
DENAZIFICATION

LAW FOR LIBERATION FROM NATIONAL SOCIALISM AND MILITARISM

of 5 March 1946.

(Annotated with corrected translation)

1. For 12 years National Socialism and Militarism ruled Germany with terror and violence, committed most serious crimes against the German people and the world, plunged Germany into distress and misery and destroyed the German Reich. The liberation from National Socialism and Militarism is an indispensable prerequisite to political, economic and cultural reconstruction.

2. American Military Government has, during the past months following the surrender carried out the removal and exclusion of National Socialists and Militarists from public administration and other positions.

3. On January 12, 1946, the Control Council has, in Directive No. 24, issued regulations for all Germany for removal and exclusion which are binding upon the German Governments and the German people.

4. Law No. 8 of Military Government and Regulation No. 1 thereunder extended the liberation to the field of trade and industry and introduced the appeal procedure through German investigation Boards.

5. American Military Government has now decided that the German people may share the responsibility for liberation from National Socialism and Militarism in all fields. The discharge of the task thus entrusted to the German people will be accomplished by this Law, within the framework of Control Council Directive No. 24.

6. For a uniform and just execution of this task the following Law is hereby simultaneously enacted and promulgated for Bavaria, Hesse and Württemberg-Baden.

M. G. Anno:

The Class I and II categories listed in the Appendix attached to the Law have been taken from the compulsory removal and exclusion categories of Control Council Directive No. 24 (MGR 2-120 h and MGR 23-161.24).

In view of the fact that the preamble of the Law for Liberation requires that the task of denazification will be accomplished by the Law within the framework of Control Council Directive No. 24 which is recognized as binding upon the German people, the phrase "nominal participant" in Article 12 of the Law must be interpreted in accordance with the definition contained in paragraph 2 (a) of Control Council Directive No. 24, MGR 23-161.24. (OMGUS letter dated 10 March 1947, file AG 014.311 (IA), subject, "Disapproval of Proposed Instruction concerning Findings of Follower against Officers of Nazi Organisations".)

CHAPTER I

Principles

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ARTICLE 1

1. To liberate our people from National Socialism and Militarism and to secure a lasting base for German democratic national life in peace with the world, all those who have actively supported the National Socialist tyranny, or are guilty of having violated the principles of justice and humanity, or of having selfishly exploited the conditions thus created, shall be excluded from influence in public, economic and cultural life and shall be bound to make reparations.

2. Everyone who is responsible shall be called to account. At the same time he shall be afforded opportunity to vindicate himself.

ARTICLE 2

1. The individual shall be judged by a just consideration of his individual responsibility and his actual conduct, taken as a whole. In accordance therewith there shall be determined in just gradation the extent of sanctions and of exclusion from participation in the public, economic and cultural life of the people, in order to eliminate permanently the influence of National Socialistic and Militaristic conduct and ideas.

2. External criteria, such as membership of the NSDAP, any of its formations or other organizations, shall not be decisive by themselves alone for the degree of responsibility under this Law. They may be taken as important evidence as to a person's conduct as a whole, but may be overcome, wholly or partly, by evidence to the contrary. Conversely, non-membership by itself is not decisive to absolve one of responsibility.

M. G. Anno:

The Law for Liberation has four main objectives: (1) to provide just and effective procedures for judging every individual according to the degree of his responsibility for the wrongs committed by the Nazi regime; (2) to impose upon those found responsible definite sanctions designed to eliminate their influence in the community and to bar them from public office and positions of responsibility in important private undertakings; (3) to provide opportunities for rehabilitation through probation for lesser offenders; and, (4) to remove disqualifications from exonerated persons and from followers (nominal Nazis) who have paid their fines and against whom no employment sanctions have been invoked (MGR 2-110 c).

ARTICLE 3

Registration

1. In order to seek out all persons responsible and to carry out this Law, a registration procedure is hereby established.

2. Every German above the age of 18 will fill out and submit a registration form.

3. Detailed regulations will be issued by the Minister for Political Liberation.

M. G. Anno:

For details concerning the duty to register, procedures therefore, means of enforcing registration, and the obligation of the

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Bürgermeister to register on behalf of dead, missing or absent persons who are presumptively offenders under the Law, see Regulation No. 1 (MGR 24-500.11).

For instructions for filling out registration forms (Meldebogen), see MGR 24-500.54.

An English translation of the decree concerning registration for issuance of identity cards (Kennkarten) is attached at MGR 24-500.75.

Groups of Persons Responsible

ARTICLE 4

In order to make a just determination of responsibility and to provide for imposition of sanctions, the following groups of persons shall be formed:

- (1) Major Offenders,
- (2) Offenders (activists, militarists and profiteers),
- (3) Lesser Offenders (probationers),
- (4) Followers,
- (5) Persons exonerated.

Major Offenders

ARTICLE 5

Major Offenders are:

- (1) Persons who, out of political motives, committed crimes against victims or opponents of National Socialism;
- (2) Persons who, in Germany or in the occupied areas, treated foreign civilians or prisoners of war contrary to International Law;
- (3) Persons who are responsible for excesses, plundering, deportations, or other acts of violence, even if committed in fighting against resistance movements;
- (4) Persons who were active in leading positions in the NSDAP, one of its formations, or affiliated organizations, or in any other Nazi or Militaristic organization;
- (5) Persons who in the government of the Reich, of a Land, or in the public administration of formerly occupied areas, were active in leading positions which could have been held only by leading Nazis or supporters of the National Socialist tyranny.
- (6) Persons who otherwise gave major political, economic, propagandistic or other support to the National Socialist tyranny or who, by reason of their relations with the National Socialist tyranny, received very substantial profits for themselves or others.
- (7) Persons who were actively engaged for the National Socialist tyranny in the Gestapo, the SD, the SS, or the Geheime Feldpolizei or Grenzpolizei.
- (8) Persons who, in any form whatsoever, participated in killings, tortures, or other acts of cruelty in a concentration camp, a labor camp, an internment camp, or a medical institution or asylum.

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- (9) Persons who, for personal profit or advantage, actively collaborated with the Gestapo, SD, SS or similar organizations by denouncing or otherwise aiding in the persecution of the opponents of the National Socialistic tyranny.

ARTICLE 6

Until rebuttal anyone who is listed in Class I of the list attached to this Law is deemed to be a Major Offender.

Activists

ARTICLE 7

- I. Activists are:
- (1) Persons who, by reason of their position or activity, substantially assisted the tyranny of the NSDAP.
 - (2) Persons who exploited their position, their influence or their connections to impose force and utter threats, to act with violence and to carry out oppressions or other unjust measures.
 - (3) Persons who manifested themselves as avowed believers in the National Socialistic tyranny and especially in racial creeds.
- II. Activists are, in particular, the following persons insofar as they are not Major Offenders:
- (1) Anyone who substantially contributed to the establishment, consolidation or maintenance of the National Socialistic tyranny, by word or deed, especially in public through speeches or writings or through voluntary donations out of his own or another's property or through using his personal reputation or his position of influence in political, economic or cultural life;
 - (2) Anyone who by teaching National Socialist doctrines or as educator poisoned the spirit and soul of the youth;
 - (3) Anyone who, to strengthen the National Socialistic tyranny, undermined family and marital life by this contemptuous disregard of recognized moral principles;
 - (4) Anyone who, in the service of National Socialism, illegally interfered in the administration of justice or abused politically his office as judge or prosecutor;
 - (5) Anyone who, in the service of National Socialism, agitated with incitement or violence against churches, religious communities or ideological groups;
 - (6) Anyone who, in the service of National Socialism, derided, damaged or destroyed artistic or scientific values;
 - (7) Anyone who took a leading or active part in destroying trade unions, suppressing labor, and squandering trade union property;
 - (8) Anyone who as a provocateur, agent or informer caused or attempted to cause the initiation of proceedings to the detriment of others because of their race, religion, or political opposition to National Socialism, or because of violations of National Socialistic regulations;
 - (9) Anyone who exploited his position of influence under the National Socialistic tyranny to commit offenses, in particular, extortions, embezzlements or frauds;

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- (10) Anyone who, by word or deed, took an attitude of hatred towards opponents of the NSDAP at home or abroad, towards prisoners of war, the population of formerly occupied territories, foreign civilian workers, internees or similar persons;
 - (11) Anyone who favored the exemption from military service (UK-Stellung) or from combat service of individuals because of their National Socialist attitude, or who effected or attempted to effect their induction into military service or their transfer to the front because of their opposition to National Socialism.
- III. Activists will also include persons who after 8 May 1945 have endangered the peace of the German people or of the world by advocating National Socialism or Militarism.

Militarists

ARTICLE 8

I. Militarists are:

- (1) Persons who attempted to bring the life of the German people in line with a policy of militaristic force;
- (2) Persons who advocated or are responsible for the domination of foreign peoples, their exploitation or deportation; or
- (3) Persons who promoted armament for these purposes.

II. Militarists are in particular the following persons, insofar as they are not Major Offenders:

- (1) Persons who, by word or in writings, formulated or disseminated militaristic doctrines or programs or who were active outside the Wehrmacht in any organization which served to promote militaristic ideas;
- (2) Persons who before 1935 organized or participated in the organization of the systematic training of youth for war;
- (3) Persons who, exercising power of command, are responsible for the wanton devastation of cities and rural areas after the invasion of Germany;
- (4) Persons who, as members of the Armed Forces (Wehrmacht), the Reich Labor Service (Reichsarbeitsdienst), the Organisation Todt (OT), or the Transport Group Speer, without regard to their rank, abused their authority to obtain special personal advantages or to mistreat subordinates brutally.

Profiteers

ARTICLE 9

I. Profiteers are:

- Persons who, selfishly and by reason of their political position or their connections, extracted personal or economic advantages for themselves or for others from the tyranny of the NSDAP, the rearmament, or the war.

II. Profiteers are in particular the following persons, insofar as they are not Major Offenders:

- (1) Anyone who, solely on account of his membership in

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the NSDAP, obtained an office or a position or was preferentially promoted therein;

- (2) Anyone who received substantial donations from the NSDAP, its formations or affiliated organizations;
- (3) Anyone who, at the expense of those persecuted for political, religious or racial reasons, directly or indirectly gained or strove for excessive advantages for himself or others, especially in connection with expropriations, forced sales or similar dealings;
- (4) Anyone who in armament or war transactions made profits which were manifestly disproportionate to the services rendered;
- (5) Anyone who unjustly enriched himself in connection with the administration of formerly occupied territories;
- (6) Anyone who, an adherent to National Socialism, escaped from military service or combat duty by exploiting his personal or political connections or by joining the NSDAP.

ARTICLE 10

Until rebuttal anyone who is listed under Class II of the list attached to this Law is deemed to be an Offender (Activist, Militarist or Profiteer).

Lesser Offenders (Probationers)

ARTICLE 11

- I. A Lesser Offender is:
 - (1) Anyone who would otherwise belong to the group of Offenders who, however, because of special circumstances (Article 39—II) merits milder consideration and who, because of his character may be expected, after he has proved himself in a period of probation, to fulfill his duties as a citizen of a peaceful, democratic state
 - (2) Anyone who would otherwise belong to the group of Followers but who, because of his conduct and character, should first have to prove himself.
- II. The probationary period shall be at least two years and, as a rule, not more than three years. The group to which the person concerned will be finally assigned will depend upon his conduct during the period of probation (Article 42).
- III. A Lesser Offender in particular is:
 - (1) Anyone born after 1 January 1919 who is not a Major Offender but appears to be an Offender, without however having manifested despicable or brutal conduct and who because of his character may be expected to prove himself.
 - (2) Anyone not a Major Offender who appears to be an Offender but who, at an early stage, turned away from National Socialism and its methods unqualifiedly and clearly.

