

ARMY SERVICE FORCES MANUAL

**M 356-2M**

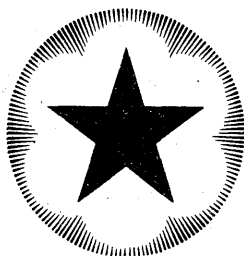
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**MILITARY GOVERNMENT HANDBOOK**

**GERMANY**

**SECTION 2M: PROCLAMATIONS, ORDINANCES  
AND LAWS ISSUED BY ALLIED MILITARY  
GOVERNMENT IN GERMANY**

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**DISSEMINATION OF RESTRICTED MATTER.**—The information contained in restricted documents and the essential characteristics of restricted material may be given to any person known to be in the service of the United States and to persons of undoubted loyalty and discretion who are cooperating in Government work, but will not be communicated to the public or to the press except by authorized military public relations agencies. (See also par. 18b, AR 380-5, 28 Sep 1942.)

**HEADQUARTERS, ARMY SERVICE FORCES 6 JANUARY 1945**

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MILITARY GOVERNMENT HANDBOOK

GERMANY

SECTION 2M: PROCLAMATIONS, ORDINANCES  
AND LAWS ISSUED BY ALLIED MILITARY  
GOVERNMENT IN GERMANY



Headquarters, Army Service Forces 6 January 1945

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NUMBERING SYSTEM OF  
ARMY SERVICE FORCES MANUALS

The main subject matter of each Army Service Forces Manual is indicated by consecutive numbering within the following categories:

M1 - M99 Basic and Advanced Training  
M100 - M199 Army Specialized Training Program and Pre-  
Induction Training  
M200 - M299 Personnel and Morale  
M300 - M399 Civil Affairs  
M400 - M499 Supply and Transportation  
M500 - M599 Fiscal  
M600 - M699 Procurement and Production  
M700 - M799 Administration  
M800 - M899 Miscellaneous  
M900 - up Equipment, Materiel, Housing and Construction

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HEADQUARTERS, ARMY SERVICE FORCES  
Washington 25, D.C., 6 January 1945

Army Service Forces Manual M358 - 2M, Military Government Handbook, Germany, Section 2M: Proclamations, Ordinances and Laws issued by Allied Military Government in Germany, has been prepared under the supervision of The Provost Marshal General, and is published for the information and guidance of all concerned.

[SPX 461 (21 Sep 43)]

By command of Lieutenant General SOMERVELL:

W. D. STYER,  
Major General, General Staff Corps,  
Chief of Staff.

OFFICIAL:

J. A. ULIO,  
Major General,  
Adjutant General.

DISTRIBUTION

AAF(2); AGF(2); ASF(2); Special Distribution.  
For explanation of symbols, see FM21-6.

This handbook of Proclamations, Ordinances and Laws  
issued by Allied Military Government in Germany was prepared  
in the  
MILITARY GOVERNMENT DIVISION, OFFICE OF THE PROVOST MARSHAL GENERAL

OFFICERS USING THIS MATERIAL ARE REQUESTED TO MAKE SUGGESTIONS AND  
CRITICISMS INDICATING THE REVISIONS OR ADDITIONS WHICH WOULD MAKE THIS  
MATERIAL MORE USEFUL FOR THEIR PURPOSES. THESE CRITICISMS SHOULD BE  
SENT TO THE CHIEF OF THE LIAISON AND STUDIES BRANCH, MILITARY GOVERNMENT  
DIVISION, PMGO, 2807 MUNITIONS BUILDING, WASHINGTON 25, D. C.

## INTRODUCTION

### Purposes of the Civil Affairs Handbook

The basic objective of civil affairs officers are (1) to assist the Commanding General by quickly establishing those orderly conditions which will contribute most effectively to the conduct of military operations, (2) to reduce to a minimum the human suffering and the material damage resulting from disorder, and (3) to create the conditions which will make it possible for civilian agencies to function effectively.

The preparation of Civil Affairs Handbooks is a part of the effort to carry out these responsibilities as efficiently and humanely as possible. The Handbooks do not deal with plans or policies (which will depend upon changing and unpredictable developments). It should be clearly understood that they do not imply any official program of action. They are rather ready reference source books containing the basic factual information needed for planning and policy making.

