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Civil Service

January 1947

The pace of bizonal fusion was accelerated in January as all six of the bizonal agencies intensified their activities. The newest of the six, the Bipartite Civil Service Panel, met once during the month and agreed on the fundamental personnel principles to be embodied in the bizonal program. Simultaneously the members of the Executive Committee for Civil Service began preparing a statement of the committee's sphere of operations to be submitted to the Bipartite Board for approval. Once this new bizonal agency is actively in operation, it will insure that the staffs of the bizonal agencies will be selected on the basis of standards which are reasonable, fair, and impartial.

February 1947

A uniform personnel program for the staffs of the bizonal agencies came closer to realization this month when the Bizonal Committee on Civil Service submitted for review a draft agreement defining the scope of the Committee's functions. The Bipartite Civil Service Panel examined the German proposal and suggested certain changes and clarifications in order that the agreement might conform to the policies of the Military Governments.

March 1947

At its meeting on 13 March the Bipartite Civil Service Panel considered a revised draft agreement prepared by the Bizonal Joint Committee on Civil

Service. The Panel suggested four changes be made by the Bizonal Committee. The changes were suggested in order (a) to clarify the fact that all public servants in the bizonal agency would be treated equally under the bizonal personnel program with no distinction being made between various categories of public servants and (b) to clarify the relationship of the Committee on Civil Service to the other bizonal committees, making it plain that the Committee on Civil Service would make decisions of financial implication within the limits set by the over-all budgetary supervision of the Joint Committee for Finance.

The British member announced that under the new arrangement whereby each Land is entitled to be represented on each bizonal committee, nominations had been accepted from Schleswig-Holstein and Hansestadt Hamburg in order to bring the British Zone representation into line numerically with that of the U. S. Zone.

April 1947

Negotiations have continued between the Bipartite Civil Service Panel and the Bizonal Joint Committee on Civil Service on the provision of the agreement to be signed on behalf of the Laender in the U. S. and British Zones which will define the scope of the activity and responsibilities of the German Joint Committee on Civil Service. This German committee will establish and administer the personnel program for the staffs of the bizonal agencies. The provision of the agreement on which some difficulty has been encountered was that defining the responsibility of the German Committee for Civil Service over matters of salary and allowances without infringing on the responsibility of the German Committee for Finance for over-all cost.

In the three southern Laender of the U. S. Zone the new state personnel offices continued their work of organization and of the preparation of rules implementing their respective civil service laws. In Wuerttemberg-Baden the authorities of Stuttgart, the capital city, were discussing with the state personnel office the establishment of a personnel office for Stuttgart. This appears to be the first instance of a local government wishing to exercise the local option contained in the civil service law of each of the states whereby a unit of local government may choose to administer the provisions of the state civil service law for its own personnel.

May 1947

On 26 May the Bipartite Civil Service Panel approved a draft agreement which established a Joint Committee for Personnel for the joint administration of the U. S. and British Zones. The proposed draft was forwarded to the Bipartite Board.

July 1947

With the appointment of the Executive Directors by the Economic Council, revised vetting procedures established by the Bipartite Board became effective. The Bipartite Civil Service Advisors have been given adjudication responsibilities concerning any disagreement arising in the Bipartite Vetting Party on procedure, standards, jurisdiction, and the like.

The Civil Service Panel decided that, in view of the reorganization of the bizonal agencies and the establishment of the Control Office in Frankfurt, it would no longer exist as a panel. The members, as the Bipartite Civil Service Advisors under the new organization, agreed that future meetings would be of an informal nature for the discussion of

personnel questions and would be held when considered necessary.

November 1947

At their meeting on 25 November, the Finance Ministers discussed at length the lack of uniformity in the organization and functions of Land personnel offices (Landespersonalaemter). In Wuerttemberg-Baden and Bavaria these offices are composed of strictly non-political members whereas the Hessian office consists of three experts nominated by the Finance Minister and of 10 Parliamentary members. As regards the present widely diverging functions and competencies of Land personnel offices, opinion was that in the future they might be confined to training, professional education, and examination of officials, including the right to manage and supervise civil service schools; nomination of assessors to disciplinary courts of civil service; and right of approving all extraordinary promotions. The committee finally decided to request the Laenderrat to establish under the Finance Committee a subcommittee charged with the making of uniform regulations for the organization of personnel offices and with coordination of their functions and competencies.

