be expected, however, from the NCOs and lower ranks, particularly among the older men.

440. Owing to the depletion in numbers and the time required for recruiting and training of new personnel, Military Government may find a police force insufficient to maintain public order, and it may be necessary to employ military police and troops to assist in maintaining order.

POLICY

441. As soon as the military situation permits, except for the *Wasserschutzpolizei* and a newly organized Frontier Police, the command hierarchy of the German Police will be abolished and chief officers of regional and local police units will be made responsible to civil administrative officials at regional and local levels. Under Military Government control exercised through Mil. Gov. Public Safety Officers the police will be responsible for maintaining civilian law and order. Nazi officials, methods and influence will be eradicated from the German Police and operations inimical to the interests of the United Nations will be prevented. Undesirable personnel in the *Ordnungspolizei* and *Kriminalpolizei* will be discharged and, where necessary, interned (see Chapter II). All military training and military practices will be discontinued, and the police disarmed of all weapons except sidearms, the *Gendarmerie* and the newly organized Frontier Police retaining carbines as well. Mil. Gov. Public Safety Officers may temporarily provide the police with other weapons suitable to quell disturbances. The ammunition per weapon will be strictly limited. With the exception of the Criminal Police, all elements of the Security Police, including the *Gestapo* and the *Sicherheitsdienst der SS*, will be dissolved. All offices combining control of both the police and SS, or police and the SD, or completing a chain of command from the national to the local level will be abolished. Armlets and warrant cards will be furnished to approved German Police by Mil. Gov. Public Safety Officers. Instructions will be issued to ensure that German police procedure and practice conform with the policy of the Supreme Commander, abrogating in particular such powers as infringe the accepted rights and liberties of a citizen.

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ACTION TO BE TAKEN

442. As towns and areas are uncovered by the Allied entry into Germany, provisional control of the police machine will be seized at the local level. As soon as possible, however, permanent control will be maintained at three main levels :

- (a) The *Stadtkreis* and *Landkreis*.
- (b) The *Regierungsbezirk* or its equivalent.
- (c) The Military Government Region, i.e. Province or State.

Control on administrative matters will be exercised at :

(a) The *Stadtkreise* through the *Bürgermeister*, or equivalent known as the *Amtsbürgermeister*, *Oberbürgermeister*, or *Amtvorsteher* ; the *Landkreise* through the *Landräte*.

(b) The *Regierungsbezirk* or its equivalent through the *Regierungspräsidenten* in Prussia and Bavaria ; the Ministers of the Interior of Württemberg, Baden, Oldenburg and Braunschweig ; the offices of the former *Reichstatthalter* in Hesse, Lippe, Hamburg, and Westmark ; the *Landesregierung* in Schaumburg-Lippe ; and the *Regierende Bürgermeister* in Bremen.

(c) The Military Government Regional HQ, through the *Oberpräsidenten* in the Prussian Provinces, and the Ministers of the Interior and offices of the former *Reichsstatthalter* in the *Länder*.

443. In cities which have a *Staatliche Polizeiverwaltung*, the Chief Officer of Police will be made directly responsible to the *Oberbürgermeister*. The Chief of Police will be instructed that he is not to take any further operational orders from German national authority.

444. Control on operational matters will be exercised by Mil. Gov. Public Safety Officers over the Chief Officers of the *Gendarmerie* in each *Regierungsbezirk* or its equivalent, and over the Chief Officers of the *Schutzpolizei* in each *Stadtkreis*, including all *Staatliche Polizeiverwaltungen*.

445. The Criminal Police will be merged with the local police units, but the national office of the Criminal Police will be retained as an agency for police statistics and identification records to which all police will contribute and from which information desired by local units of the German Police can be obtained.

446. A German Frontier Police will be organized as a national agency responsible for normal border control. Immediate frontier control will be the responsibility of the *Gendarmerie* and *Schutzpolizei* of the areas adjacent to the frontiers. These forces will be required to assist Counter Intelligence in the enforcement of regulations controlling the movement of civilians across frontiers. Counter Intelligence will supplement border control by these forces with their own personnel and with troops where necessary.

