

Denazification Summary

— — For 18 Months Ending June 30

WITH DENAZIFICATION, in its ultimate objectives, one deals with what has been happening inside the human heart and mind. Never before, in a democracy, has there been attempted the enactment of laws or the building of governmental machinery to eradicate political beliefs from the hearts of men. Denazification directly affects the individual person and not such impersonal concepts as factories, machines or organizations.

The only precedents in history of a government forcibly bringing about changes in the political beliefs of a mass of people were set by totalitarian regimes which ruled through a police state. The Nazi variety of this was the major cause of the war, the end of which placed the problem of denazification in the lap of the victors as one of their major postwar responsibilities.

In the elimination of Nazism it was of first importance that the totalitarian police state methods which brought it into being not be used. There was, therefore, a limit on the extents to which Military Government could go in forcing changes by law, ordinance or decree. It was necessary that the people themselves voluntarily undergo a change of heart in their political beliefs.

IT WAS ONE thing for Military Government to decide by categories who had been a Nazi, but only the German people could decide who was no longer a Nazi. Military Government could decide who fell into general categorization as Nazis, but only the neighbors and fellow citizens could determine to what extent the actions, conduct and exercise of duties made a person a contributor to the disaster that Nazism brought upon the world and upon Germany, and in what measure that contribution was made.

After Military Government used its powers and organization to isolate the germ carriers of the recent epidemic disease called Nazism, the next step was to let the German people decide who was ready to come out of quarantine and who must still remain quarantined, who was cured

and who must continue treatment until he is cured.

It had to become a German responsibility at a given stage, because beyond that Military Government had no further place in the active phase of the program. The problem might be compared to the case of a surgeon who has completed his act of major surgery and ministrations to the patient after which the patient must follow certain directions of the doctor and employ his own recuperative powers to get well.

The extent to which the cure was successful in this case will not be known for some time. The patient is still convalescing. Whether or not "cured" patients continue to be "carriers" of germs, only the future can tell. Against such eventuality Military Government has been busy, through its general programs of positive assistance to the establishment of democratic practices, building up immunity within the people who may be in contact with the ex-patients.

A BASIC objective of the war as stated in the Yalta Agreement was the denazification of Germany. The three signatories agreed that Germany must be purged of Nazi influence before it could again take its place in the family of peaceful nations. In the Potsdam Agreement the three signatories also agreed that the influence of Nazi ideology must be eliminated from German life by removing active Nazis from public office and from leading positions in important private enterprises, and by arresting and interning leaders in former Nazi organizations.

In the US Zone denazification began immediately after occupation. Operations were carried out under SHAEF

directives which implemented the Potsdam Agreement. The operation was carried out by Military Government detachments in each of which was an office known as "Special Branch," responsible for denazification investigations. All incumbents in public office were required to complete a questionnaire (Fragebogen) listing their Nazi affiliations and activities.

The Special Branch offices evaluated these questionnaires, and checked them against such other records as were available locally to determine whether the individual fell within any of the categories set forth in the directives. If the individual by reason of his membership or office did come within one of the proscribed categories, he was summarily dismissed and his property blocked.

WITH THE close of 1945, the denazification program in the US Zone had largely attained its initial objectives. German governmental agencies, purged of known active Nazis, were functioning at all levels. Moreover, the German population realized and accepted the fact that denazification was a long range program and a basic part of the US policy on the Occupation of Germany.

Finally the enactment on Jan. 12, 1946 of Control Council Directive No. 24 applied the basic denazification provisions, put into effect in the US Zone on July 7, 1945, to Germany as a whole. This action was to provide a continuing and uniform Allied denazification program for all zones of occupation.

The denazification program administered by Military Government was largely an interim policy designed for the initial period of occupation. In conformance with MG policy of placing as much responsibility as possible for the conduct of German affairs upon the Germans themselves, a comprehensive German denazification program was planned. The program envisaged a judicial process to establish the denazification status of every adult in the three states, and to punish active Nazis and militarists by imprisonment,

This article is taken from the introduction of a report by the Civil Administration Division, OMGUS, dealing with the operation of the denazification program between Jan. 1, 1948 and June 30, 1949. The major part of the report deals with statistics on the German activities in bringing the program toward completion and with a chronology of the month-to-month developments of denazification during the 18 months.

findes and prohibitions against participation in public life.

Early in 1946 the German state governments passed uniform denazification laws which became effective on March 5, 1946 after approval by the Military Governor. The law for Liberation from National Socialism and Militarism, as it was called, introduced a completely new phase in denazification operations.

IT WAS A German law implemented by the state governments and from the time of its promulgation responsibility for carrying out denazification rested with the German governments operating under the supervision and with the advice and assistance of Military Government.

The Law for Liberation was designed to establish definitely the denazification status of all persons more than 18 years of age residing in the US Zone of Occupation. Five categories were established; namely, major offenders, offenders, lesser offenders, followers and exonerated persons. Registration of all adult persons in the US Zone and a completion by each of a political questionnaire were made mandatory. A minister for political liberation was appointed in each state, whose responsibility it was to establish a system of both trial and appellate courts, with public prosecutors, in each local community.