This handbook contains the proclamations, ordinances, laws and orders thus far issued and posted in the portions of Germany now occupied by the Allied forces. As other proclamations or orders are posted in the Supreme Commander's Area of Control, they will be reproduced in a form suitable for insertion in this handbook. These orders were printed in both English and German, but only the English is reproduced.

All of the areas now occupied in Germany are under the control of the tactical forces, and no effort as yet has been made to set up military government upon a territorial basis.

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T O P I C A L   O U T L I N E

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2. Government and Administration  
2M: Proclamations, Ordinances and Laws Issued by Allied  
Military Government in Germany
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4. Government Finance
5. Money and Banking
6. Natural Resources
7. Agriculture
8. Industry and Commerce
9. Labor
10. Public Works and Utilities
11. Transportation Systems
12. Communications
13. Public Health and Sanitation
14. Public Safety
15. Education
16. Public Welfare
17. Cultural Institutions
18. Japanese Administration of Occupied Areas

This handbook of Proclamations, Ordinances and Laws Issued by Allied Military Government in Germany was prepared in the MILITARY GOVERNMENT DIVISION, OFFICE OF THE PROVOST MARSHAL GENERAL.

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[REDACTED]

MILITARY GOVERNMENT- GERMANY

SUPREME COMMANDER'S AREA OF CONTROL

PROCLAMATION No. I

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 Naziism 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.

[REDACTED]



MILITARY GOVERNMENT-GERMANY

SUPREME COMMANDER'S AREA OF CONTROL

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NOTICE  
C U R F E W

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 of \_\_\_\_\_ and \_\_\_\_\_.

Any persons found in the streets without such permit between those hours will be punished by fine or imprisonment.

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

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

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

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 \* \_\_\_\_\_

without a permit from the Military Government Officer at \_\_\_\_\_  
or his authorized subordinate.

ARTICLE II  
PENALTIES

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

By Order of Military Government.

\* Here insert travel limitation specifying distance from home or place of business or the area to which travel is confined.

MILITARY GOVERNMENT-GERMANY

SUPREME COMMANDER'S AREA OF CONTROL

ORDINANCE NO. 1

Crimes and Offenses

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 Offenses

The following offenses 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;
- (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 Offenses

The following offenses 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 Germany 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;
- (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 program 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 assets, 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;

(39) Aiding, or failing to report, any person known to be wanted by the Allied Forces;

(40) Dissemination of any rumor 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 victimisation (including boycotting) against any person for co-operating with the Allied Forces or the Military Government;

(43) Act to the prejudice of good order or of the interests of the Allied Forces or any member thereof.

### ARTICLE III

#### Attempts, Conspiracies

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

ARTICLE IV

Collective Fines

The Burgermeister or other principal representative of any community may be charged and tried as representing the residents thereof with any offense 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 offense 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 offense 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

Defenses

(1) It shall be a good defense to any charge hereunder that the offense charged was an act of legitimate warfare by a person entitled to the status of a combatant.

(2) It shall not be a defense to any charge hereunder that the offense 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 offense 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:

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 pounds--\$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 pounds--\$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. Advisers 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.

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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.

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 the head of the Military Government for the time being.

#### ARTICLE IX

##### Effective Date

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

By Order of Military Government.

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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.

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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 30 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 19 May 1933, RGBL I/285.
- b. Law against the Creation of Political Parties of 14 July 1933, RGBL I/479.
- c. Law for securing the Unity of Party and State of 1 December 1933, RGBL I/1016.
- d. Law concerning insidious attacks against the State and the Party and for the Protection of Party Uniform of 20 December 1934, RGBL I/1269.
- e. Reich Flag Law of 15 September 1935, RGBL I/1145.
- f. Hitler Youth Law of 1 December 1936, RGBL I/993.
- g. Law for Protection of German Blood and Honor of 15 September 1935, RGBL I/1146.
- h. Decree of the Fuhrer concerning the Legal Status of the NSDAP of 12 December 1942, RGBL I/733.
- i. Reich Citizenship Law of 15 September 1935, RGBL 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 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.

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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 30 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 30 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.

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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

I. 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;
- 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.

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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 the 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.

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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:

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.

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14. No member of the Allied Forces nor any employee, 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 subtitle the area to which it relates.

2. Ordinances, Notices, and other directions 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 thereof as published, the English text shall prevail.