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M. G. Anno:

The period of probation for a Lesser Offender must be fixed at a minimum of two years from the date of the decision by the Tribunal (MGR 9-832 b (5)).

Followers

ARTICLE 12

I. A Follower is:

Any person who was not more than a nominal participant or an insignificant supporter of National Socialism and who did not manifest himself as a Militarist.

II. Subject to this test, a Follower is in particular:

- (1) Anyone who as a member of the NSDAP or of any of its formations, except HJ and BDM, did no more than pay his membership dues, participate in meetings where attendance was obligatory, or fulfilled unimportant or purely routine duties which were prescribed for all members.
- (2) Anyone who was a candidate for membership in the Party and who was not finally admitted as a member.

M. G. Anno:

It is a most important general rule, imposed both by Control Council Directive No. 24 (MGR 23-161.24) and the Law for Liberation, that the following persons cannot legally be found to be Followers by a Tribunal:

- a. Persons who have held an office or rank in the NSDAP or one of its formations (MGR 9-832 b (7) and 9-834.7 d);
- b. Persons of such high standing in the community that they are obviously leaders who influenced others to join Nazi organizations by the example of their own membership (MGR 9-832 b (8));
- c. Persons who have engaged in any Nazi activity beyond payment of membership dues, participation in meetings where attendance was obligatory, or fulfillment of unimportant or purely routine duties prescribed for all members (MGR 9-834.7 d).

Because of the fact that a finding of Follower makes the respondent eligible for appointment or reinstatement in public or semi-public office and positions of responsibility in important private undertakings (unless discretionary sanctions authorized by Article 18 (2) are imposed), it is of greatest importance that the definitions of Follower or nominal Nazi contained in the Law and in paragraph 2 (a) of Control Council Directive No. 24 (MGR 23-161.24) be strictly construed. Otherwise, the most important denazification objective of the Law for Liberation and Control Council Directive No. 24 will be defeated (OMGUS letter dated 10 March 1947, file AG 014.311 (IA), subject, "Disapproval of Proposed Instruction concerning Findings of Follower against Officers of Nazi Organizations").

It is conceivable that evidence may be produced which may establish that an office holder in a Nazi organization was no more than a nominal Nazi or was perhaps even an anti-Nazi who had penetrated the Nazi organization for subversive purposes. This

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possibility is envisioned by Article 2 of the Law for Liberation which provides that the respondent shall be judged by a just consideration of his actual conduct taken as a whole, and that external criteria may be overcome, wholly or partly, by evidence to the contrary. This possibility is also recognized by paragraph 5 of Control Council Directive No. 24 which authorizes a review by Military Government at Zonal Headquarters of cases in which it is felt that a mistake has been made in the application of the compulsory removal categories of Directive No. 24 and there is positive evidence, supported by investigation, that an individual is not more than a nominal Nazi (Ibid.).

It seems clear, therefore, that both the Law for Liberation and Control Council Directive No. 24 recognize it as a most important general rule that holding office or other evidence of Nazi activity establishes such a strong presumption that a person was more than a nominal Nazi (and, therefore, ineligible for classification as a Follower) that only in the most exceptional cases is such a finding possible. The evidence to overcome this presumption must be clear and convincing and the respondent must assume the burden of proof in overcoming this presumption (Law for Liberation Article 34). In addition, paragraph 5 of Control Council Directive No. 24 places a responsibility upon Military Government at Zonal (Regional) Headquarters to review such cases; and, therefore, it will be necessary to continue the present practice of requiring local Security and Liaison Offices to forward Delinquency and Error Reports to Regional Offices of Military Government for individual consideration in instances where Spruchkammern find officers of Nazi organizations to be Followers (Ibid.).

Persons Exonerated

ARTICLE 13

Exonerated are:

Persons who in spite of their formal membership, candidacy or other external indications, not only showed a passive attitude but also actively resisted the National Socialistic tyranny to the extent of their powers and thereby suffered disadvantages.

M. G. Anno:

To entitle the respondent to exoneration, he must assume the burden of proving affirmatively that he not only assumed a passive attitude but actively resisted the Nazi tyranny and thereby suffered disadvantages. This requires affirmative proof not only of active resistance but of actual rather than fancied disadvantages and should be interpreted to mean that upon discovery of the respondent's active resistance, immediate persecution in some form resulted therefrom (MGR 9-834.7 e).

Sanctions

ARTICLE 14

In accordance with the extent of responsibility, the following sanctions shall be imposed in just selection and gradation, to accomplish the exclusion of National Socialism and Militarism from the life of our people, and reparation of the damage caused.

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Major Offenders

ARTICLE 15

The following sanctions must be imposed upon Major Offenders:

- (1) They shall be assigned to a labor camp for a period of not less than two and not more than ten years in order to perform reparations and reconstruction work. Political internment after 8 May 1945 can be taken into account. Disabled persons shall be required to perform special work according to their physical capacity.
- (2) Their property shall be confiscated as a contribution to reparations. There shall be left to them only an amount necessary to cover the bare existence after family conditions and earning capacity have been taken into consideration. They shall be subject to current special taxes for a reparation fund, insofar as they have an income.
- (3) They shall be permanently ineligible to hold a public office, including that of a notary or attorney.
- (4) They shall lose any legal claims to a pension or allowance payable from public funds.
- (5) They shall lose the right to vote and to be elected, to be politically active in any way, or to be members of a political party.
- (6) They shall not be allowed to be members of a trade union or a business or vocational association.
- (7) They shall be prohibited for a period of not less than 10 years:
 - (a) to be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as teacher, preacher, editor, author, or radio commentator.
- (8) They shall be subject to restrictions with regard to housing and residence, and may be conscripted for public works service.
- (9) They shall lose all licenses, concessions and other privileges granted to them, as well as the right to keep a motor vehicle.

Offenders

ARTICLE 16

Sanctions against Offenders:

- (1) They may be assigned to a labor camp for a period up to five years in order to perform reparations and reconstruction work. Political internment after 8 May 1945 can be taken into account.
- (2) If they are not assigned to a labor camp, they are to be conscripted for special work for the benefit of the community.
- (3) Their property will be confiscated in whole or in part as a contribution to reparations. In case of complete con-

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fiscation, Article 15, par. 2, second sentence will apply. In case of partial confiscation, capital goods shall be confiscated preferentially. The most necessary items for daily use are to be left to them.

- (4) They shall be permanently ineligible to hold a public office, including that of notary or attorney.
- (5) They shall lose their legal claims to a pension or allowance payable from public funds.
- (6) They shall lose the right to vote or to be elected, to be politically active in any way, or to be members of a political party.
- (7) They shall not be allowed to be members of a trade union or a business or vocational association.
- (8) They shall be prohibited for a period of not less than 5 years:
 - (a) to be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as a teacher, preacher, editor, author or radio commentator.
- (9) They shall be subject to restrictions with regard to housing and residence.
- (10) They shall lose all licenses, concessions and other privileges granted to them, as well as the right to keep a motor vehicle.

Lesser Offenders (Probationers)

ARTICLE 17

Sanctions against Lesser Offenders:

- I. During the period of probation they are not allowed:
 - (a) To direct an enterprise as owner, partner, manager or executive; to supervise or control an enterprise; or to acquire an enterprise in whole or in part, or any interest or share therein in whole or in part;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as teacher, preacher, editor, author or radio commentator.
- II. In case the Lesser Offender is the owner of an enterprise or of any interest therein at the time of his classification, his interest in such enterprise will be blocked during the period of his probation and a trustee appointed therefor. The Tribunal will decide what part of the business income received by the trustee will be paid over to the Lesser Offender. The ultimate disposition of the property so blocked will be determined at the time of final classification of the Lesser Offender.
- III. The term "enterprise" as used in Paras 1, (a) and II. of this Article shall not include small undertakings, especially manual trade enterprises, retail stores, farms and like undertakings, with less than ten employees.

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- IV. Property values, acquisition of which resulted from exploitation of political connections or special National Socialistic measures, such as "Aryanization" and armament, shall be confiscated.
- V. Single or recurrent special contributions to a reparation fund shall be ordered.
- VI. During the period of probation, certain additional sanctions, as specified in Article 16, may be imposed in just selection and modification, in particular;
 - (a) Restrictions in the exercise of a free profession, and prohibition to train apprentices;
 - (b) With regard to civil servants; reduction of retirement pay, transfer to retirement or to a position of inferior rank or to another office with reduced pay, rescission of promotion, transfer from civil service status to contractual employment;
 - (c) With regard to trade and industry, including agriculture and forestry; prohibition to carry on an enterprise, duty to sell an interest, increase in delivery of agricultural or other products, and requirement to perform special services.
- VII. Assignment to a labor camp and complete confiscation of property may not be ordered.

M. G. Anno

The period of probation for a Lesser Offender must be fixed at a minimum of two years from the date of the decision by the Tribunal (MGR 9-832 b (5)).

Lesser Offenders may perform compulsory labor up to 180 days in working out their fines in accordance with the rate set by a Tribunal (Regulation No. 17, MGR 24-500.117).

Property sanctions levied on Lesser Offenders shall amount to 10 % to 40 % of their property, but in no case less than RM 500. In exceptional cases, the sanction may exceed 40 %. The Tribunal may permit payments in instalments in appropriate cases (see Instructions, MGR 24-500.60).

Followers

ARTICLE 18

Sanctions against Followers:

- (1) They shall be ordered to pay single or recurrent contributions to funds for reparations. There shall be taken into account the length of membership, the amount of dues and other contributions, the property, income, and family conditions, and similar circumstances.
- (2) In addition, in the case of civil servants, transfer to retirement or to an office with inferior rank or to another agency, possibly with reduction in pay, or the rescission of a promotion received while the person belonged to the NSDAP, may be ordered. With regard to persons in trade and industry, including agriculture and forestry, similar measures may be ordered.

M. G. Anno:

Monetary sanctions against Followers shall be fixed at not less than RM 50 nor more than RM 2000. The Tribunal may permit payments in instalments in appropriate cases. The decision shall set forth the amount of compulsory labor not in excess of 30 days which the respondent may perform in lieu of payment (Regulation No. 6, MGR 24-500.16).

Extenuating Circumstances

ARTICLE 19

With respect to the imposition of discretionary sanctions, the following extenuating circumstances may especially be taken into consideration:

- (1) Youth or immaturity;
- (2) Serious bodily disability resulting from the impact of the war;
- (3) Heavy and permanent strain upon the earning power of a person because of invalidism of relatives, especially as a result of impact of the war.

M. G. Anno:

Extenuating circumstances are not defenses and are not to be taken into consideration by the Tribunal in arriving at its finding (i. e., the classification of offender), nor must they affect the imposition of mandatory sanctions. Extenuating circumstances are only to be considered in arriving at what discretionary sanctions should be imposed (MGR 9-832 b(2) and 9-834.7 c).

ARTICLE 20

- (1) With regard to persons born after 1 January 1919, sanctions can be imposed under this law only if they are Major Offenders, Offenders or Lesser Offenders.
- (2) In accordance with special regulations, sanctions against such persons may be reduced if they are not Major Offenders.

M. G. Anno:

Persons born after 1 January 1919 are not affected by the Law unless they are within Class I or II categories listed in the appendix to the Law or unless there is other evidence indicating that they are Major Offenders or Offenders (MGR 2-150).

Amnesty decree for youthful ex-Nazis (MGR 24-500.70).

The Youth and Christmas Amnesties do not apply to members of organizations found criminal by the International Military Tribunal (the SS, SD, Gestapo and Corps of Political Leadership of the NSDAP) and any Tribunal findings of Lesser Offender or Follower do not have the effect of exempting such respondents from the sanctions provided by the Law for Liberation (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject, "Trial of Members of Criminal Organizations under the Law for Liberation").