447. The *Kasernierte Polizei* (Barracks Police) as an organized national militarized and heavily armed reserve of the *Schutzpolizei* will be abolished. Any suitable and reliable members will be assigned to routine local police duties or as a local reserve of policemen in accordance with need.

448. If the regular local police forces are inadequate, Mil. Gov. Public Safety Officers will continue to use suitable and reliable members of the *Land-und-Stadtwehr* as auxiliary police or as temporary full-time replacements. All undesirable members will be disarmed and dismissed and if necessary, interned (see Chapter II). When no longer needed, the organization will be disbanded and its personnel disarmed.

449. Mil. Gov. Public Safety Officers will seize control of the *Technische Nothilfe* at all levels, preserving it as an organization until the need for its services can be determined. The *Technische Nothilfe* will ultimately be dissolved as an agency of the German Police. As pointed out in Chapter II (Table C) officials of the *Technische Nothilfe* will be interned.

450. SS schools, the school for services abroad, and the *Gestapo* and SD schools will be abolished. All other national police schools will be temporarily closed for purging and re-organizing on acceptable lines, after which they will be reopened as soon as possible. Public Safety Officers will ensure that police training is resumed on a local basis, devoid of all military training or instruction in Nazi ideology.

451. *Verkehrskompanien (Mot) z.b.V.* may ultimately be discontinued as a national agency and their equipment and any suitable and reliable personnel transferred to units of *Schupo Verkehrsbereitschaften* or units of Motorized Gendarmerie in accordance with need.

452. At a later stage operational control may be exercised at the national level over the activities of the *Wasserschutzpolizei*, the Frontier Police, and a small Criminal Police agency retained to investigate important crimes and security matters of national significance. They will be required to report their presence to the Chief of local departments in whose jurisdictions they conduct investigations. Similar control and supervision will be exercised over national offices retained for police statistics, crime records and criminal identification, crime detection laboratories, administration, fire statistics and research.

RELATIONSHIPS BETWEEN MIL. GOV. PUBLIC SAFETY OFFICERS AND MILITARY POLICE AND COUNTER INTELLIGENCE

453. To ensure co-ordination of activities at all levels and the constant interchange of information, a close relationship must be maintained between Mil. Gov. Public Safety Officers, Military Police and Counter Intelligence Staffs and personnel. Wherever

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possible, Mil. Gov. Public Safety Officers will serve as the channel for dealing with public safety agencies and will ensure that the police give every assistance to MP and CIC personnel. On purely routine matters, MP and CIC personnel will deal directly with the police. To co-ordinate security matters in some localities, committees may be established consisting of representatives from Army, Navy and Air Force CIC Staffs, the Provost Marshal, Mil. Gov. Public Safety Officers and when desired German police authorities. *A detailed outline of relationships between Mil. Gov. Public Safety Officers and Military Police and CIC will be found in the Public Safety Technical Manual.*

454. The arrest and internment of war criminals and all persons whose continued liberty is a threat to the military security of the Allied Forces is the responsibility of the Counter Intelligence Corps. Mil. Gov. Public Safety Officers will secure such practical assistance for CIC as can be obtained from the German police by the arrest of such persons or the enforcement of any restrictions of movement or residence which CIC may impose.

RELATIONSHIP OF GERMAN POLICE TO ALLIED PERSONNEL

455. The German police will not have the power to arrest or exercise any authority over Allied Military personnel. The German police will be authorized to request the particulars of any person in the Allied Forces whom they consider likely to be required as a witness, but they will not be permitted to take a deposition from him, or to call him as a witness before any German court or any other authority without prior consent of the Military Commander. German police will be directed to report immediately to Public Safety Officers any action taken by them with respect to any nationals of the United Nations.

