
DENAZIFICATION

ANNEX I

MILITARY GOVERNMENT — GERMANY UNITED STATES ZONE

LAW NO. 8

Prohibition of Employment of Members of Nazi Party in Positions in Business Other than Ordinary Labor and for Other Purposes

In order further to eliminate the influence of Nazism in Germany, it is hereby ordered:

1. It shall be unlawful for any business enterprise to employ any member of the Nazi party or of its affiliate organizations in any supervisory or managerial capacity, or otherwise than in ordinary labor; except as expressly authorized by Military Government under the provisions of paragraph 5.
2. If any business enterprise not now in operation desires to open for operation its principal official shall, as a condition to its being permitted to open or operate, certify it has no one employed contrary to the provisions of paragraph 1 hereof.
3. Any business enterprise now open or operating with any person employed in violation of paragraph 1 of this Law shall immediately discharge such person, failing which it shall be immediately closed by Military Government.
4. Any person violating any of the provisions of this Law shall, upon conviction of Military Government Court, be liable to any lawful punishment as such Court may determine.
5. Any person discharged or refused employment under this Law, who claims that he was not actively engaged in any of the activities of the Nazi party or its affiliate organizations, may appeal to the local office of Military Government.
6. This Law becomes effective 26 September 1945.

BY ORDER OF MILITARY GOVERNMENT.

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MILITARY GOVERNMENT — GERMANY UNITED STATES ZONE

REGULATION NO. 1 UNDER LAW NO. 8

In order to provide a uniform interpretation and application of Law No. 8 and to place responsibility upon the German people for the elimination of Nazi influence in business enterprises, it is hereby ordered:

1. **Purpose and Scope of the Law.** Employment of any member of the Nazi Party or of its affiliate organizations in any position other than in ordinary labor is a criminal offense under this law. The law punishes employers, employees, and all other persons who act in violation of it. Under this law employers have an affirmative duty to investigate the truth of statements made by employees or applicants for employment regarding their membership in the Nazi Party or its affiliate organizations. It is also an offense under this law for any person employed or seeking employment to make false or misleading statements or to conceal the facts regarding his membership or activities in the Party or its affiliates. The law contains a procedure for appeals to remedy errors and injustices. However, Military Government will act swiftly to punish all persons who do not immediately comply with this law.

2. **Definitions.** For the purposes of this law:

a. The term "affiliate organizations" means the following: SS (Schutzstaffeln); SA (Sturmabteilungen); NSKK (NS-Kraftfahrkorps); NSDoB (NS-Deutscher Dozentenbund); NSDStB (NS-Deutscher Studentenbund); NSF (NS-Frauensschaft); HJ (Hitler Jugend); BdM (Bund deutscher Mädel).

b. The term "member of the Nazi Party or of its affiliate organizations" means any person who has ever been a member of any such organization but does not include a person who, according to German law, was compelled to become a member and serve in the Hitler Jugend or Bund deutscher Mädel, or was conscripted into the Waffen SS after 1 March 1944, provided he did not become an officer of the Hitler Jugend or Bund deutscher Mädel or an officer or non-commissioned officer of the Waffen SS.

c. The term "actively engaged in any of the activities of the Nazi Party or its affiliated organizations" (applicable to appeals under paragraph 5 of the Law) shall include any member of the Nazi Party or of its affiliate organizations who has

- (1) held office or otherwise been active at any level, from local to national in the Nazi Party and the organizations listed in paragraphs 1, 2 and 3 of Military Government Law No. 5, or in organizations which further militaristic doctrines;
- (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations;
- (3) been an avowed believer in Nazism, or racial or militaristic creeds; or
- (4) voluntarily given substantial moral or material support, or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

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d. The term "ordinary labor" means work or service, whether skilled, unskilled or clerical, in an inferior position in which the worker does not act in any supervisory, managerial or organizing capacity whatsoever, or participate in hiring or discharging others, or in setting employment or other policies.

e. The term "business enterprise" means any individual, partnership, association, corporation, or other organization engaged in commercial or other business or public welfare activities, but does not include farms, governmental agencies and public bodies.

3. Registration of Employees.

Each business enterprise shall submit by 20 October 1945 to the local Labor Office having jurisdiction over the district in which the principal place of the business enterprise is situated a list of all employees other than those employed in ordinary labor who are retained or removed together with a statement of the membership, if any, of each in the Nazi Party or its affiliate organizations. Similar reports shall be filed by each business enterprise on the 10th day of each following month with respect to persons employed during the preceding month. The local labor office shall also confirm or supplement such lists through recognized employee organizations.

4. Procedure on Appeals.

a. Any person who claims that he has been unjustly discharged or refused employment under Law No. 8 may appeal to the Oberbürgermeister of the Stadtkreis or the Landrat of the Landkreis in which the principal place of proposed employment is located. The appeal shall be supported by facts to indicate that the appellant was only a nominal Nazi and did not actively engage in the activities of the Nazi Party or its affiliate organizations. The appeal must be accompanied by a completed Fragebogen executed and signed by the appellant, together with a certification by the employer or prospective employer in the space provided thereon.

b. Appeals shall be heard in the first instance by a review board established by the Oberbürgermeister or Landrat with the approval and under the supervision of Military Government.

c. The findings of the review board are submitted to Military Government for final determination of the appeal. However in case the review board finds that the appellant is disqualified under Law No 8 its decision is final, unless the appellant advises the Oberbürgermeister or Landrat that he requests a decision by Military Government.

d. Pending the determination of an appeal, Military Government may issue temporary and revocable authorizations to doctors or other specialists to engage in professional or similar activities to the extent that their personal services are necessary for the health or safety of the community provided the Oberbürgermeister or Landrat certifies that said action is required in order to maintain public health or safety in the district. In any such case the amount of the compensation shall be determined by the Oberbürgermeister or Landrat, subject to review by Military Government.

BY ORDER OF MILITARY GOVERNMENT.

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