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ARTICLE 21

In case confiscation of property values is ordered, all dispositions and other transactions, which have been or will be made with the intent to defeat or to render more difficult the application of the property for reparations, are void.

Relation to Criminal Law

ARTICLE 22

1. Criminal offences by National Socialists or Militarists may be criminally prosecuted independently of this Law. This applies especially to war crimes and other offences which have remained unatoned under the National Socialistic tyranny.
2. Proceedings under this Law shall not bar prosecution under criminal law for the same offence. However, in imposing sanctions under this Law penalties for the same act imposed in criminal proceedings may be taken into account.

M. G. Anno:

Military Government has decided to entrust the trials of members of organizations found criminal by the International Military Tribunal to the Public Prosecutors and Tribunals established under the Law for Liberation and, to the extent that this is consistent with the finding of the International Military Tribunal, to permit the substantive and procedural provisions of the Law for Liberation to apply (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject, "Trial of Members of Criminal Organization under the Law for Liberation").

CHAPTER II

The Minister

ARTICLE 23

The Minister President shall appoint a Minister for Political Liberation who shall be responsible for carrying out this Law. He must be an opponent of long standing of National Socialistic tyranny and Militarism actively pro-democratic, and an avowed supporter of the principles of this Law.

The Tribunals

ARTICLE 24

1. The Tribunals shall decide the classification of the responsible persons and the sanctions to be imposed.
2. Trial Tribunals shall be established in urban and rural districts.
3. Appellate Tribunals shall be established for the review of decisions.
4. A Public Prosecutor will be assigned to each of the Tribunals.

M. G. Anno:

Special Tribunals for professional or occupational groups are forbidden (MGR 2-120 j).

ARTICLE 25

1. The Tribunals shall be composed of one chairman and at least two assessors.

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2. The members of the Tribunals must be at least thirty years of age.
3. The chairman of the Trial Tribunal should, and the chairman of the Appellate Tribunals shall, be qualified for the office of judge or for the higher administrative service.
4. The members of the Trial Tribunals shall be familiar with local conditions within their area of jurisdiction. The occupational group to which the respondent belongs, or a related group, shall be represented, to the extent possible, among the assessors. However, such persons may not constitute a majority and may not be business competitors of the respondent.

ARTICLE 26

1. The chairmen, their deputies, the assessors of the Tribunals (Trial and Appellate Tribunals) and the public prosecutors shall be appointed by the Minister for Political Liberation. The appointment of the chairmen and their deputies shall be made after consultation with the Minister of Justice.
2. The democratic parties authorized at Land level are to be invited to submit proposals concerning appointment of assessors. A one-sided political combination of Tribunals shall be avoided.
3. The selection of assessors for individual sittings is to be made by the chairmen, in a pre-determined sequence.

ARTICLE 27

1. The members of the Tribunals shall be independent and subject only to the Law.
2. They shall take an oath in public session that they will administer justice in no one's favor and to no one's harm, to the best of their knowledge and conscience, and without bias or prejudice. It is permissible to add formal words of religious affirmation.
3. The Minister for Political Liberation shall exercise administrative supervision over the Tribunals.

ARTICLE 28

All persons entrusted with the execution of this Law must be known as opponents of National Socialism and Militarism. They must be personally beyond reproach and be fair and just.

M. G. Anno:

Persons selected to serve as Public Prosecutors or members of Tribunals must be free of any Nazi affiliations. They must be regarded in the community as having been consistently opposed to the Nazi and militaristic way of life. They need not have participated actively in an opposition movement, however, in order to be considered qualified to serve (MGR 2-160.2).

Venue

ARTICLE 29

The venue of the Tribunals is determined by:

- a) the present or last domicile or residence of the respondent;
- b) the place where the respondent is detained by order of the authorities;

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- c) the place where the respondent has been active at any time;
- d) the place where property of the respondent is located.

In case of doubt, the Minister for Political Liberation will decide as to the venue.

M. G. Anno:

Venue will be set preferentially at the place of residence or detention and only at the place where the respondent has been active or owns property when the respondent is not resident or detained in the Land. Trial elsewhere will only be authorized by the Minister of Political Liberation when the Tribunal having venue is prevented from exercising jurisdiction on legal or factual grounds or where the Minister has found it necessary to vacate a decision and order a new trial and it is deemed desirable that the case be heard by a different Tribunal (MGR 2-120 j).

Civilian internees in the custody of the Minister of Political Liberation who are members of organizations found criminal by the International Military Tribunal must be tried by a Tribunal at the Civilian Internee Enclosure unless in individual cases Military Government approval is obtained for their trial elsewhere (MGR 2-240.5).

No civilian internees are to be released except under the following circumstances:

- a. When determined by the Public Prosecutor to be not incriminated;
- b. In accordance with Tribunal findings;
- c. For transfer to the Land or Zone of residence;
- d. On approval by the Military Governor;
- e. On approval by the Regional Office of Military Government because of physical or mental incapacity;
- f. On approval by the Regional Office of Military Government for compassionate leave (OMGUS cable No. V-12966 dated 17 January 1947).

ARTICLE 30

If the Tribunal which would ordinarily be competent, in an individual case, is prevented from exercising jurisdiction, on legal or factual grounds, the Minister for Political Liberation shall transfer the investigation and decision of the case to a Tribunal of equal rank of another district.

Substantive Jurisdiction

ARTICLE 31

- (1) The Tribunals shall be authorized and obligated under this Law to decide on all cases without being bound by previous decisions of other agencies.
- (2) No other proceedings for the purpose of political liberation shall take place apart from the proceedings before the Tribunals.

M. G. Anno:

Military Government has authority in certain classes of employment or activity to disapprove individuals despite the fact that their cases have been heard and no employment sanctions have been imposed by Tribunals (MGR 2-160).

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Persons whose cases have been finally disposed of by Military Government agencies or German Tribunals in other Zones of occupation pursuant to Control Council Directive No. 38 (MGR 23-161.38) will not be prosecuted under the Law for Liberation (OMGUS cable No. V-12 342, dated 3 January 1947).

Persons eligible to apply for institution of proceedings

ARTICLE 32

- (1) The following shall be eligible to apply for institution of proceedings:
 - The Minister for Political Liberation and his authorized representatives.
 - The public prosecutor.
 - The mayor of the present and former residence.
 - The supreme administrative authority of the Land, with regard to civil servants and employees of the public administration.
 - The injured person, provided he was directly harmed by the respondent in the particular case.
 - The trade unions, the vocational or business associations, and the political parties authorized at Land level, as well as any other authorized organization.
 - The respondent himself or his legal representative.
- (2) The application must designate the respondent, and contain brief reasons. It may be filed with any Tribunal.

The Public Prosecutor

ARTICLE 33

1. The Public Prosecutor shall ascertain all responsible persons (Article 4). He shall receive and examine all registration forms (Meldebogen) (Article 3), applications (Article 32), denunciations and other data referring to responsible persons, and institute the investigations ex-officio. He shall carry out the investigation, prefer the charges and prosecute the case before the Tribunal.

The charge must contain:

 - (a) the group of responsible persons to which the respondent shall be assigned;
 - (b) the basis for the charge;
 - (c) essential evidence;
 - (d) the motion as to whether the decision shall be taken in summary proceedings or on the basis of oral trial.
2. Insofar as the list attached to this Law or directives of the Minister for Political Liberation designate groups of persons or individuals as specially requiring investigation, such investigation shall be conducted with particular care.
3. If the respondent falls within Class I of the attached list, his investigation shall be given priority, and the charge filed shall contain a motion to allocate him to a group of major offenders. In such a case an oral hearing is obligatory.
4. If the respondent falls within Class II of the attached list, the charge filed by the public prosecutor shall contain a motion

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to allocate him to the group of major offenders or offenders, or if it seems to the public prosecutor warranted by the result of his investigation, to the group of probationers. In such a case, also, an oral hearing is obligatory if requested by the public prosecutor, the person who applied for institution of the proceedings, or the respondent.

5. If the respondent does not fall within any of the categories enumerated in the list, the public prosecutor shall move to allocate him into such group of persons responsible as is warranted by the result of his investigations.

If the respondent falls within the class of major offenders or offenders, the public prosecutor shall proceed in accordance with paragraphs 3 and 4. If the respondent belongs to the group of lesser offenders or that of followers, the public prosecutor shall move for a decision in written proceedings. If such a respondent appears to be exonerated or not incriminated at all, the public prosecutor shall quash the proceeding.

6. The charge, any motion for a decision in written proceedings, or any order quashing the proceedings, must be served upon the respondent and the person who applied for institution of the proceedings.
7. If the public prosecutor moves for a decision in written proceeding or quashes the proceeding, the person who applied for institution of the proceedings may apply within two weeks to the Tribunal for a decision.

M. G. Anno:

Public Prosecutors must charge persons falling within Class I categories as Major Offenders and persons falling within Class II categories as Major Offenders, Offenders, or in appropriate cases, Lesser Offenders (MGR 2-120 g, 9-832 a, 9-834.3 and 9-834.6). With reference to persons charged as Major Offenders, an oral hearing is obligatory. An oral hearing can be demanded by the Public Prosecutor, the person who applied for institution of the proceedings or by the respondent himself if the respondent is in a Class II category (MGR 2-120 i).

It is the duty of the Public Prosecutor to give priority to investigations and trials involving (1) persons exercising authority or influence, (2) persons in Class I or II categories, and (3) other persons considered to be Major Offenders. No preference shall be given to persons whose employment has been approved or disapproved by Military Government except upon request of the competent Minister (Administrative Instruction No. 1, MGR 24-500.31).

The staff of the Public Prosecutor will evaluate the Meldebogen in accordance with the Rank List and Instructions and will summarize incriminating information on the Work Sheet (Arbeitsblatt) in the space provided therefore (MGR-24-500.55).

In the course of his investigation the Public Prosecutor shall collect information by circulating a Work Sheet (Arbeitsblatt) to various agencies in the community, including the Special Branch of the local Security and Liaison Office of Military Government (Administrative Instruction No. 1, MGR 24-500.31).

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The various agencies and preliminary screening boards (Vorprüfungsausschüsse) to which Arbeitsblätter are circulated are required to submit facts only and are prohibited from giving opinions or making recommendations. Public Prosecutors have been instructed not to submit any opinions or recommendations of such agencies to the Tribunals (MGR 2-120 d). See also Instructions for processing Arbeitsblätter, MGR 24-500.68.

An Arbeitsblatt need not be circulated concerning a person who does not appear to be chargeable under the Law. Instead, lists of persons who appear to be not chargeable will be circulated to the Special Branch of the local Security and Liaison Office of Military Government, and to the police. The list will be publicly posted (Administrative Instruction No. 3, MGR 24-500.68 and MGR 9-834.5).

In implementing the Christmas and Youth Amnesties, Public Prosecutors will follow procedures similar to those outlined in Administrative Instruction No. 3 (MGR 24-500.33) with the additional proviso that a copy of the list will be furnished to the appropriate Finance Office (OMGUS cable No. V-14 400, dated 18 February 1947).

Youth Amnesty Decree (MGR 24-500.70).

Christmas Amnesty Decree (MGR 24-500.71).

Burden of Proof

ARTICLE 34

I. If the respondent falls within Class I or II of the list attached to this Law, he has to show in a clear and convincing manner that he falls within a group more favorable to him. He shall immediately submit his evidence to the Tribunal. If the respondent falls within Class I, any defense offered by him shall be judged by particularly rigid standards.