ARREST OF CIVILIANS BY MILITARY PERSONNEL

456. Members of the Allied Forces will be empowered to arrest all persons committing acts prejudicial to Mil. Gov. or the security of the Allied Forces or in breach of any Mil. Gov. legislation. Military Personnel of the Allied Forces, on delivering an arrested civilian to the German police, will complete an Arrest Report which they will leave with the police who take custody of the prisoner. The German police will be instructed to report to the Mil. Gov. Public Safety Officer any cases where prisoners have been delivered without complete Arrest Reports. Information from the Arrest Report will guide the Mil. Gov. Public Safety Officer in supervising the disposal of the case. If the prisoner has been arrested by CIC for investigation or for security reasons, the Mil. Gov. Public Safety Officer's interest is limited to ensuring that he is held in accordance with instructions

given ; if the prisoner is held for trial in a Military Court, a charge sheet will be prepared ; if he is held for trial in a German Court, the police will be instructed accordingly.

SPECIAL POLICE OPERATIONS

457. APPRECIATION. Collapse or military defeat may produce conditions in Germany bordering on chaos. It is impossible to gauge the extent of potential crime ; but disorder, riots, and opposition by underground Nazi and other resistance groups are to be expected. Mil. Gov. Officers will be concerned with crimes affecting the Military Forces of the United Nations rather than with those affecting the civilian population.

458. ACTION TO BE TAKEN. RIOTS AND DISORDERS. Pre-incident investigation and advance preparations, including the earmarking of reinforcements, will be made by the German police to anticipate and suppress riots. They will be required to use all necessary force to quell a riot, and to investigate, apprehend, and prosecute offenders, the organizers, agitators, and principal participants. Riots will be reported to the Military Commander ; and when it appears that the German police cannot maintain law and order, the Mil. Gov. Public Safety Officer will seek assistance from the Provost Marshal or the CO of the nearest military unit, and notify the next higher Mil. Gov. echelon. If troops intervene, their Commander will assume charge, including control of any police forces present.

459. LOOTING. Mil. Gov. Public Safety Officers will require the German police to make full use of all facilities and personnel to prevent looting, particularly of stores and supplies. Easily entered buildings will be made secure and adequate police patrols provided for isolated localities. Looting by members of the Allied Forces will be reported immediately to the Provost Marshal, the Commander concerned, and the next higher Mil. Gov. echelon.

460. PROSTITUTION AND VENEREAL DISEASE. The venereal disease incidence among troops is the concern of their Military Commander and the enforcement of his regulations is the duty of Military Police. Mil. Gov. Officers will assist the Military Police and Medical Officers by requiring German officials to take three positive steps toward the control of VD : (a) Prohibit solicitation for sexual intercourse ; (b) Take measures to detect VD infection among civilians ; (c) Quarantine and treat all diseased prostitutes, or women known to have transmitted VD, for such period as will ensure that the disease is no longer infectious. (See also Chapter VI, Public Health.)

461. INTOXICANTS AND NARCOTICS. Mil. Gov. Public Safety Officers will advise the Provost Marshal of liquor establishments where trouble between civilians and troops occurs and will report violations of military regulations by troops. The German police

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will be required to enforce regulations governing liquor licences, sale and closing hours, and to assist the Military Police. Narcotics control is discussed in the Public Safety Technical Manual.

462. **BLACK MARKET.** The existence of a black market tends to nullify all efforts to ensure the equal distribution of commodities in short supply, and Mil. Gov. Public Safety Officers will co-operate with Mil. Gov. Officers supervising civilian supply, agriculture, trade, industry, economics, finance, and transportation, all of whom have an interest in this matter. In particular Mil. Gov. Public Safety Officers will maintain a close watch to ensure that the German police take all possible steps to stamp out any black market by rigorous investigation and prosecution of persons who infringe German laws dealing with the subject. In addition they will co-operate with the Military Police to ensure that military stores are not improperly diverted to civilian uses.

463. **FORGERIES.** Mil. Gov. Public Safety Officers will be alert to detect forgeries, particularly of military currency, permits, passes, ration coupons, and identity cards, and will require the German police to investigate and to prosecute offenders. Violations will be reported to Counter Intelligence and the Provost Marshal as well as to the next higher Military Government echelon.