December 1947

In December the Laenderrat authorized the establishment of a sub-committee of its Finance Committee for the purpose of studying the status of public servants, and submitting recommendations for coordination of civil service regulations in the U. S. Zone. Military Government is particularly interested in assuring that the Laender do not use the existence of this committee as an excuse to avoid the implementation of civil service codes for which they are individually responsible.

February 1948

The Bizonal Economic Council has not yet been able to consider ordinances drafted by the Personnel Director to define the legal status of public servants and the functions of the Bizonal Personnel Office. The most pressing legislative needs in this connection have, however, been covered by the issue of four decrees by the Executive Committee. The latest one, issued on 17 February, establishes the legal foundation for a system of disciplinary tribunals to deal with an accumulation of some 3,000 cases of service offenses outstanding in the various Bizonal Departments.

The system represents a sound democratic advance on the former Disciplinary Code (Dienststrafordnung) in that trial proceedings are to be public and that the defendant, who may himself summon witnesses, is afforded wider rights of appeal and complaint. The tribunals are to be attached to the Personnel Office, which will submit to the Chairman of the Executive Committee its recommendations for the appointment of the judicial members and will itself appoint the lay assessors. In the selection of the latter, however, the spirit of officialdom is perpetuated in the stipulation that the assessors are also to be public servants.

The possibility of checking denazification progress from records in the possession of the Personnel Office has been subjected to a thorough study, and recommendations have been made for the Personnel Director to be given powers to enable him to call upon other Bizonal Departments for information considered essential for this purpose. The powers asked for include the right to scrutinize such documents as personnel rosters, nominal rolls, payrolls, and payment vouchers in respect to all personnel employed by bizonal agencies.

March 1948

In the absence of legislation by the Bizonal Economic Council defining the functions of the Bizonal Personnel Office and the status of bizonal public servants, both these matters are still subject to differences of opinion within the bizonal organization. Of three sources of controversy, however, the political one appeared to lose force early in March, when the Chairman of the Executive Committee authorized Dr. Oppler, the present German Personnel Director, to broadcast a denial of a radio report to the effect that the Personnel Office was about to be reorganized or replaced by some other organization. This denial also strengthened the position of Dr. Oppler himself, as a non-political Personnel Director, against attacks made on him only on the basis of his affiliation with the Social Democratic Party (SPD).

The second source of controversy is the role of the Personnel Office in denazification procedure. It is stated that certain public servants, declared by the Economic Council to be disqualified from holding office, are still being employed in influential capacities. The Chairmen of the Bipartite Control Office have expressed the opinion that, in order to deal with the situation, the German Personnel Director should be authorized to establish central records and to stop payments to disqualified public servants, consultants, and experts under contract. Implementing instructions by the Chairman of the Executive Committee are now awaited. Meanwhile, further progress has been made with the setting up of a system of periodic reports to be furnished by the Personnel Office, with the object of keeping the Bipartite Control Office informed of the state of denazification in each department, as well as on other relevant personnel statistics.

As to the third subject of divergent opinions, the correct distribution of authority between the Personnel Office and the operating Departments, the major questions have still to be settled by German legislation. Pending this, the Personnel Director is developing other, non-controversial activities which aim at providing useful services to bizonal agencies in general. Among these activities are investigations into wages and sex discrimination, the cost-of-living index, the building up of cooperative associations, the engagement of clerical personnel through the labor offices, standards for judging qualifications for public services, and a uniform system of computation of Civil Service emoluments. Much of this work is unaffected by controversial legislation, and progress along the lines indicated is being made in agreement and cooperation with the bizonal departments and with representatives of the trade unions, with whom the Personnel Director has arranged periodic meetings.

June 1948

In approving, on 2 June, Economic Council Ordinance No. 25, "Ordinance concerning the Legal Status of Public Servants (Verwaltungsangehoerige) of the Bizonal Economic Administration," the Bipartite Board directed that the German Bizonal Economic Council and the German Bizonal Laenderrat be advised that the ordinance was not to be regarded as a substitute for the adequate civil service code that was expected of the Economic Council in the near future.1/ In giving its approval the Board deleted one article of the ordinance which might have been construed to prevent a civil servant from giving evidence in a court of law. Furthermore, the Board instructed the Economic Council to submit for the Board's consideration regulations governing the divulgence of privileged information.