II. Whoever claims to be a follower or exonerated has the burden of proof if this shall be questioned.

M. G. Anno:

It is highly important that the Public Prosecutor's charge be in accordance with paragraphs 3 and 4 of Article 33 of the Law in order to require the respondent to assume the burden of proof (MGR 9-834.6).

If the defense offered by the respondent is a relevant one (Article 39 II), the Tribunal is still bound by Article 34 to require the respondent to assume the burden of proof if he is in any of the Class I or II categories listed in the appendix to the Law. The Tribunal is not legally justified in downgrading the respondent unless the respondent assumes the burden of proving in a clear and convincing manner that he should be placed in a lower classification. If the respondent is in a Class I category any defense made by him should be judged by particularly rigid standards (MGR 9-834.7 b).

Upon proof of membership in an organization found criminal by the International Military Tribunal, a presumption shall arise that the member joined or remained a member with knowledge of the criminal acts and purposes of the organization. This presumption is rebuttable and may be overcome by evidence to the contrary in accordance with Article 34 of the Law. A similar presumption shall arise with reference to the voluntary nature of

a respondent's membership in the Waffen SS; those who claim that they were drafted into membership by the State in such a way as to give them no choice in the matter have the burden of proving such a defense (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject "Trial of Members of Criminal Organizations under the Law for Liberation").

Procedure Before the Tribunal

ARTICLE 35

1. The Tribunals shall regulate their procedure according to their unfettered discretion. On their own motion they shall do everything necessary to ascertain the truth.
2. They may hear witnesses and experts under oath and receive affidavits; they may, by subpoena and fines, compel the respondent, a witness, or an expert to appear personally.
3. The date of trial shall be published in advance in a suitable manner.
4. The respondent is entitled to a fair hearing. He may have the assistance of an attorney at law or any other licensed counsellor.
5. If the respondent fails to appear without excuse or cannot be reached, the case may be tried and decided in his absence.

M. G. Anno:

For procedures and grounds for challenging the competence and qualifications of individual members of Tribunals, see Regulation No. 3 (MGR 24-500.13).

Indigent respondents are entitled to have defense counsel appointed for them and compensated by the State at fixed rates. See Regulation No. 12 (MGR 24-500.112).

ARTICLE 36

In the case of an absent person, whose whereabouts are unknown or who stays outside of the Land or whose appearance before the competent Tribunal appears not to be feasible, an oral hearing shall take place only if the public prosecutor so moves. The absent person shall be summoned in an appropriate manner by service by publication. A representative must be appointed for him.

M. G. Anno:

For the registration, notice by publication and procedures to be followed in proceedings against absent, missing, deceased or detained persons, see Regulations No. 1 and 4 (MGR 24-500.11 and 24-500.14).

ARTICLE 37

If the respondent is dead, a proceeding for the purpose of confiscating his estate, in whole or in part, situated within the Land may be carried out upon the order of the Minister for Political Liberation, without regard to statutory inheritance or testamentary dispositions. Such a proceeding may be ordered only if the respondent is considered to have been a major offender or offender within the meaning of this Law.

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M. G. Anno:

The Bürgermeister of the community of the domicile of a deceased person who is chargeable as a Major Offender or Offender must submit a registration form (Meldebogen) for the deceased person (Regulation No. 1, MGR 24-500.11).

Claims of survivors to pensions of deceased persons who fall within Class I or II categories listed in the appendix to the Law shall remain suspended pending the disposition of proceedings against the estate of the deceased person (Regulation No. 16, MGR 24-500.116).

Charges preferred under Article 37 shall be served on the heirs of the deceased respondent. Others having a financial interest in the estate may join in the proceedings provided they are able to prove their interest to the satisfaction of the Tribunal. Costs of the proceedings may be debited against the estate if according to the usual rules they would have been charged against the respondent had he been alive.

ARTICLE 38

1. Without being bound by any motions, the Tribunal shall decide on the basis of the evidence according to its free conviction formed from the whole trial.

2. The Tribunal shall decide by a majority vote in secret deliberation.

ARTICLE 39

In determining the group of persons responsible to which the respondent shall be allocated, the Tribunal shall take into consideration, in particular, the following circumstances:

I. Against the Respondent:

- (1) That he personally gave eager support to Nazi ideas and measures;
- (2) That he exploited his position as superior for political purposes; for example, that he exercised pressure upon subordinates for the purpose of causing them to join the NSDAP or its formations;
- (3) That he employed political pressure to achieve private aims;
- (4) That he physically mistreated or menaced political opponents;
- (5) That he showed an unsocial or brutal attitude towards political opponents, persons who were economically weaker, in particular, against persons in dependent positions, for instance, against foreign workers, or against religious minorities;
- (6) That he used threats against public servants to enforce or suppress official acts.

II. In favor of the Respondent:

- (1) That he resigned from the NSDAP and its formations prior to 30 January 1933, or if he resigned thereafter, by a personal declaration made under circumstances requiring courage; that he was expelled from the NSDAP and its formations, provided such expulsion was based

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on his resistance against party demands and not upon dishonorable conduct; subsequent rejoining cancels the effect of such a declaration of resignation or such expulsion;

- (2) That it is proved that he cooperated with a resistance movement or with any other movement directed against the Nazi tyranny, if such resistance was based upon anti-Nazi and anti-militaristic motives;
 - (3) That it is proved that he regularly and publicly attended the services of any recognized religious sect, if there is clear evidence that such participation signified rejection of Nazism;
 - (4) That it is proved that he repeatedly supported and assisted victims and opponents of Nazism, if this was done for anti-Nazi motives;
 - (5) That it is proved that, despite his membership in the NSDAP or one of its formations, he was subject to political persecution or suppression by the Nazi tyranny on account of his anti-Nazi activities or attitude.
- III. The fact that a respondent was compelled by orders to be active in the Health Service shall not be considered against him even though he held a rank in connection with such activity.

M. G. Anno:

While Article 39 is not restrictive as to the evidence which may be offered in defense, it is difficult to perceive other evidence which would be relevant to the issues other than an outright denial by the respondent of the activity or affiliation with the Nazi organization which is the basis of the charge against him. Therefore, if no defense is made, or if the defense which is made is not relevant to the issues, (i. e., not one of the defenses enumerated in this Article), there is no legal basis for the Tribunal to place the respondent in a lower classification than that of the Public Prosecutor's charge (MGR 9-832 b (4) and 9-834.7 a).

Since an amnesty has been declared for youthful offenders born after 1 January 1919 who are not in Class I or II categories or are not found to be Major Offenders or Offenders (MGR 24-500.70), the fact that the respondent was born after 1 January 1919 should be considered as a defense rather than as an extenuating circumstance (MGR 9-834.7 c).

For a precise statement of the effect and application of the youth amnesty, see MGR 2-150.

ARTICLE 40

1. The Tribunals, and in case of urgency the chairmen, may issue interlocutory orders at any stage of the proceedings.
2. They can, in particular, order the arrest and confinement of the respondent; they can prohibit his continued employment; and they can order blocking of his property.

M. G. Anno:

Where the Public Prosecutor requests an interlocutory order, the Chairman of the Tribunal shall render his decision without delay. If the Chairman refuses to issue the order, it must be

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submitted to the Tribunal for decision (Administrative Instruction No. 2, MGR 24-500.32).

Interlocutory orders issued by the Chairman alone must be submitted to the Tribunal within two weeks for confirmation, amendment or rescission. All interlocutory orders relating to arrest shall be reviewed by the Tribunal once every four weeks for the purpose of considering whether the conditions requiring continued custody still prevail (Regulation No. 13, MGR 24-500.113).

In the event of an appeal of a case in which an interlocutory order of arrest has been issued, the Public Prosecutor must submit the complete files to the Appellate Tribunal within three days for the purpose of a consideration by the Appellate Tribunal of the justification for continued detention (Regulation No. 13, MGR 24-500.113).

Property which is now blocked or controlled by Military Government will continue to be blocked or controlled until final decision by a Tribunal, at which time the property will be disposed of in accordance with the findings and sanctions imposed, if any. If no property sanction is imposed, the property will be unblocked or released from control provided there are no other grounds under Law No. 52 for its continued control (MGR 2-130.5).

The property of persons who fall within Class I or II categories listed in the appendix to the Law whose employment or activity has not been approved by Military Government (Article 59) or by the Minister of Political Liberation (Article 60) shall be blocked as of 1 June 1946 until decision by a Tribunal. This does not apply to owners and employees of small enterprises or persons in independent professions excepted by the provisions of paragraph 3 of Article 58 (Regulation No. 8, MGR 24-500.18).

ARTICLE 41

The decision of the Tribunal shall state whether the respondent is a major offender, an offender, a lesser offender (probationer), follower, or is exonerated, and shall impose the appropriate sanctions.

ARTICLE 42

1. In allocating a respondent to the group of lesser offenders (probationers) the Tribunal shall fix a period of probation. At the same time it shall determine the sanctions to be applied during the period of probation.

2. Upon expiration of the period of probation, the public prosecutor shall make a motion, based upon the results of his investigation, to allocate the respondent to a group of persons responsible. Together with its decision upon this motion, the Tribunal shall finally determine the sanctions to be imposed. If the respondent does not prove himself, he shall be allocated, upon application of the public prosecutor, even before the end of the probationary period, in a new proceeding, to the class of offenders. At that time sanctions shall be determined.

ARTICLE 43

If the decision is made in written proceedings, the respondent shall be afforded adequate opportunity for his defense and for submitting his evidence.

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M. G. Anno:

In the case of a written proceeding, the Chairman of the Tribunal shall submit the record to the Tribunal for decision two weeks after charges have been served upon the respondent (Administrative Instruction No. 2, MGR 24-500.32).

ARTICLE 44

The decision of the Tribunal shall be in writing, with brief reasons emphasizing any circumstances in favor of and against the respondent; it shall be signed by the members of the Tribunal.

M. G. Anno:

Minutes of the hearing shall be kept on a prescribed form. Testimony of witnesses and experts shall be recorded in detail. The decision and sentence shall be reduced to writing and shall give reasons, and certified copies shall be served upon the Public Prosecutor, the person, if any, who applied for institution of the proceedings, and the respondent. Copies shall be sent to the Minister and to local Military Government. At the conclusion of the trial the sentence shall be pronounced, stating in brief the grounds on which it is based (Administrative Instruction No. 2, MGR 24-500.32).

ARTICLE 45

A certified copy of the decision, together with the reasons, shall be served upon:

- (1) The public prosecutor;
- (2) The person who applied for the institution of the proceedings;
- (3) The respondent and his legal representative.

M. G. Anno:

Minutes of the hearing shall be kept on a prescribed form. Testimony of witnesses and experts shall be recorded in detail. The decision and sentence shall be reduced to writing, shall give reasons, and certified copies shall be served upon the Public Prosecutor, the person, if any, who applied for institution of the proceedings, and the respondent. Copies shall be sent to the Minister and to local Military Government (Administrative Instruction No. 2, MGR 24-500.32).

Appeal

ARTICLE 46

From the decision of the Tribunal the persons designated in Article 45 may file an appeal, to the Appellate Tribunal. The appeal shall be filed with the Trial or Appellate Tribunal within one month after service of the decision and shall contain in writing the grounds for appeal.

M. G. Anno:

Upon receipt of an appeal, the Chairman of the Tribunal shall forward the application for appeal to the Public Prosecutor together with the record of the case (Administrative Instruction No. 2, MGR 24-500.32).

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The procedures outlined in Administrative Instruction No. 2 apply as well to Appellate Tribunals (MGR 24-500.32).

The Public Prosecutor is allowed fourteen days after a respondent appeals to file a cross appeal (Regulation No. 10, MGR 24-500.110).