464. **MILITARY GOVERNMENT ENACTMENTS.** The German police will be required to be conversant with Military Government proclamations, laws, ordinances, notices and other enactments and to ensure that such enactments are correctly interpreted and rigidly enforced. Violations will not be overlooked in any circumstances. Counter Intelligence and the Provost Marshal will be informed of serious or extensive violations.

465. Observance of regulations by the civilian population is induced by the dissemination of information concerning Mil. Gov. enactments and by publicity given to the punishment of offenders. The assistance of PWD should be sought in the use of the press, radio, and other publicity facilities at their disposal. (See Appendix "C.")

466. **TRAFFIC CONTROL.** The German police will be required to assist the Military Police in controlling traffic on military routes, keeping them clear of unauthorized civilian vehicles. In large cities Mil. Gov. Public Safety Officers will utilize the *Verkehrsbereitschaften* (Traffic Control Squads), and in small towns, rural areas, and on National Highways, the *Motorisierte Gendarmerie*, supplemented when necessary by ordinary patrol police.

467. **PROHIBITED ARTICLES.** The possession of wireless transmitters, firearms (including sporting guns) and certain other articles is prohibited by Military Government enactments. Exceptions may be made permitting the police and the *Sonder-*

polizei to retain stipulated firearms and essential wireless communication facilities, but checks on the use of the latter should be applied in the form of occasional monitoring. The German police will be required to enforce this enactment under the strict supervision of Mil. Gov. Public Safety Officers. Surrendered or confiscated articles will be collected and labelled and receipts will be issued for them on forms to be provided.

468. CURFEW. The German police will be required to enforce curfew regulations and, subject to Military Government regulations, will be empowered to grant exemptions to certain classes of persons. Mil. Gov. Officers will grant exemptions to other persons.

469. TRAVEL RESTRICTIONS. When it is found necessary to impose travel restrictions, police check systems will be set up at road barriers, bridges, railway stations, and docks. Travel across the frontiers of occupied Germany (see Law No. 161, Chapter IV, Part I, this Handbook) will be regulated by the Allied Military Forces and suitable and reliable members of the *Schutzpolizei* and *Gendarmerie* will be assigned to assist in frontier control where their jurisdictions coincide with the borders of Germany.

470. POLITICAL ACTIVITY. Political activity of any kind will be restricted (see Chapter III, Part I). All public meetings, assemblies, and parades without permit will be forbidden by Military Government enactments. Religious services will ordinarily be exempt from this restriction. Permits for non-political assemblies not involving political action may be granted at the discretion of Mil. Gov. Officers.

471. MOTOR VEHICLES. Civilian motor transport will only be used in the interests of Allied Armed Forces or for other essential uses. Control will be effected through the existing system of licensing and rationing with any essential modifications.

472. SUPPRESSION OF NAZI PARTY. CIC is primarily responsible for the seizure of Nazi Party Offices and records, the arrest of its officials, and the suppression of underground Nazi movements. Mil. Gov. Public Safety Officers will secure such practical assistance from the German police as is obtainable and will assume responsibility for the performance of these duties in the absence of Counter Intelligence personnel. (See also Chapter II.)

473. A Special Branch of Public Safety will obtain and analyse complete reports of the Nazi activities of persons in order to advise other Mil. Gov. Officers concerning their removal from, or non-appointment to, public offices. These officers will be charged with the investigation of public officials and of applicants for public appointment. These officers will also obtain and analyse security intelligence and reports of political movements and will gather evidence for the purpose of enforcing Military

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Government proclamations and ordinances relating to the security of civil administration.

474. To discharge these responsibilities, at each Military Government Region, *Regierungsbezirk* and in each *Stadtkreis* of 100,000 inhabitants or over, one or more Public Safety Officers will be specially detailed to establish as an operating function of Public Safety a Special Branch to ensure the security of civil administration. This special branch will operate under the same system of command and control as other Military Government functions.