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:

I. 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 Fuehrers der NSDAP,
3. Auslandsorganisation,
4. Volksbund fuer das Deutschtum im Ausland,
5. Volksdeutschnittelstelle,
6. Parteiamtliche Pruefungskommission zum Schutze des NS Schrifttums,
7. Reichsorganisationsleiter der NSDAP,
8. Reichsschatzmeister der NSDAP,
9. Beauftragter des Fuehrers fuer die Ueberwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP,
10. Reichspropagandaleiter der NSDAP,
11. Reichsleiter fuer die Presse, and Zentralverlag der NSDAP (Eher Verlag),
12. Reichspressechef der NSDAP,
13. Reichsamt fuer das Landvolk,
14. Hauptamt fuer Volksgesundheit,
15. Hauptamt fuer Erzieher,
16. Hauptamt fuer Kommunalpolitik,
17. Hauptamt fuer Beamte,
18. Beauftragter der NSDAP fuer alle Volkstumsfragen,
19. Rassenpolitisches Amt der NSDAP,
20. Amt fuer Sippenforschung,
21. Kolonialpolitisches Amt der NSDAP,
22. Aussenpolitisches Amt der NSDAP,
23. Reichstagsfraktion der NSDAP,
24. Reichsfrauenfuehrung,
25. NSD-Aerztbund,
26. Hauptamt fuer 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. Reichsstudentenfuehrung,
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 fuer Leibesuebungen,
43. NS-Reichskriegerbund,
44. Reichskulturkammer,
45. Deutscher Gemeindetag,
46. Geheime Staatspolizei,
47. Deutsche Jaegerschaft,
48. Sachverstaendigenbeirat fuer Bevoelkerungs und Rassenpolitik,
49. Reichsausschuss zum Schutze des Deutschen Blutes,
50. Winterhilfswerk,
51. Hauptamt fur Kriegsofoper,
52. NSKOV (NS-Kriegsofoperversorgung).

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

3. All officers 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 Burgermeister.

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

5. All funds, property, equipment, accounts and records of any organisation 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 provisions 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.

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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.

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## SCHEDULE

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

On the face of all notes are printed:

- (a) The amount in words--thus: Funfzig 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 Militarbehörde" 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.

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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, Germany 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:

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- (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 evidences 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 judicial person or entity under public or private law having legal capacity to acquire, use, control or dispose of property or interests therein; and any government including all political subdivisions, 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;
- (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 31 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 The Military Government.

## MILITARY GOVERNMENT-GERMANY

SUPREME COMMANDER'S  
AREA OF CONTROLLAW 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.



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MILITARY GOVERNMENT-GERMANY

SUPREME COMMANDER'S AREA OF CONTROL

NOTICE

This building

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is closed to the public until further notice.

By Order of Military Government.



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## MILITARY GOVERNMENT-GERMANY

## SUPREME COMMANDER'S AREA OF CONTROL

## NOTICE

## TO ALL EMPLOYERS AND WORKERS

1. WORKERS of all categories and classification must have their employment status examined and recorded, and their work books verified and re-registered.
2. ALL WORKERS, male and female, will report to the labour office exercising jurisdiction over the area in which they are presently residing for registration or re-registration.
3. ALL UNEMPLOYED WORKERS will report between \_\_\_\_\_ and \_\_\_\_\_
4. ALL EMPLOYED WORKERS will report between \_\_\_\_\_ and \_\_\_\_\_
5. All EMPLOYERS will notify the labour office in their area of labour vacancies and requirements. All labour requirements will be procured through the labour offices.
6. All strikes and lock-outs which directly or indirectly affect the security of the Allied Military Forces are prohibited.
7. As of the date of this notice, all deductions of pay at the source or collections from workers for the benefit of the N.S.D.A.P. or any of its affiliated dissolved organisations, including the D.A.F., will cease. This does not include deductions of payments for social insurance, unemployment insurance or workmen's compensation or normal Reich taxes, which will be continued.
8. The foregoing is not intended to suspend or replace existing laws, decrees or regulations regarding the registration of labour, which will continue in effect as emergency measures, except that workers are free to seek employment according to their own desires, provided, however, that both workers and employers notify the labour offices of changes in employment.
9. Any person violating the provisions of this Notice shall, upon conviction by Military Government Court, be liable to any lawful punishment other than death, as the Court may determine.

By order of Military Government.