Under German appellate practice, if the respondent alone appeals, the Appellate Tribunal cannot classify him higher than he was classified by the Trial Tribunal nor impose additional sanctions. It is therefore important that the Public Prosecutor himself appeals in such cases if he desires to confer full jurisdiction upon the Appellate Tribunal to revise the decision of the Trial Tribunal (MGR 9-834.9).

If the respondent withdraws his appeal before it is heard, only one quarter of the costs of the appeal shall be assessed against him (Regulation No. 22, MGR 24-500.122).

Persons sentenced to Labor Camps by Spruchkammer will start serving their sentences immediately notwithstanding the fact that appeals may be pending or contemplated (OMGUS cable No. V-13930, dated 7 February 1947).

ARTICLE 47.

1. The appeal may challenge both the allocation into a certain group and the imposition of sanctions insofar as they are within the discretion of the Tribunal.

2. The appeal can be based only upon the ground that the facts as found did not warrant the decision of the Trial Tribunal, or that the proceedings were conducted in an arbitrary or partial manner. The Appellate Tribunal may dismiss appeals which are manifestly unmeritorious. It may itself take new evidence if, in its discretion, this appears to be necessary for a just decision of the case. This applies, in particular, if essential facts or evidence could not previously have been presented.

3. The Appellate Tribunal may in its decision affirm or modify the decision appealed from, or may remand the case for a new trial to the same or another Trial Tribunal.

4. In all other respects, the provisions governing procedure before the Trial Tribunals shall apply to the Appellate Tribunals so far as practicable.

Reopening of Proceedings

ARTICLE 48

1. The proceedings may, upon motion, be reopened on the ground of new essential facts or evidence.

2. The Trial Tribunal shall decide without oral hearing whether reopening of the proceedings shall be permitted. A decision rejecting the reopening of a proceeding may be appealed from.

M. G. Anno:

In proceedings against absent persons, the decision shall be served upon the respondent if he is apprehended or surrenders. Within one week thereafter, the respondent may ask for a reopening of the proceedings notwithstanding the fact that the conditions of Article 48 have not been fulfilled. A new trial shall be ordered if the respondent gives satisfactory explanation of his

absence or if other circumstances justify a new trial (Regulation No 4, MGR 24-500.14).

If a motion on behalf of the respondent to reopen the case is rejected, the costs assessed against the respondent shall be one-half of the costs originally assessed in the first instance (Regulation No. 22, MGR 24-500.122).

Exclusion of Other Remedies

ARTICLE 49

Remedies other than appeals shall not be permissible. In particular, interlocutory orders are not subject to any review.

Enforcement of Decisions

ARTICLE 50

The Minister for Political Liberation shall issue the necessary regulations for enforcement of any measures, which may be ordered.

Group Register

ARTICLE 51

1. After final decision by the Tribunals, the classification of the respondent and the sanctions imposed upon him shall be entered on his identification card and in a register established for this purpose.

2. The register shall be open for public inspection.

M. G. Anno:

After the sentence has become final, a certified copy shall be sent to the police authority of the place where the respondent has his domicile or residence (Administrative Instruction No. 2, MGR 24-500.32). See also MGR 2-120 k.

The police authority shall enter the sentence on the register which shall be open for public inspection. If the respondent moves, the police authority shall notify the police authority of the place to which the respondent moves of the sanctions which have been imposed (Regulation No. 2, MGR 24-500.12).

Upon receipt of the sentence against a respondent who has been adjudged a Major Offender, Offender or Lesser Offender, the police authority shall summon the respondent and enter the finding and sanctions imposed on the respondent's Kennkarte (Regulation No. 2, MGR 24-500.12). The entries on the Kennkarte shall be made in accordance with the uniform procedures prescribed by Regulation No. 14 (MGR 24-500.114).

Review

ARTICLE 52

1. The Minister for Political Liberation may request that any decision be submitted to him for review.

2. If the public prosecutor believes that a final decision of the Tribunal is obviously wrong or inconsistent with the purposes of this Law, he must submit the case to the Minister for Political Liberation for review.

3. The Minister may vacate the decision, order a new trial, and in such event he may remand the case to a different Trial Tribunal.

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ARTICLE 53

If, during a substantial period of time after the final decision, a respondent has manifested by his whole conduct that he has completely turned away from Nazism, and that he is fit and willing hereafter to participate in reconstructing Germany on a peaceful and democratic basis, the public prosecutor may, after a thorough examination of the case, propose to the Minister for Political Liberation to mitigate or vacate the decision against the respondent. The Minister shall decide fairly and equitably, taking into consideration the policies and aims of this Law.

Pardon

ARTICLE 54

The power of pardon shall be exercised by the Minister President acting on the recommendation of the Minister for Political Liberation.

Assistance from Other Agencies

ARTICLE 55

The public prosecutor and the Tribunals are authorized to exercise official functions outside of their districts, without the consent of the local competent authorities.

ARTICLE 56

1. All agencies of the state, the communities and the police administration, as well as the self-governing and special administrative authorities, shall cooperate with the agencies entrusted with the administration and enforcement of this Law. It is not permissible to reject any such request for cooperation. Costs and expenses resulting from such cooperation will not be refunded to the agencies thus requested.

2. No stamps, fees, and public imposts, which by the law of the Land are payable in connection with a request for official cooperation shall be levied.

3. The above provisions are applicable also where a request for official assistance on the basis of this Law is made by the authorities of another German Land.

Costs

ARTICLE 57

Proceedings under this law are subject to costs.

M. G. Anno:

A schedule of fees and costs has been enacted. See MGR 24-500.52.

CHAPTER III

Statutory Prohibition of Activities and Employment

ARTICLE 58

1. From the effective date of this law persons who are enumerated in Class I or II of the list attached to this Law, or who were otherwise members of the NSDAP or one of its for-

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mations except the Hitler Youth (HJ and BDM), shall not be employed or active in all public and private enterprise, non-profit and welfare organizations, as well as in professions; except in ordinary labor. If such persons are still active or employed in any way other than in ordinary labor, they shall be removed and excluded from their positions on the effective date of this Law. They shall no longer be active in the same agency or in the same business. In other places they may be employed only in ordinary labor.

2. Removal and exclusion applies not only to persons who work in dependent positions, but also to entrepreneurs, owners of a business, and persons owning an interest therein.

3. The provisions of this Article do not apply to owners and employees of small enterprises, particularly manual trade enterprises, retail stores, farms, similar enterprises, employing less than ten persons. These provisions also do not apply to persons engaged in independent professions provided they do not employ more than two assistants, such as clerks, nurses, and similar personnel.

M. G. Anno:

All private employers employing ten or more persons are required to submit monthly Status Reports to the local Labor Office, certified by the Works Council. Labor Offices may assess penalties up to RM 1000 for failure to comply with this regulation. Status Report forms have been prescribed and are intended to show the status of all officials and employees under the Law for Liberation. Copies of the Status Reports are required to be posted in the employer's premises in order that they can be scrutinized by all employees (Regulation No. 5 (as amended), MGR 24-500.15).

All public and semi-public offices are required to submit similar monthly Status Reports to their superior authorities with copies to the Minister of Political Liberation and to the local Security and Liaison Office of Military Government (Regulation No. 7, MGR 24-500.17).

Sponsoring and supporting members of a formation are not barred by the provisions of Article 58 unless they are within Class I and II categories (E-II (2) listed in the appendix to the Law (Regulation No. 9, MGR 24-500.109).

The Special Branches of local Security and Liaison Offices will ensure that Articles 58 and 59 are enforced and observed in both public and private employment by following the procedures outlined in MGR 9-844 to 9-846 inclusive.

The provisions of Article 58 do not apply to persons born after 1 January 1919 unless they are in Class I or II categories listed in the Appendix to the Law. If the youthful offender is in a Class II category solely because he was admitted to the NSDAP from the Hitler Youth, the provisions of Article 58 will not apply if after investigation the Public Prosecutor charges the youth only as a Lesser Offender (Youth Amnesty Decree, MGR 24-500.70).

ARTICLE 59

1. Persons whose employment or activities have been temporarily approved by Military Government or pursuant to Military Government Law No. 8 may, until final decision by the Tribunal,

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continue in their activities or employment unless prior to such decision Military Government has revoked such approval.

2. Any person who pursuant to an order of Military Government or Military Government Law No. 8 has been removed or excluded from public office or any other position, shall not be re-employed therein until the Tribunal has made a final decision in his favor.

M. G. Anno:

A person may be considered to have had the temporary approval of Military Government if the following conditions have been met:

- a. A Fragebogen has been submitted and an investigation made by Special Branch (or by a Tribunal in a case heard under Law No. 8);
- b. The person was found not to be in a mandatory removal category; and
- c. The person was not ordered removed or excluded by Military Government (or by a Tribunal in a case heard under Law No. 8). (MGR 2-140.2)

No person who has been found to be in a mandatory removal category can be considered as having had the approval of Military Government unless Military Government Review Boards at Land level or higher have approved the appointment or retention of the person in question (MGR 2-140.4).

Temporary revocable employment licenses or authorizations issued by Military Government to persons (doctors and others) in mandatory removal categories to engage in professional or other activities to the extent that their personal services were found necessary for the health, safety or well-being of the community, are not approvals by Military Government and in any event were terminated as of 1 August 1946. Nor are blanket approvals of classes or categories of persons, or exemptions to professional or occupational groups, to be considered approvals by Military Government. To constitute an approval, the action must have been taken on an individual basis after consideration of the facts in each case (MGR 2-140.3).

Persons in Class I or II categories listed in the appendix attached to the Law who have been arrested and interned are to be considered as having been disapproved by Military Government (MGR 2-140.6 b).

Approvals granted by Military Government are revocable at any time prior to final decision by a Tribunal if new evidence is discovered which warrants such action or if in individual cases it is found that the grounds upon which the original approval was given were erroneous (MGR 2-140.5). See also MGR 9-866.6.

Approvals granted by Military Government agencies in other zones of occupation shall have the same force and effect as approvals granted in the U.S. Zone (OMGUS cable No. V-12342, dated 3 January 1947).

Approvals granted by Military Government, including those issued by Land, USFET, or OMGUS Denazification Review Boards, will be considered as terminated and revoked as soon as a Spruchkammer decision has been made imposing disqualify-

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ing sanctions. The fact that the respondent has taken an appeal, or that the Berufungskammer or the Minister of Political Liberation has reversed the decision of the Spruchkammer and remanded the case for a retrial, will not be considered as restoring the force and effect of the Military Government approval under either Article 59 or Article 62 of the Law (OMGUS cable No. V-15153, dated 5 March 1947).

Temporary Exemptions

ARTICLE 60

The Minister for Political Liberation may temporarily and revocably authorize continued activities or employment under the following conditions:

- a. Continued employment or activities must be absolutely indispensable for maintaining public health or safety because of the special qualifications of the person concerned;
- b. There must not be available any qualified, politically unincriminated person;
- c. The person concerned must not fall within the group of major offenders;
- d. He must not owe his position exclusively to the NSDAP;
- e. He must not have an influence on the management and business policies of the enterprise nor upon the hiring, and discharging, of others;
- f. His income from his work must not exceed in any case the amount of RM 500 per month;
- g. He must be replaced by a politically unincriminated person as soon as possible.

Statutory Blocking of Property

ARTICLE 61

1. The property of persons removed and excluded pursuant to Article 58 is subject to blocking.
2. For administering and safeguarding property blocked under this Law, the Minister for Political Liberation, or an agency designated by him, shall appoint a trustee.

M. G. Anno:

The property of persons who fall within Class I or II categories listed in the Appendix to the Law whose employment or activity has not been approved by Military Government (Article 59) or by the Minister of Political Liberation (Article 60) shall be blocked as of 1 June 1946 until decision by a Tribunal. This does not apply to owners and employees of small enterprises or persons in independent professions excepted by the provisions of paragraph 3 of Article 58 (Regulation No. 8, MGR 24-500.18).