CONCENTRATION CAMPS

475. ORGANIZATION. Concentration camps are under the control of the *Reichsführer SS* through the *Kommandeur der Konzentrationslager* (Commander of Concentration Camps) and the *Inspekteur der Totenkopf-Verbände* (Inspector of Deaths Head Units), both of the SS Central Office. The I.D.T.V. is responsible for the guarding and security of camps, while the general administration comes under the *Wehrwirtschaft und Verwaltungshauptamt* (War Economy and Administration Headquarters).

476. Camp Commandants have under them camp leaders and camp NCOs from the SS. The internees are organized under a *Lagerältester* (senior prisoner), with subordinate grades of *Blockführer*, *Zugführer*, *Stubenältester*, and *Vorarbeiter*, who frequently are ordinary criminals specially selected for their "toughness." A political Commissar has authority to release or otherwise dispose of internees. The majority of internees are German political offenders and Jews, but there are also a number of ordinary criminals, military delinquents, and non-Germans. A few special camps exist for women.

477. APPRECIATION. The Nazis have interned thousands of persons under conditions of great physical hardship and without sufficient food. Many have been detained indefinitely without charge, while others have been convicted of purely political offences or of imaginary offences used to cloak their detention for political reasons.

478. As the Allied advance brings concentration camps within the combat zone, or if government controls break down at any time from other causes, it is probable that the guards will flee either after, or without, releasing the detainees. In many cases, therefore, detainees may not be found in such camps other than those too ill to move. However, it is most desirable for the well-being of the detainees that they should await our arrival and permit of proper arrangements being made for their return to their homes.

479. ACTION TO BE TAKEN. When military operations bring a concentration camp within the jurisdiction of a Military

Commander, he will assure that the following action is taken :

(a) Initial seizure of the camp and preventing the escape of either camp personnel or detainees for reasons of security. This may necessitate the use of combat troops or other troops made available for this purpose.

(b) Arrest and detention of all camp staffs and guards.

(c) Seizure and retention in safe custody of all records, equipment, and supplies.

(d) Assurance of the safety and well-being of all detainees to the extent permitted by the military situation.

480. After the initial seizure of such a camp and under arrangements to be made by the Military Commander, an administrative group, to include, whenever possible, a Mil. Gov. Public Safety Officer and a representative of CIC, will take over and supervise the administration of the camp. Guards and other necessary personnel may be drawn from troop units or from indigenous non-Nazi sources, depending on the situation.

481. The Allied officer responsible for the administration of each concentration camp will arrange to obtain evidence from detainee witnesses with a view to the prosecution at a later date of the former staffs and guards for acts of cruelty committed against Nationals of the United Nations. Further instructions in connection with this matter will be issued in due course.

482. The Allied officer in charge will also arrange for the rapid processing of the detainees by a Board under his chairmanship composed of three or more officers, to include a Mil. Gov. Public Safety Officer, a member with Legal experience, a member of Counter Intelligence Branch (if available), and a medical officer (if available). If no Allied Medical Officer is available the Board may obtain the services of a qualified indigenous non-Nazi physician in an advisory capacity, but without vote on any matter before the Board. The detainees will be classified and arrangements made for their disposal as follows :

(a) Non-German civilians, who will receive priority of treatment, will be transferred to the Displaced Persons organization.

(b) German nationals interned for purely anti-Nazi or racial reasons will be released.

(c) Ordinary criminals with a prison sentence still to serve will be transferred to civil prisons.

(d) Members of the German armed forces or para-military bodies will be transferred to PW camps or as may be otherwise instructed.

(e) Detainees whose continued detention is required as their freedom might constitute a danger to the security of the Allied Forces, or of Military Government, will be disposed of on instructions from Counter Intelligence.

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(f) Detainees whose continued detention is necessary pending further investigation will be held.

483. Special tribunals, as required, will be appointed by the Military Commander to hear appeals from the above Board and to review all cases in which the Board has ordered the continued detention of any person as a civilian detainee.

484. The processing of the detainees and the final liquidation of the camp will be completed as soon as possible, and the camp will then be transferred to the German Prison Administration or to the United Nations Forces for the use of the Displaced Persons organization or any other administrative purpose.