Operation of the law began on June 1, 1946 and has continued since that time. More than 13,000,000 persons registered under its provisions. By the end of last June, 3,445,062 persons had been found to be chargeable under its provisions, and dispositions had been made of 3,436,690 of these cases, or 99.8 percent.

Shortly after the law went into operation it became apparent that there would be such an immense number of persons chargeable that the German courts would not be able to process all of the cases in a reasonable time. The law, by making chargeable all members of the Nazi party as well as its formations, affected more than 25 percent of the adult population of the US Zone. It was realized that among them were large numbers of persons who were not active in furthering Nazi ideology and could never be convicted for their activities.

CONSEQUENTLY, in August 1946 the Military Governor announced the Youth Amnesty which provided that all persons born after Jan. 1,

1919 would not be tried by a denazification tribunal unless they were highly incriminated and chargeable as major offenders or offenders.

This Amnesty was followed in December by another amnesty which provided that persons in low income groups, who had earned less than RM 3,600 per year in 1943—1945, and who had less than RM 20,000 property on Jan. 1, 1945, and persons who were more than 50 percent physically disabled would not be tried unless they came within the categories of major offenders or offenders.

By June 1, 1948, 2,373,115 persons had come within the terms of these amnesties. By that time 865,808 trials had been completed, leaving a total of 31,707 still to be tried by formal trial. Since that date the formal trials have proceeded, but new registrations, largely refugees and returning prisoners of war kept coming in and by June 30, 1949 there still remained 8,372 cases to be disposed of.

THE YEAR of 1948 was highlighted by three important developments. One in August was the turning over to the Germans of the entire responsibility for the completion of the denazification program. The second was the closing of MG Special Branch offices in September. The third was the reduction in the backlog of chargeable cases to be tried from 614,265 at the beginning of the year to 21,655 at the end of the year.

The status of denazification operations on Jan. 1, 1948—20 months after the effective date of the Law for Liberation—was as follows (figures for Bremen not included):

Total Registrants	12,222,985
Not Chargeable Cases	8,963,726
Total Chargeable Cases	3,259,259
Chargeable Cases Completed	2,644,994
Amnestied without Trial	2,013,567
Trials Completed	631,427
Chargeable Cases to be Completed	614,265
By Trial	380,339
By Expediting Process	233,926

In addition to trials of first instance remaining, there was a total of 35,375 cases of "Appeals Pending Adjudication" as shown by the following table:

Total Appeals Received	50,633
Classified by Trial Tribunals as	
a. Major Offenders, Offenders and Lesser Offenders	33,812
b. Otherwise	16,821
Appeals not Accepted for Decision or Withdrawn	3,343
Appeals Adjudicated	11,915
a. Classifications and Sanctions Affirmed	3,431
b. Classifications Upgraded	532
c. Classifications Downgraded	5,083
d. Classifications Affirmed but Sanctions Modified	1,419
e. Remanded for a new Trial	1,450
Appeals Pending Adjudication	35,375

Findings of cases completed by trial tribunals Jan. 1, 1948:

Major Offenders	906
Offenders	13,338
Lesser Offenders	65,095
Followers	295,708
Persons Exonerated	13,251
Amnestied or Proceedings Quashed	243,129
Total	631,427

In the state of Bremen, the Law for Liberation did not go into effect until May 1947. Because of this lag, the following figures for Bremen as of Jan. 1, 1948, are shown separately.

Number of Persons Registered	388,178
Registrants Apparently Not Chargeable	276,617
Registrants Notified as to not Chargeable Status	193,000
Registrants not yet Notified as to not Chargeable Status	83,617
Registrants Found Chargeable	111,561
Investigation Proceedings Quashed	22,795
Investigations Completed	2,414
Cases Filed with Trial Tribunals for Decision	1,669
Cases not yet Filed	745
Investigations not yet Completed	24,599
Investigations not yet Initiated	61,753
Registrants not yet Reviewed	0

Summary of cases completed by trial tribunals:

Major Offenders	6
Offenders	55
Lesser Offenders	161
Followers	531
Exonerated	16
Amnestied and Proceedings Quashed	48
Total	817

A year of intensive activity saw the denazification picture radically changed at the end of the year from what it was at the beginning. A statistical break-down as of Dec. 31, 1948 is as follows (including Bremen):

During 1948, the backlog of cases was reduced to 21,655, only two-tenths of one percent of the total number of persons registered under the Law. This was a reduction of 592,610 cases or 96.5 percent from the Jan. 1, 1949, backlog of 614,265.

Total Registrants	13,066,387
Not Chargeable Cases	9,643,082
Total Chargeable Cases	3,423,305
Chargeable Cases Completed	3,401,650
Amnestied without Trial	2,469,231
Trials Completed	932,419
Chargeable Cases to be Completed	21,655

The total registrants figure of 13,066,387 represents an increase of 843,402 over the Jan. 1 total. The percentage of chargeable cases among the new registrants was estimated to be about the same as among the earlier registrants—25 percent. However, all of these new cases had to be evaluated, processed and administered regardless of category.

Were it not for this large number of new registrations, all trials would have undoubtedly been completed before the end of the year, as only 5,972 cases of the total backlog of 21,655 (shown in the table, above), remained from the old backlog on

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