Pending a final decision by a Tribunal, claims for payment of pensions, annuities or other benefits on behalf of the following persons shall be suspended:

- a. Persons falling within Class I or II categories listed in the Appendix to the Law or who are charged as Major Offenders, Offenders or Lesser Offenders;
- b. Persons who have been removed from public office or other positions by order of Military Government or in accordance with Law No. 8 (Regulation No. 16, MGR 24-500.116).

DENAZIFICATION

CHAPTER IV

Transitory Provisions

ARTICLE 62

Proceedings under this Law need not be initiated by the public prosecutor against persons who, after investigation, have received final approval of Military Government for their employment or activities, unless they were members of the NSDAP or one of its formations (excluding HJ or BDM) or unless new facts or evidence against them have come to the knowledge of the public prosecutor. Members of the NSDAP or one of its formations (except HJ or BDM) whose activities or employment, after investigation, have received final approval of Military Government shall be classified in a group not higher than followers, unless there is evidence against them.

M. G. Anno:

No person who has been found to be in a mandatory removal category can be considered as having had the approval of Military Government unless Military Government Denazification Review Boards at Land level or higher have approved the appointment or retention of the person in question (MGR 2-140.4). See also Title 16, Finance, MGR 16-653 and 16-660 et seq.; Title 17, Property Control, MGR 17-235, 17-236, 17-240 and 17-300; Military Government Law No. 52, MGR 23-332; and General Order No. 1, Supplement No. 2, Pursuant to MG Law No. 52, MGR 23-332.1.2.

Directors of Land Offices of Military Government have authority to revoke final approvals by Denazification Review Boards at Land level or higher in individual cases where such action appears warranted (MGR 2-140.5).

Wherever investigation by the Public Prosecutor has uncovered evidence warranting a charge of Major Offender, Offender or Lesser Offender against an important or influential person who has previously been investigated and approved by Military Government, the Security and Liaison Officer should revoke the approval in order that the Public Prosecutor's case against such person will not be prejudiced by the provisions of Article 62 of the Law. The revocation of the Military Government approval should precede the institution of charges by the Public Prosecutor, wherever possible, and should be coordinated with functional Divisions of the Land Office of Military Government (MGR 9-866.6).

Approvals granted by Military Government, including those issued by Land, EUCOM, or OMGUS Denazification Review Boards, will be considered as terminated and revoked as soon as a Spruchkammer decision has been made imposing disqualifying sanctions. The fact that the respondent has taken an appeal, or that the Berufungskammer or the Minister of Political Liberation has reversed the decision of the Spruchkammer and remanded the case for a retrial, will not be considered as restoring the force and effect of the Military Government approval under either Article 59 or Article 62 of the Law (OMGUS cable No. V-15153, dated 5 March 1947).

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DENAZIFICATION

CHAPTER V

Final Provisions

ARTICLE 63

Ordinary labor within the meaning of this Law is deemed to be any activity in skilled or unskilled labor, or as employee in a position of subordinate importance, in which the employee is not active in any way in a supervisory, managerial, or organizing capacity, and does not participate in any way in hiring or discharging personnel or in any other personnel policies.

M. G. Anno:

A doctor or lawyer who performs the normal tasks incidental to his profession (e. g., in the case of doctors, examination of patients, prescribing medical treatment, performing operations; or in the case of lawyers, interviewing clients, giving legal advice, appearing in court) cannot be regarded as engaged in ordinary labor (MGR 2-140.6).

Persons who have authority to employ or dismiss others, or to supervise them, or who, by reason of their employment, have authority over the general public, such as the police, or who are engaged in employment or activities placing them in a position to mould public opinion, such as teachers, or who are engaged in professions, such as lawyers, doctors or professional engineers, cannot be considered to be engaged in ordinary labor (Regulation No. 15, MGR 24-500.115).

ARTICLE 64

The respondent cannot derive any claim for reinstatement or damages from a decision of a Tribunal declaring him to be a Lesser Offender, Follower, or exonerated person.

M. G. Anno:

Whether or not a person is to be reinstated is not a question for a Tribunal to decide. A decision of a Tribunal, which does not impose employment sanctions merely makes the respondent eligible for reinstatement. The decision as to whether a person will be reinstated rests with the employing authority which is bound to observe the following policies:

- a. The respondent must possess the positive political, liberal and moral qualities necessary to the development of genuine democratic institutions; and
- b. The reinstatement must be subject to the employment preferences and priorities in favor of persons persecuted by the Nazi regime and Anti Nazis (MGR 2-160.4).

ARTICLE 65

1. The following are punishable by imprisonment or fine:
 - a. Any person who gives a false or misleading certificate or declaration or who obscures facts which are relevant to the application of this Law;
 - b. Any person who after 1 June 1946 violates any prohibition of employment or who continues any activities prohibited under this Law;

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c. Any person who fails to give information required under this Law;

d. Any person who fails to perform his duty of registration;

e. Any person who, for the purposes of evading this Law or any orders made under this Law, undertakes to remove or conceal property or assist any other person in so doing.

In the cases of "a" and "e", loss of civil rights may be imposed in addition to imprisonment.

2. In other respects, the provisions of the Criminal Code remain applicable.

M. G. Anno:

Apart from the criminal provisions of Article 65, Labor Offices may assess penalties up to RM 1000 for failure to file Status Reports (Regulation No. 5, MGR 24-500.15).

Enforcement of employment restrictions will be the responsibility of German agencies, in particular the Public Prosecutor and the Labor Offices (Arbeitsämter). All violations of the Law, including falsifications of Meldebogen and disregard of employment restrictions are criminal offenses punishable in German courts. Only in exceptional cases, where Military Government interests are directly involved, will charges be prosecuted before Military Government courts under the Law (MGR 2-130.4).

Instances may occur where evidence uncovered by Military Government corruptly implicates German authorities responsible for the enforcement of the Law. In such cases it may prove necessary that the investigation be conducted by Military Government, and if need be, prosecution instituted before a Military Government court. These cases should be thoroughly prepared and relentlessly prosecuted and followed by severe and well publicized sentences in order to serve as a deterring influence on others (MGR 9-852 and 9-853).

ARTICLE 66

The Minister for Political Liberation shall issue regulations to carry out this Law.

ARTICLE 67

This Law becomes effective on 5 March 1946.

Munich, 5 March 1946

The Land Governments for:

Bavaria

Greater Hesse

Württemberg-Baden

DENAZIFICATION

APPENDIX TO THE LAW FOR LIBERATION FROM NATIONAL SOCIALISM AND MILITARISM

This appendix is based on Directive No. 24 of the Control Council which is binding on the German governments and the German people. This appendix is part of this law.

PART A

(Class I and Class II)

Class I includes persons who, on the basis of rebuttable presumption, are classified as Major Offenders.

Class II includes persons who, on the basis of rebuttable presumption, are classified as Offenders (activists, militarists, and profiteers).

The presumption that a person is to be classified into Class I or Class II according to part A of the list, may be rebutted by evidence to the contrary in a procedure before the Tribunals.

The terms "Officials", "Persons", "Members" do not include the technical office staff such as typists, messengers, file clerks, drivers, and charwomen.

The term "Official" is not restricted to the sense in which the term is used in the law for government officials, but also includes public employees.

A The German Secret Service, including Abwehrämter (military intelligence offices)

Class I

- (1) All executive officials of the Reichssicherheitshauptamt (RSHA or National Department of Security), its organizations and offices directly supervised by RSHA.
- (2) All officials of the Geheime Feldpolizei (GFP) down to and including the rank of Feld-Polizeidirektor.
- (3) All executive officials of the Research Office of the Reich Air Ministry.

Class II

- (1) All officers and other personnel of the RSHA, its organizations and offices directly supervised by RSHA, if not included in Class I.
- (2) All officials of the Geheime Feldpolizei who are not included in Class I.
- (3) All persons who since 30 January 1933 were engaged in foreign countries by the German Secret Service including Abwehr or any other organization or branch under the control or supervision of the German Secret Service.

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DENAZIFICATION

B The Security Police (Sipo)

Class I

- (1) All members of the Geheime Staatspolizei (Gestapo)
- (2) Executive officials of the Grenzpolizei-Kommissariate (Greko).
- (3) All executives of the Main Offices (Leitstellen) and Offices (Stellen) of the Criminal Police (Kriminalpolizei).

Class II

- (1) All persons who have been members of the Grenzpolizei since 1 June 1937, if not included in Class I.
- (2) All officials of the Criminal Police down to and including the rank of the Kriminalkommissar if not included in Class I.
- (3) All executive officials of the Mail Censor Office (Briefprüfungsstellen) if not included in Class I.

C The Ordnungspolizei (Orpo)

Class I

All officials of the following branches of police since 1935 down to and including the rank of colonel or equivalent:

- (a) Schutzpolizei (Schupo)
- (b) Gendarmerie (Gend)
- (c) Wasserschutzpolizei (SW)
- (d) Luftschutzpolizei (L. Schupo)
- (e) Technische Nothilfe (Teno)

Class II

- (1) All commissioned police officers (Schutzpolizei, Gendarmerie, Wasserschutzpolizei, Luftschutzpolizei, Technische Nothilfe, Feuerschutzpolizei, Verwaltungspolizei, Kolonialpolizei, Sonderpolizei, Hilfspolizei) who were promoted after 30 January 1933 or who, whether promoted or not, remained in office after 31 December 1937 in spite of successive purges.
- (2) All commissioned police officers who have served as such at any time in one of the territories formerly occupied by Germany in any fighting formation (Einsatzgruppe or Einsatzkommando) or the Sipo or the SD.
- (3) All members of the Verwaltungspolizei who had been assigned to Gestapo and SD.

D The NSDAP

Class I

- (1) All office holders of the NSDAP down to and including the office of Amtsleiter of the Kreisleitung.
- (2) All members of the Corps of Political Leaders of the Party down to and including the rank of political Einsatzleiter and all members of the training staffs of the Ordensburgen, Schulungsburgen, Adolf-Hitler-Schulen and Nationalpolitische Erziehungsanstalten.
- (3) All members of the Reichstagsfraktion of the NSDAP before 30 January 1933.

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DENAZIFICATION

- (4) The following office holders of the Reich Food Estate (Reichsnährstand);
 - (a) all Landesbauernführer and their deputies;
 - (b) all leaders of the Hauptvereinigungen and Wirtschaftsverbände;
 - (c) all Kreisbauernführer;
 - (d) all leaders of the Landesforstämter.
- (5) Officials of the Gauwirtschaftskammern who were charged with political coordination on behalf of the Party.
- (6) Gauwirtschaftsberater.

Class II

- (1) All office holders and officials of the NSDAP (salaried and honorary posts) down to the lowest rank in the party offices (main and subordinate offices) as well as institutions and academies which were founded by the NSDAP.
- (2) All members of the Corps of Political Leaders, who are not included in Class I.
- (3) All members of the "Reichstagsfraktion" of the NSDAP who are not included in Class I.
- (4) All members of the NSDAP who joined prior to 1 May 1937.
- (5) All members of the NSDAP who after 4 years of service with the "Hitler-Jugend" and after having reached the age of 18 had been selected for admission into the Party.
- (6) All members of the NSDAP regardless of the entrance date who were members of the following organizations:
 - (a) Reichspressekammer
 - (b) Reichsrundfunkkammer
 - (c) Deutsche Akademie München
 - (d) Deutsche Christenbewegung
 - (e) Deutsche Glaubensbewegung
 - (f) Institut zur Erforschung der Judenfrage
 - (g) Kameradschaft USA
 - (h) Osteuropäisches Institut (since 1935)
 - (i) Staatsakademie für Rassen- und Gesundheitspflege.
- (7) All regular officers of the Wehrmacht who became members of the NSDAP including such officers who were members of the NSDAP before entering the Wehrmacht but who did not thereafter sever their connections with the NSDAP.
- (8) All executive officials of the Reich Food Estate (Reichsnährstand) who are not included in Class I, and executives of its "Regierungsforstämter".