FIRE DEFENCE

485. ORGANIZATION. The *Feuerschutzpolizei* was created in 1938 and about ninety of the larger German cities were ordered to transfer their professional fire-fighting personnel to the new organization. The *Feuerschutzpolizei* became a branch of the *Ordnungspolizei* and is under the command of the same higher police authorities which control the latter. The Head Office of the Order Police in Berlin has a section known as *Ami Feuerwehren* (Office of the Fire Protection Agencies), and under the Chief of the Order Police is a *Generalinspekteur der Feuerschutzpolizei* (Inspector General of the Fire Protection Police). The age limit for the branch is sixty years. All candidates must attend special fire protection schools. The officers must be graduates of the fire protection officer school at Eberswald.

486. The smallest administrative area is the *Wachbezirk* composed usually of several ordinary *Schutzpolizei Reviere* (wards). Operational areas for actual fire-fighting are determined independently, however, and *Ausrückbereiche* (operational zones) are drawn in conformity with tactical considerations.

487. The usual operational unit called out in the first instance is known as a *Zug*, and the corresponding *Feuerschutzpolizei Wache* is known as a *Zugwache* (watch squad). In exceptional cases a larger unit, the *Gruppe*, is called out, and the corresponding *Wache* is known as a *Gruppenwache* (watch group). The commander in charge of the local units of the *Feuerschutzpolizei* is called *Kommandeur* or *Leiter*. He directs fire-fighting and fire prevention, allots the respective zones of operation to the subordinate units, and supervises generally the organization and operation of the *Feuerschutzpolizei* under his command. He is responsible for administrative purposes to the *Oberbürgermeister* or *Bürgermeister*.

488. The size of the *Feuerschutzpolizei* is fixed in accordance with the population of the city; but in cities with more than 870,000 inhabitants and in those with harbour installations, numerous industries, or large areas which present particular fire

hazards, the number and nature of the *Feuerschutzpolizei Wachen* is determined in each case individually.

489. In cities with more than 150,000 population, auxiliary fire-fighting units called *Freiwillige Feuerwehren* are established on a voluntary basis to supplement the *Feuerschutzpolizei*. They are organized into tactical units called *Gruppen*. In exceptional cases, where the *Freiwillige Feuerwehren* is inadequate, an obligatory fire service (*Pflichtfeuerwehren*) is established. Its organization is the same as that of the *Freiwillige Feuerwehren*. The strength of these auxiliaries, fixed by law, averages about four times the strength of the local *Feuerschutzpolizei*.

490. Because there are *Feuerschutzpolizei* only in the larger cities, fire protection in the smaller communities is furnished by *Freiwillige Feuerwehren*; and where voluntary enlistment fails, obligatory conscription into the *Pflichtfeuerwehren* is applied to available males between the ages of 17 and 65. The members are not professional firemen; they are considered as *Hilfspolizei* (Auxiliary Police). The *Ortspolizeibehörde* appoints the lower ranks of the fire brigade leaders, *Truppmänner*, *Obertruppmänner* and *Haupttruppmänner*. The Commanding Officer, *Wehrführer*, is appointed by the *Kreispolizeibehörde*. In localities where both voluntary and obligatory fire brigades exist, they comprise a single fire department under unified command.

491. A *Kreisführer* commands all fire brigades in a *Stadtkreis* or *Landkreis*, a *Bezirksführer* in a *Regierungsbezirk*, and an *Abschnittsinspekteur* in a *Wehrkreis* (German military district). Presumably mutual aid is co-ordinated through these officers.

492. APPRECIATION. Information points to the fact that under heavy air raid conditions the German fire-fighting agencies have broken down to a large extent. There is a shortage of manpower, water supplies are inadequate, and replacements of equipment are needed. With the cessation of hostilities, however, sufficient manpower, equipment, and water supply to meet peacetime fire-fighting needs are expected to be available.