1/ See "BIPARTITE BOARD," p. 32 above.

On the same date, in approving Economic Council Ordinance No. 26, "Ordinance concerning the Establishment of a Personnel Office of the Administration of the Combined Economic Area," the Bipartite Board deleted one article that purported to give jurisdiction to the German Bizonal High Court in the case of disputes between the German Bizonal Personnel Office and a bizonal department and stipulated that, until such time as an adequate civil service code is approved, any regulations issued by the Personnel Office under Article 2(2)6 of this ordinance shall be subject to confirmation by the Economic Council. The regulations referred to involve such fundamental policy decisions as the restriction of political and economic activities of public servants.

On 30 June, Economic Council Ordinance No. 33, "Ordinance concerning the Establishment of Disciplinary Chambers to Complete Disciplinary Proceedings Pending against Public Servants of the Bizonal Economic Administration," was approved by the Bipartite Board without comment. The disciplinary chambers so established will be attached to the German Bizonal Personnel Office and should afford public servants an opportunity for a hearing before an impartial body in cases of disciplinary action.

During June, Dr. Kurt Oppler, Director of the German Bizonal Personnel Office left for England as a guest of the British Government on a two-weeks' study tour. During the course of his tour, Dr. Oppler will be made acquainted with British civil service practice and procedure and will be given the opportunity of studying methods of selection and training of personnel.

DENAZIFICATION IN OCCUPIED GERMANY

(Source: Summary of Multipartite Agreements and Disagreements on Germany - Prepared by Civil Administration Division Office of Military Government for Germany, 15 February 1948)

INTERNATIONAL AGREEMENTS

SUBJECT: DENAZIFICATION

ATLANTIC CHARTER

August 14, 1941

Pledging Destruction of Nazi Tyranny:

Sixth Principle: after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want.

YALTA CONFERENCE

11 February 1945

The Intent to Eliminate Nazism in all its Manifestations in Germany

It is our inflexible purpose to destroy German militarism and Nazism and to ensure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism; remove or destroy all German military equipment; eliminate or control all German industry that could be used for military production; bring all war criminals to justice and swift punishment and exact reparation in kind for the destruction wrought by Germans; wipe out the Nazi Party, Nazi laws, organizations, and institutions; remove all Nazi and militarist influences from public offices and from the cultural and economic life of the German people; and take in harmony such other

measures in Germany as may be necessary to the future peace and safety of the world.

DECLARATION REGARDING THE DEFEAT OF GERMANY AND THE ASSUMPTION OF SUPREME AUTHORITY WITH RESPECT TO GERMANY BY THE GOVERNMENTS OF THE UNITED KINGDOM, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC

5 June 1945

The Representatives of the Supreme Commands of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic, hereinafter called the "Allied Representatives", acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration: . . . . .

Denazification

ARTICLE 11

a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences, will be apprehended and surrendered to the Allied Representatives. . . . . .

POTSDAM AGREEMENT

2 August 1945

Elimination of Nazi Doctrines from German Education

German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

Destruction of National Socialist Party and

all its Affiliated and Supervised Associations

To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

- -

Abolition of Nazi Laws

All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative, or otherwise, shall be tolerated.

- -

Punishment of War Criminals and Nazi Leaders

War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters, and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

Removal of Nazis and Militarists from Public and Semi-Public

Office and Positions of Responsibility in Important Private Enterprise

All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

ALLIED CONTROL COUNCIL, BERLIN, 1946

12 January 1946

DIRECTIVE NO. 24

REMOVAL FROM OFFICE AND FROM POSITIONS OF RESPONSIBILITY OF NAZIS AND OF PERSONS HOSTILE TO ALLIED PURPOSES

The Control Council directs as follows:

1. OBJECT

The Tripartite Conference of Berlin included among the purposes of the occupation of Germany: the removal from public and semi-public office and from positions of responsibility in important private undertakings of all members of the Nazi Party who have been more than nominal participants in its activities, and all other persons hostile to Allied purposes. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

2. DEFINITIONS

a) Persons are to be treated as "more than nominal participants in Party Activities" and as "hostile to Allied Purposes" when thay have:

I. held office and otherwise been active at any level from local to national in the Party and its subordinate organizations or in organizations which further militaristic doctrines,

II. authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations,

III. been avowed believers in Nazism or racial and militaristic creeds, or

IV. voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

b) The term "public office" shall include all officials, civil servants or employees in governmental and municipal service, and members of governing bodies of political parties, trade unions and other public organizations excepting employment of such minor importance that the incumbent or appointee is not placed in a position to endanger Allied interests or commit acts hostile to Allied principles and purposes by reason of this employment. The effect of this definition is to require as a minimum the investigation of all persons in public employment above that of ordinary labor. By ordinary labor is meant 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 capacitywhatsoever, or participate in hiring or discharging others, or in setting employment or other policies.

c) The term "semi-public office" and "positions of responsibility in important private undertakings" shall include policy-making or executive positions and personnel officers in:

I. civic, economic and labor organizations,

II. corporations and other organizations in which the German Government, or its subdivisions, had a major financial interest,

III. important industrial, commercial, agricultural and financial institutions, and

IV. the Press, publishing houses and other agencies disseminating news and propaganda.

In the field of private and parochial education, the term shall include teachers as well as policy-making or executive officials in such institutions.

d) The terms "important industrial, commercial, agricultural and financial institutions" shall include all such institutions directly supervised, utilized or controlled by Military Government and all industrial, mining, public utility, and commercial enterprises, combines and cartels which by virtue of their capitalization, number of employees, type of products produced or services rendered, are important factors in the German economy or in the economy of the region or community in which they operate.

It is most important to carry out the denazification of industry with the utmost vigor, and the smallness of the enterprise shall be no reason for failure to denazify.

In the discretion of occupational authorities, the removal and exclusion of Nazis and militarists from less important industrial, commercial, agricultural and financial establishments, business, retail shops, occupations, professional practices and licensed trades is authorized.

e) The term "removal" as used herein shall mean to discharge the person forthwith and summarily and to terminate his influence and direct or indirect participation in the organization or concern with which he was associated. In the case of a profession or trade, the term "removal" shall mean to disqualify and restrict the individual from practising the profession or trade in other than a private capacity in which he 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.

f) The names of persons removed and the reasons for their removal will be passed at the appropriate level to Property Control Officers (or corresponding Military Government authorities), who will take action in accordance with pertinent military Government laws and orders, to effect the immediate blocking and control of their property.

Persons removed from public office will not be entitled to the benefit of any pension or other civil service rights.

3. SCOPE

The term "removal" in the passage of the Potsdam Declaration here quoted is to be understood to include "exclusion".

The standards to be applied and instructions for action are, therefore, to be considered to refer to the exclusion of Nazis and of other persons hostile to Allied purposes from office and from positions of responsibility no less than to their removal from such office and positions.

4. RESPONSIBILITY

The removal and exclusion of Nazis and of other persons hostile to Allied purposes is the general responsibility of the Division or Branch employing the persons concerned or considering them for employment, acting on the advice and with the assistance of Public Safety. The view of Public Safety, recorded after consultation with C. I., shall be decisive and shall override considerations of administrative expediency, convenience or even necessity.

5. REVIEW OF CASES

If it is felt that a mistake has been made in the application of this directive by the removal or exclusion from office of a particular individual, review of his case may be requested by the Branch or Division concerned, and the latter may submit the case for further consideration to Military

Government, acting in consultation with Public Safety and C. I., at Zonal H. Q.; in the case of Greater Berlin Area, to the Kommandatura; and in the case of the staffs and employees of Central Agencies, to the Control Council.

When there is positive evidence, supported by investigation, that an individual is not more than a nominal Nazi and is not a militarist and is not hostile to the Allied Cause, he may be retained in office in spite of the mandatory clauses contained in this directive.

6. DISCRETIONARY REMOVAL AND EXCLUSION

Between those whose removal and exclusion from office and positions of responsibility is laid down as compulsory in paragraph 10 below and those who have not participated at all in any Nazi activity, there is a mass of Germans, the extent and quality of whose association and participation, as well as their past and present motives, are in doubt and require careful investigation.

Discretion to employ such people or to leave them in occupation of their office or position of importance is left to Divisions and Branches acting under the advice of Public Safety, to be recorded after consultation with C. I. The retention of persons in discretionary categories shall be based only on the non-availability of other suitable personnel and will continue only until other suitable personnel will become available. Points for guidance in assessing the respective reliability of such discretionary cases are given in para. 11 below.