E The Organizations of the NSDAP

Class I

- (1) The Waffen-SS — All officers down to and including the rank of Sturmbannführer (Major), all members of the Totenkopfverbände and all SS-Helferinnen and SS-Kriegshelferinnen in Konzentrationslagern (SS women auxiliaries and SS women auxiliaries of war in concentration camps).

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DENAZIFICATION

- (2) Allgemeine SS — All officers down to and including the rank of Untersturmführer.
- (3) SA — All officers down to and including the rank of Sturmbannführer.
- (4) HJ — All officers down to and including the rank of Bannführer and equivalents in the BDM and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born prior to 1 January 1919.
- (5) NSKK — All officers down to and including the rank of Standartenführer.
- (6) NSFK — All officers down to and including the rank of Standartenführer.
- (7) NS-Deutscher Studentenbund — All executive office holders of the Reichsstudentenführung and the Gaustudentenführungen.
- (8) NS-Dozentenbund — All executive office holders at Reich and Gau levels.
- (9) NS-Frauenschaft — All executive office holders at Reich and Gau levels.

Class II

- (1) Waffen-SS — All members not included in Class I (except those who were conscripted into this organization unless they were promoted to Unteroffizier after their induction); the personnel of the concentration camps insofar as they are not included in Class I.
- (2) Allgemeine SS and its other Organizations — All members not included in Class I, including sponsoring members (fördernde Mitglieder) who joined as such after 31 December 1938, or who in case of prior joining paid fees of more than RM 10,— per month or who made any other substantial contribution to the SS.
- (3) SA — All officers down to and including the rank of Unteroffizier insofar as they have served in the SA in this capacity, if not included in Class I, as well as members who joined the SA before 1 April 1933.
- (4) HJ and BDM — All officers not included in Class I down to and including confirmed full-time non-commissioned officers. All officers in the HJ and the Deutsche Jungvolk in the field of education and information and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born after 1 January 1919.
- (5) NSKK — All officers down to and including the rank of Sturmführer, if not included in Class I.
- (6) NSFK — All officers down to and including the rank of Sturmführer, if not included in Class I.
- (7) NS-Deutscher Studentenbund — All office holders, if not included in Class I.
- (8) NS-Dozentenbund — All office holders, if not included in Class I.
- (9) NS-Frauenschaft — All office holders down to and including Block-Frauenschaftsleiterin, if not included in Class I.

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F Affiliated Organizations of the NSDAP

Class I

- (1) Deutsche Arbeitsfront
 - (a) All executive officials of the DAF in the Central Office of the DAF.
 - (b) All executive officials of the DAF in the Kriegshauptarbeitsgebieten I, II, III and IV.
 - (c) All members of the Oberster Ehren- und Disziplinarhof.
 - (d) All executive officials of the DAF-Gauverwaltung Auslandorganisation.
- (2) NS-Volkswohlfahrt — All executive office holders down to and including the Department Heads at Reich level.
- (3) NS-Kriegsopferversorgung — All office holders down to and including the Department Heads at Reich level.
- (4) NS-Bund Deutscher Technik — All office holders down to and including the Department Heads at Reich level.
- (5) Reichsbund der Deutschen Beamten — All office holders down to and including the Department Heads at Reich and Gau levels.
- (6) NS-Deutscher Ärztebund — All office holders down to and including the Department Heads at Reich and Gau levels.
- (7) NS-Lehrerbund — All office holders down to and including Department Heads at Reich and Gau levels.
- (8) NS-Rechtswahrerbund — All office holders down to and including Department Heads at Reich and Gau levels.

Class II

- (1) Deutsche Arbeitsfront including "Kraft durch Freude".
 - (a) All office holders not included in Class I.
 - (b) All executive office holders of the Arbeitswissenschaftliches Institut.
 - (c) All Betriebsobmänner, Betriebswarte and Betriebswalter in enterprises of the DAF.
- (2) NS-Volkswohlfahrt — All office holders not included in Class I.
- (3) NS-Kriegsopferversorgung — All office holders not included in Class I.
- (4) NS-Bund Deutscher Technik — All office holders not included in Class I.
- (5) Reichsbund der Deutschen Beamten — All office holders not included in Class I.
- (6) NS-Deutscher Ärztebund — All office holders not included in Class I.
- (7) Reichsbund Deutscher Schwestern — NS-Schwestern (brown nurses). All office holders.
- (8) NS-Lehrerbund — All office holders not included in Class I.
- (9) NS-Rechtswahrerbund — All office holders not included in Class I.

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G Supervised Organizations of the NSDAP

Class I

- (1) NS-Altherrenbund — All members of the Führerkreis down to Gau level.
- (2) Reichsbund Deutscher Familie — All executive office holders at Reich level.
- (3) Deutscher Gemeindetag — Executive office holders of the Deutscher Gemeindetag.
- (4) NS-Reichsbund für Leibesübungen — Reichssportführer and all Sportbereichsführer.

Class II

- (1) NS-Altherrenbund — All office holders not included in Class I.
- (2) Reichsbund Deutscher Familie — All office holders not included in Class I.
- (3) Deutscher Gemeindetag — All office holders not included in Class I.
- (4) NS-Reichsbund für Leibesübungen — All office holders not included in Class I.
- (5) All office holders of the following organizations:
 - (a) Deutsches Frauenwerk
 - (b) Deutsche Studentenschaft
 - (c) Deutscher Dozentenbund
 - (d) Reichsdozentenschaft
 - (e) Deutsche Jägerschaft.

H Other Nazi Organizations

Class I

- (1) Reichsarbeitsdienst (RAD) — All officers down to and including the rank of Oberstarbeitsführer as far as men are concerned, and down to and including the rank of Stabs-oberführerin as far as women are concerned.
- (2) Reichskolonialbund — All executive officials of the Colonial Political Office in the Reichsleitung of the NSDAP.
- (3) Volksbund für das Deutschtum im Ausland (VDA) — All officials in Reich and Gau-Offices since 1935 within Germany and all Volksgruppenführer and Landesgruppenführer outside Germany.
- (4) NS-Reichskriegerbund (Kyffhäuserbund) — All officials down to and including the Gaukriegerführer.
- (5) Reichskulturkammer — All presidents, vice-presidents and managers. All members of the Reichskulturrat of the Reichskultursenat and Präsidialräte.
- (6) Deutscher Fichtebund — All executive officials.
- (7) Reichssicherheitsdienst — All officials down to and including the rank of Dienststellenleiter.

Class II

- (1) Reichsarbeitsdienst (RAD) — All officers down to and including the rank of "Feldmeister" of the male unit and "Maidenführerin" of the female unit insofar as they are not included in Class I.

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DENAZIFICATION

- (2) Reichskolonialbund — All office holders since 1 January 1935 if not included in Class I.
- (3) Volksbund für das Deutschtum im Ausland — All office holders appointed since January 1, 1935 if not included in Class I.
- (4) NS-Reichskriegerbund (Kyffhäuserbund) — All executive officials down to and including the Kreis level.
- (5) Reichskulturkammern etc. and subordinate offices and branches (Reichsschrifttumskammern, Reichspressekammer, Reichsrundfunkkammer). All office holders if not included in Class I.
- (6) Deutscher Fichtebund — All members if not included in Class I.
- (7) Reichssicherheitsdienst — All members if not included in Class I.
- (8) All office holders of the following institutes:
 - Institut zur Erforschung der Judenfrage
 - Weltdienst
 - Deutsche Akademie München
 - Staatsakademie für Rassen- und Gesundheitspflege
 - Amerika-Institute
 - Osteuropäisches Institut
 - Ibero-Amerikanisches Institut
 - Deutsches Auslands-Institut

I The Nazi Party Decorations

Class I

- (1) NS-Blutorden — (Of 9 November 1923) — All holders.
- (2) Badge of honor for members under Number 100 000 (Golden Party Badge) — All holders.
- (3) NSDAP-Service-Medals — All holders of Class I (25 years of service).

Class II

- (1) Coburg Badge — All holders.
- (2) Nürnberg Party Meeting Badge of 1929 — All holders.
- (3) Badge of the SA-Meeting Braunschweig of 1931 — All holders.
- (4) Golden HJ Badge (Golden Hitler Youth Badge) — All holders.
- (5) NSDAP Service Medals — All holders if not included in Class I.
- (6) Gau-Ehrenzeichen of the NSDAP (The tradition Gau Badges) — All holders.

K Government Officials

Note: The classification indicated applies only to those persons who were appointed to any of the positions listed after 30 January 1933 or who were incumbents in such positions on that date who survived the successive Nazi purges which followed.

Class I

- (1) All political officials including Reichsminister, Staatsminister, Staatssekretäre, Reichsstatthalter and Oberpräsidenten and officials, leaders, deputies or commissioners of a corresponding rank.

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- (2) All former German ambassadors since 30 January 1933.
- (3) All officials down to and including the rank of Ministerialdirektor in Reich offices or of an equally high rank in Government offices which existed before 30 January 1933: all officials down to and including Ministerialrat in Reich or Government offices which were created after 30 January 1933 for the fulfilment of new tasks and also in those which had been established in countries and territories formerly occupied or ruled by Germany.
- (4) All officials who occupied one of the following positions since 1934.
 - (a) Reichsbevollmächtigter, Sonderbevollmächtigter
 - (b) Reichskommissar
 - (c) Generalkommissar
 - (d) Geheralinspekteur
 - (e) Beauftragter and Wehrkreisbeauftragter
 - (f) Reichstrehänder der Arbeit, Sondertrehänder der Arbeit
 - (g) Generalreferenten

Class II

- (1) All officials of the Foreign Office (Embassies, Legations, General Consulates, Consulates and Missions) in the rank of a Ministerialrat or in the position of an attaché.
- (2) All officials in higher positions who had been promoted to such offices otherwise than by normal advancement after 1 April 1933, and without having professional qualifications.
- (3) All officials who occupied the following positions since 1934:
 - (a) Bevollmächtigter
 - (b) Inspekteur
 - (c) Trustees of Labor and of other fields and their deputies
 - (d) Kommissar
 - (e) Deputies of the holders of titles and positions included in Class I
 - (f) Reichseinsatzingenieure, Arbeitseinsatzingenieure
 - (g) Obmann including Rüstungsobmann.
- (4) All members of the German Reichstag or of the Prussian Staatsrat since 1 January 1934.
- (5) All officials of the Reichsministerium for public information and propaganda and executives of its regional offices and auxiliary offices down to and including Kreis level, as well as all employees of Nazi offices who participated in political propaganda in word or script.
- (6) The officials in the Höhere Dienst of the Reichsministerium for Armament and War Production, Kirchenministerium, the Gauwohnungskommissare and their deputies.
- (7) Oberfinanzpräsidenten.
- (8) Regierungspräsidenten, Landräte and Bürgermeister.

L The German Armed Forces and Militarists

Class I

- (1) NS-Führungsoffiziere — All full-time NS-Führungsoffiziere down to and including division in the OKW, OKH, OKM, and OKL.

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- (2) General Staff Officers — All officers of the German General Staff who since 4 February 1938 belonged to the Wehrmachtsführungsstab of the OKW, OKH, OKM or OKL.
- (3) Heads and Deputy Heads of Military and Civil Administration of countries and territories formerly occupied by Germany.
- (4) All former officers of the Freikorps "Schwarze Reichswehr".