493. ACTION TO BE TAKEN. Mil. Gov. Public Safety Officers will assume control of local units of the *Feuerschutzpolizei* and will ensure that the principal local fire officer is reliable and prepared to co-operate, and that the fire-fighting forces are adequate in point of personnel, equipment and efficiency to prevent disasters which might be inimical to Military Government or the security of the Allied Forces. All active Nazis and ardent Nazi sympathizers and all Nazi principles and methods will be eliminated from the *Feuerschutzpolizei*. All military training and practices are to be abolished and complete disarmament effected.

494. In communities that have no professional fire brigades, volunteer fire brigades will be maintained. In cities having

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professional fire brigades, auxiliary fire brigades will be disbanded when no longer needed and their personnel and equipment absorbed into the professional fire brigade to the extent required.

495. The offices of *Generalinspekteur der Feuerschutzpolizei* and *Abschnittsinspekteur* may be abolished and at a later date a national office for fire statistics and research and a national school for the training of local fire department instructors may be maintained, but no command functions over local fire departments will be permitted. During fire emergencies necessitating assistance from one community to another, the *Bezirksführer* and the *Kreisführer* will co-ordinate the use of the combined resources.

496. In communities where fire-fighting units of the Army Fire Service/Corps of Engineers are located, Mil. Gov. Public Safety Officers will ensure that the local fire services respond to any call for assistance and that such assistance is rendered under the operational control of the military fire-fighting units.

CIVIL DEFENCE

497. ORGANIZATION. While the household ARP Organization and Wardens' Service (Self-Protection Service) remained under the general supervision of the Air Minister, the full-time Civil Defence Services were transferred in May, 1942, to the control of the Order Police and became the *Luftschutzpolizei* (Air Protection Police). For operational purposes the Order Police control all the full-time civil defence services such as police, fire-fighting, first-aid services, gas detection, rescue work, and decontamination. Demolition and repair work are handled under the orders of the police district superintendent by the *Technische Nothilfe*. Districts are divided into divisions, sub-divisions, and wards. Each ward leader has at his disposal, as well as the ordinary police, a fire and rescue squad, a medical detachment, and two gas detectors. The task of these forces, known as the emergency detachments (*Einsatzkräfte*), is to reinforce the self-protection forces. At each division the leader has reserve forces at his disposal consisting of the above services plus repair and demolition parties and public utility technicians.

498. The *Selbstschutz* (Self-Protection Service) is the organization created for the protection of the ordinary householder based on a warden and fire-guard system. Each house (generally a block of flats) has a House Warden. Over him is a *Blockwart* (Block Warden) who controls several streets under the supervision of a Ward Protection Leader, thus following closely the organization of the Nazi Party. In 1942, a "Leader" was appointed to take charge of several Self-Protection groups with power to transfer reinforcements from one area to another under heavy raid conditions. The *Landluftschutzgemeinschaft* (Rural Air Protection Fellowship) provides fire-fighting and rescue squads in rural areas too small to be served by any of the other services

499. Post-air raid services such as emergency feeding, billeting, and rehousing, the operation of rest centres and information services, and mass evacuation from danger areas are organized by the Nazi Party auxiliary organizations to supplement the regular municipal services.

500. Civil Defence propaganda and training measures throughout the Reich are handled by the *Reichsluftschutzbund* (Reich Air Protection League, or RLB) under the supervision of the Air Ministry. It publishes an illustrated fortnightly "Die Sirene," containing all official instructions; and it supervises all civil defence training. League membership is virtually compulsory for individuals and private firms, and its members number over twenty million. League officials wear a blue-grey uniform with black piping.

501. ACTION TO BE TAKEN. Mil. Gov. Public Safety Officers will assume control through the heads of the local Civil Defence Services and, working in co-operation with the PAD Officer, make full use of them for any purpose of Mil. Gov. Records and equipment will be preserved. Services no longer required will be disbanded. All active Nazis and ardent Nazi sympathizers and all Nazi methods and principles will be eliminated from the direction and operation of the Civil Defence Services. All such Services are to be totally disarmed and all military training and practices abolished.