7. FURTHER REVIEW OF CASES RETAINED OR NEWLY APPOINTED

All retentions of Germans in office or in positions of importance as well as new appointments shall be regarded as provisional only and subject

to future review.

This particularly applies to discretionary cases retained in employment. These shall be subject to further scrutiny once the original vetting of serving officials and candidates for new employment have been completed, both in the light of such new records as may have become available and of the individual's attitude and conduct since his retention or appointment.

Even officials whom Military Government may have newly appointed because their freedom from Nazi-ideology or hostility to the Nazi regime had been established cannot therefore be regarded as necessarily in sympathy with a continued Allied occupation or its purpose.

Responsibility for such further inquiry rests upon all Divisions and Branches as well as upon Public Safety and C. I.

8.

a) The terms of this directive are subject to immediate implementation so faras any Central German Administration is concerned.

b) In the Zones, in view of the urgent necessity for producing rapidly and in maximum quantities such commodities as food, fuel and building material which are required, not only for German economy, but also for that of other European countries, Zone Commanders may postpone the immediate removal of an individual providing:

I. the temporary retention of the individual is, in the opinion of the Zone Commander, essential, and

II. that the individual was not an important member of the Nazi Party and played no more than a nominal part in its activities and is not hostile to the Allied purposes, and that

III. The individual is removed as soon as practical.

c) Individuals retained under sub para. b) above will only be so retained for their specialist knowledge. In no case will an individual be retained who has been appointed to the position he holds purely for political (Nazi Party) reasons.

9.

Persons removed from public and semi-public office, or from the governing bodies of political parties, trade unions and other public organizations, or from positions of responsibility in important private undertakings, as defined in the provisions of para. 2 of this directive, pursuant to the policies enumerated in this directive, will not be employed in any other Zone of Occupation in any such positions as defined in the provisions of para. 2 of this directive, except in cases of revision requested under para. 5 above.

General and statistical information on denazification in the various zones shall be presented to the Control Council semi-annually, the first report to cover the period to 1 July 1946. These reports shall be submitted within 30 days following semi-annual periods.

10. COMPULSORY REMOVAL AND EXCLUSION CATEGORIES

1. War criminals i. e. individuals on the War Crimes List of the United Nations War Crimes Commission, on any special C. I. List, or suspected War Criminals.

2. The NSDAP.

a). All persons who at any time have been officials or officers of the NSDAP, or who have at any time occupied any post or authority in the NSDAP, from local NSDAP units to the National Headquarters.

b) All members of the NSDAP who joined the party or were accepted

for membership before compulsory membership in the party was instituted in 1937, or who have otherwise been more than nominal participants in activities of the NSDAP.

c) All members of the NSDAP who were selected and transferred to the Party after 4 years service in the Hitler Jugend and upon attaining the age of 18.

3. Reference sub para. 2(a) above, in particular individuals who have at any time been officials of the Party Organizations named below:

I. Party Chancery (Partei-Kanzlei) (including Hauptarchiv der NSDAP)

II. Fuehrer's Chancery (Kanzlei des Fuhrers der NSDAP)

III. National Socialist Organization of Germans Abroad (Auslandsorganisation der NSDAP)

IV. Offices in Germany of the National Union of German Elements Abroad (Volksbund für das Deutschtum im Ausland)

V. Party Scrutiny Commission for the Protection of National Socialist Literature (Partei-amtliche Prüfungskommission zum Schutze des nationalsozialistischen Schrifttums)

VI. Office of the Reich Treasurer of the Party (Reichsschatzmeister der NSDAP)

VII. Office of the Reich Organization Leader (Reichsorganisationsleiter der NSDAP)

VIII. Office of the Fuehrer's Commissioner for the Supervision of the Whole Intellectual and Ideological Training and Education of the Party (Beauftragter des Führers für die Uberwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP)

IX. Office of the Reich Propaganda Leader of the Party (Reichspropagandaleiter der NSDAP)

X. Office of the Reich Leader for the Press (Reichsleiter für die Presse) together with the publishing houses such as the Zentralverlag der NSDAP (formerly the Franz Eher Verlag) owned by the Party and controlled by it