Class II

- (1) NS-Führungsoffiziere — All regular officers regardless of whether they were professional or reserve officers, not included in Class I.
- (2) General Staff Officers — All officers serving as General Staff Officers since 4 February 1938 not included in Class I.
- (3) All military and civilian officials with special authority, including heads and deputies of any functional or regional divisions in the military or civil administration of occupied countries and territories, as well as executive officials of RUK (armament and war production) except those included in Class I.
- (4) All officials of the Raw Material Trade Association (Rohstoffhandelsgesellschaft).
- (5) Military Commanders and their deputies in cities and townships.
- (6) Die Wehrmacht — All regular officers of the Deutsche Wehrmacht including the rank of Generalmajor or equivalent rank, provided they were promoted to this rank after 1 June 1936, and all Wehrmacht officials down to the professional rank of Oberst.
- (7) Organisation Todt (OT). Transportgruppe Speer — All officers down to and including the rank of "Einsatzleiter".
- (8) All members of the training staffs and executive officials of the war academies and Kadettenanstalten.
- (9) All professors, speakers and authors in the field of military science since 1933.
- (10) All members of the Schwarze Reichswehr and all members of the Freikorps who became members of the NSDAP insofar as they are not included in Class I.

M Private Business and Professions

Class I

- (1) Wehrwirtschaftsführer — All "Wehrwirtschaftsführer" who were appointed after 1 January 1942.
- (2) Wirtschaftskammern (Economic Chambers) — All executives and deputy executives of Reich and Gauwirtschaftskammern.
- (3) Reichsgruppen der Gewerblichen Wirtschaft (Reich Groups of Trade and Industry) — All chairmen, presidents and deputy executives.
- (4) Reichsverkehrsgruppen (Reich Traffic Groups) — All chairmen, presidents and deputy executives.
- (5) Wirtschaftsgruppen (Economic Groups) — All chairmen, presidents and deputy executives at Reich level.

- (6) Reichsvereinigung (Reich Associations) — All chairmen, presidents and deputy executives.
- (7) Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All presidents and managing directors.
- (8) Reichskommissare (Reich Commissioners) — All those responsible for raw material and industrial supply.

Class II

- (1) Wehrwirtschaftsführer — All Wehrwirtschaftsführer not included in Class I who were appointed by the Ministry of Economics.
- (2) Wirtschaftskammern — All executive officials of Economic Chambers not included in Class I.
- (3) Reichsgruppen der gewerblichen Wirtschaft — All executive officials of the groups, main committees, special committees, main rings and special rings.
- (4) Reichsverkehrsgruppen — All executive officials of Transportation Groups.
- (5) Wirtschaftsgruppen — All executive officials of Economic Groups.
- (6) Reichsvereinigungen (Reich Associations) — All executive officials of the Reichsvereinigungen, including department heads and chairmen, deputies, managers of the main committees, special committees, main rings and special rings.
- (7) Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All executive officials not included in Class I.
- (8) Policy making officials of the Reich Allocation Offices (Reichsstellen) and subordinate allocation offices (Bewirtschaftungsstellen).
- (9) Business enterprises including financial institutions in which the Reich, the NSDAP, or any of its formations or affiliated organizations had at any time since 1 April 1933 an interest representing actual or working control — All presidents, members of the boards of supervisors or directors, managing directors and managers.
- (10) I. Private enterprises in industry, trade, commerce, handicraft, agriculture and forestry, banking, insurance, transportation, etc.:
Enterprises which because of capital invested, the number of their employees, the kind of production, or for any other reason are, of themselves, important and essential;
All proprietors, owners and leaseholders, partners, including shareholders holding a share of more than 25%, chairmen of the executive or supervisory boards, or other persons having a decisive influence on the management, in so far as such persons were members of the NSDAP or of any of its formations, or, without having been members, owed their position to their connections with the NSDAP.
II. Non-profit enterprises and charitable institutions:
Enterprises which are of great importance because of their size or activity:

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All executives, business managers, members of boards of directors and of boards of supervisors, advisers and other persons who have a decisive influence on the business management or perform any supervisory function, in so far as they were members of the NSDAP or of any of its formations, or without having been members, owed their position to their connections with the NSDAP.

- III. Professions (Physicians, lawyers, pharmacists, architects, engineers, artists, authors, journalists, and so on):
- (a) All executives, members of boards of directors, business managers, executive employees and Directors, of professional chambers including the courts of honor, and all counsellors admitted to practice before the Party courts, SA or SS courts.
 - (b) Other members of professions who by reason of their membership in the NSDAP or of any of its formations derived special advantages.

N Jurists

Class I

- (1) President and Vice-President of the Academy of German Law;
- (2) Commanders and all full time executives of the Gemeinschaftslager Hanns Kerrl;
- (3) All judges, the Oberreichsanwalt and all public prosecutors as well as the office manager of the Volksgerichtshof;
- (4) All judges, public prosecutors and officials of the Party, SS and SA courts;
- (5) President and Vice-President of the Reichsjustizprüfungsamt;
- (6) Presidents of the:
 - (a) Reichsgericht
 - (b) Reichsarbeitsgericht
 - (c) Reichserbhofgericht
 - (d) Reichserbgesundheitsgericht
 - (e) Reichsfinanzhof
 - (f) Reichsverwaltungsgericht
 - (g) Reichsrechnungsrat
 - (h) Reichsrechtsanwaltskammer
 - (i) Reichsnotarkammer
 - (j) Reichspatentanwaltskammer
 - (k) Reichskammer der Wirtschaftsprüfer
- (7) Presidents of the Oberlandesgerichte who are appointed after 31 December 1938.
- (8) Oberreichsanwälte, Reichsanwälte and Generalstaatsanwälte of the Oberlandesgerichte appointed after 31 March 1933.
- (9) Vice-Presidents of the:
 - (a) Reichsarbeitsgericht
 - (b) Reichserbhofgericht
 - (c) Reichserbgesundheitsgericht
 - (d) Reichsverwaltungsgericht.
- (10) Chairmen:
 - (a) of the Sonderesenat of the Reichsgericht
 - (b) Personalreferenten of the Reichsjustizministerium.

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Class II

- (1) Managers and Treasurers of the Akademie für Deutsches Recht (Academy for German Law).
- (2) Chairmen, other regular judges and the regular executives of the public prosecutors offices of special courts.
- (3) Chairmen, judges and public prosecutors of the martial courts (Standgerichte).
- (4) Presidents and Vice-Presidents:
 - (a) of the Reichspatentamt.
 - (b) of the Reichsversicherungsamt and the Reichsversorgungsgesetzgericht
 - (c) of the Landeserbhofgericht in Celle.
- (5) Vice-Presidents and Senatspresidents of the Reichsgericht who were appointed after 31 December 1938, and regular members of the Oberster Dienststrafsenat of the Reichsgericht.
- (6) Vice-Presidents:
 - (a) of the Reichserbgesundheitsgericht
 - (b) of the Reichsfinanzhof
 - (c) of the Reichsrechtsanwaltskammer
 - (d) of the Reichsnotarkammer
 - (e) of the Reichspatentanwaltskammer
 - (f) of the Reichskammer für Wirtschaftsprüfer, and all regular members of the Oberste Ehrengerichtshöfe for lawyers, patent attorneys, notaries and Wirtschaftsprüfer.
- (7) Presidents of the Oberlandesgerichte and Generalstaatsanwälte if not included in Class I and Vice-Presidents of the Oberlandesgerichte.
- (8) Presidents of the Dienststrafkammer for judicial officials.
- (9) Presidents of the Landgerichte.
- (10) Oberstaatsanwälte of the Landgerichte.
- (11) Personalreferenten of the courts.
- (12) Full-time executives and regular members of the Prüfungsstellen of the Reichsjustizprüfungsamt.
- (13) President of the Rechtsanwaltskammer, Notarkammer and Patentanwaltskammern in the districts of the Oberlandesgerichte.
- (14) Presidents and Vice-Presidents:
 - (a) of the Fideikommissgericht
 - (b) of the Schifffahrtsobergericht
 - (c) of the Oberpreisenhof.
- (15) Presidents and Vice-Presidents and regular members of the Courts of Honor of the free professions at Reich and Gau level.

O Other Groups of Persons

Class I

- (1) War Criminals
- (2) All persons who have denounced opponents of National Socialism or who have in any way contributed to their arrest or who have induced or used force against political or religious opponents of the National Socialistic tyranny.

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- (3) Commissioned officers of Stosstrupps and Werkscharen within business establishments.
- (4) Rectors of universities and chairmen of the board of curators, heads of teachers' training colleges and heads of institutions of university level since 1934 insofar as they have been members of the NSDAP or its formations and all such persons appointed since 1938, irrespective of Party affiliation.

Class II

- (1) NCO's of Stosstrupps and Werkscharen within business establishments.
- (2) Persons who held the office of Vertrauenslehrer, or Jugendlehrer or Jugendwalter in any type of school.
- (3) Rectors of universities and chairmen of the board of curators, heads of teachers' training colleges and heads of institutions of university level appointed since 1934 if not included in Class I.
- (4) All other persons who have propagated the National Socialistic or Fascistic "world philosophy".
- (5) Persons who after 1 April 1933, have applied for or adopted German nationality or acquired same in a way other than by annexation laws or by marriage or adoption.
- (6) Non-Germans who were members or applicants of the NSDAP or of any of its formations.
- (7) Persons who have been dismissed or excluded from employment outside the Land as politically unreliable.

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PART B

Group of persons who need careful special investigation. This group includes the following persons if not included in PART A:

- (1) Applicants for membership in the SS or its formations;
- (2) Members of SA after 1 April 1933;
- (3) Members of HJ or BDM prior to 25 March 1939;
- (4) NCO's of RAD of a rank below Feldmeister or Maidenführerin;
- (5) Members of NSDAP after 1 May 1937 and all applicants for membership in the NSDAP;
- (6) Persons who were officials in the field of education or press who received extraordinarily rapid promotion after 1 May 1933;
- (7) Persons who have profited by acceptance or transfer of property incidental to the spoliation of formerly occupied territories, "Aryanizing" or confiscation of property on political, religious or racial grounds;
- (8) Persons who have been employed in policy making or executive positions in the military or civilian administration of formerly occupied areas;
- (9) Persons who have made substantial contributions to the Party;
- (10) Members of political parties or organizations in Germany which supported the seizure of power by the NSDAP, such as the Tannenbergbund, Altdeutscher Verband;
- (11) Leading officials of the German Red Cross, particularly those who were appointed after 1 January 1933;
- (12) Members of the Deutsche Christenbewegung and Deutsche Glaubensbewegung;
- (13) Members of NSKK, NSFK, NSDStB, NSDoB and NSF;
- (14) Holders of the Spanish Cross, of the Austrian, the Sudeten-deutsche and the Memel Commemoration Medal, of the Danzig Cross, of the SA-Wehrsportabzeichen, of the Merit Medal of RAD;
- (15) Parents or guardians who expressed consent for the education of their children in Nationalpolitische Erziehungsanstalten, Adolf-Hitler-Schulen and Ordensschulen;
- (16) Persons who gained financial advantages through the NSDAP;
- (17) Persons who due to National Socialistic influence escaped military service or active combat duty;
- (18) Employees of important enterprises in trade industry, agriculture or finance with the title Generaldirektor, Direktor, President, Vice-President, Geschäftsführer, Betriebsleiter, and all members of the Board of Directors, the chairman and deputy chairmen of the Board of Supervisors, Chief Engineers and Oberingenieure in so far as they were policy-making technical personnel, and all persons with power to hire and fire employees.

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