XI. Office of the Reich Press Chief of the Party (Reichspressechef der NSDAP)

XII. Head Office for Public Health (Hauptamt für Volksgesundheit)

XIII. Head Office for Public Welfare (Hauptamt für Volkswohlfahrt).

XIV. Reich Office for the Agrarian Population (Reichsamt für das Landvolk)

XV. Head Office for Technology (Hauptamt für Technik)

XVI. Head Office for Teachers and Educational Personnel (Hauptamt für Erzieher)

XVII. Head Office for Local Government (Hauptamt für Kommunal politik)

XVIII. Head Office for Officials (Hauptamt für Beamte)

XIX. Head Office for all German Folkdom Questions (Hauptamt für alle Volkstumsfragen)

XX. Racial-Political Office of the Party (Rassenpolitisches Amt der NSDAP)

XXI. Office of Genealogical Research (Amt für Sippenforschung)

XXII. Colonial Office of the Party (Kolonial-politisches Amt der NSDAP)

XXIII. Foreign Office of the Party (Aussenpolitisches Amt der NSDAP)

XXIV. Reichstag Delegation of the NSDAP (Reichstagsfraktion der NSDAP)

XXV. Reich Women's Leadership (Reichsfrauenführung)

XXVI. Head Office for War Victims (Hauptamt für Kriegsopfer)

XXVII. Reich Youth Administration (Reichsjugendführung)

XXVIII. Reich Legal Office for the Party (Reichsrechtsamt)

XXIX. Reich Leadership of German Students (Reichsstudentenführung)

FORMATIONS OF THE NSDAP:

4. The Schutzstaffel (SS): Officers and NCOs of the Waffen SS and all members of the other branches of the SS.

5. The Sturmabteilungen (SA): Officers and NCOs of the SA at any time and all members who joined the SA prior to 1 April 1933.

6. Hitler-Jugend (HJ) (including the Bund deutscher Mädel): Officers and NCOs of the Hitler-Jugend and of the Deutsches Jungvolk at any time. With respect to positions in the field of education and Information Services - all leaders at any time of the Hitler-Jugend and the Deutsches Jungvolk.

7. NSD Studentenbund (NSDStB): Officers at any time of this formation.

8. NS Dozentenbund (NSDoB): Officers at any time of this formation.

9. NS Frauenschaft (NSF): Officers at any time of this formation.

10. NS Kraftfahrerkorps (NSKK): Officers at any time of this organization.

11. NS Fliegerkorps (NSFK): Officers at any time of this organization.

AFFILIATED ORGANIZATIONS:

All officials at any time of the following organizations:

12. Reichsbund der Deutschen Beamten (Civil Servants' Organization).

13. Deutsche Arbeitsfront (DAF) (German Labor Front), including

Gemeinschaft "Kraft durch Freude". The following DAF factory officials will also be removed: Betriebsobmann, Betriebswart, and Betriebswalter.

14. NS Volkswohlfahrt (NSV) (Welfare Organization), including NS Reichsbund der Deutschen Schwestern.

15. NS Kriegsopferversorgung (NSKOV) (War Victims' Organization).

16. NS Bund Deutscher Technik (NSBDT) (Technicians' Organization).

17. NS Deutscher Ärztebund (NSDÄB) (Doctors' Organization).

18. NS Lehrerbund (NSLB) (Teachers' Organization).

19. NS Rechtswahrerbund (NSRB) (Lawyers' Organization).

SUPERVISED ORGANIZATIONS:

All officials at any time of the following organizations:

20. Deutsches Frauenwerk (Women's Organization).

21. Reichsbund Deutscher Familie (League of the German Family).

22. NS Reichsbund für Leibesübungen (Physical Training Organization).

23. NS Altherrenbund (Old Students' Association).

24. Deutsche Studentenschaft (German Students' Organization).

25. Deutscher Dozentenbund (Association of German University Professors and Lecturers).

26. Reichs-Dozentenschaft (Reich Organization of German University Professors and Lecturers).

27. Deutscher Gemeindetag (Association of Communes).

OTHER NAZIFIED ORGANIZATIONS:

28. Reichsarbeitsdienst (RAD) (Labor Service): Officers at any time down to and including the ranks of Feldmeister (men) and Maidenführerin (women).

All officials at any time of the following:

29. Volksbund für das Deutschtum im Ausland (VDA) (Association of Germans Abroad).

30. Reichskolonialbund (Colonial League).

31. Reichsluftschutzbund (A.R.P. League).

32. Deutsche Jägerschaft (Hunters' League).

33. Teichskulturkammer and subsidiary bodies (Reichsschrifttumskammer, Reichspressekammer, Reicharundfunkkammer, etc.) (Reich Chamber of Culture).

34. Institut zur Erforschung der Judenfrage (Institute for the Investigation of the Jewish Question).

35. Kameradschaft USA (Comrades' League USA).

36. Ibero-Amerikanisches Institut (Iber-American Institute).

37. Weltdienst.

38. Deutscher Fichte-Bund (Fichte Association).

39. Deutsches Auslandsinstitut (DAI).

40. Staatsakademie für Rassen- und Gesundheitspflege (Academy for Race and Health Culture).

41. Deutsche Akademie, Minich.

42. Osteuropäisches Institut (East European Institute).

43. Amerika-Institut.

44. Werberat der deutschen Wirtschaft (Publicity Council of German Economy).

NAZI HONORS:

Recipients of the following Party Decorations:

45. National Socialist Order of Blood of 9th November 1923 (National sozialistischer Blutorden vom 9. November 1923).

46. Insignia of Honor for the first 100,000 members (Ehrenzeichen für Mitglieder under Nr. 100,000).

47. Coburg Badge (Coburger Abzeichen).

48. Nuremberg Party Convention Badge of 1929 (Nürnberger Parteitagsabzeichen von 1929).

49. Badge of the SA Convention at Braunschweig of 1931 (Abzeichen vom SA-Treffen Braunschweig 1931).

50. Gold Hitler Youth Badge (Goldenes HJ-Abzeichen).

51. Nazi Party Service Badges (NSDAP-Dienstauszeichnungen).

52. District Insignia of Honor of the Nazi Party (Gau-Ehrenzeichen der NSDAP).

CIVIL SERVANTS:

Any person who has been appointed to any of the following positions since 30 January 1933 and any person who was an incumbent on that date and survived the successive Nazi purges which followed:

53. Reich Ministers, State Secretaries, Ministerial Directors and their Deputies, Ministerial "Dirigenten", Generalreferenten, officials of former German Embassies, Consulates and Missions beginning with the position of "Attache" and higher, all personnel employed in foreign countries since 1 January 1933 by the German Intelligence Service or by any organization or out-station dependent upon or controlled by it, and all other officials of a rank higher than "Referent" or its equivalentin Reich Ministries.

Reich Ministries are defined as the following:

a) The High Command of the Armed Forces (OKW) including the High Commands of the Army (OKH), Navy (OKM), and Air Force (OKL).

b) The Foreign Office.

c) The Ministries of:

Armaments and War Production,

Labor,

Economics,

Food and Agriculture,

Science and Education,

Transport,

Finance,

Air,

Propaganda,

Interior,

Justice,

Posts,

Ecclesiastical Affairs.

d) The Ministry for the occupied Eastern Territories (Reichsministerium für die besetzten Ostgebiete).

54. Heads and their Deputies, Delegates, Commissioners and all other officials of rank higher than "Referent" or its equivalent of the following Reich authorities:

Reich Plenipotentiary for Total War Effort (Reichsbevollmächtigter für den totalen Kriegseinsatz).

Reich Commissioner for Strengthening Germen Folkdom (Reichskommissar für die Festigung Deutschen Volkstums).

Commissioner General for Medical and Health Services (Generalkommissar für das Sanitäts- und Gesundheitswesen).

Reich Housing Commissioner (Reichswohnungskommissar).

Reich Commissioner for Security for the German People and/or Commissioner General for Internal Defence (Generalkommissar für die innere Verteidigung).

Reich Commissioner for Shipping (Reichskommissar für Seeschiffahrt).

Inspector General for Water and Power (General inspektor für

Wasser und Energie).

Inspector General for Motor Transportation (Generalinspektor für das Kraftfahrwesen).

Reich Commissioner for Administration of Enemy Property (Reichskommissar für die Behandlung feindlichen Vermögens).

Reich Youth Leader (Reichsjugendführer).

Head of the Reichsstelle für Raumordnung (Reich Office for Regional Planning).

Delegates for the Four Year Plan and Division Chiefs in the Four Year Plan Office (Beauftragte für den Vierjahresplan).

Inspector General for German Roads (Generalinspektor für das Strassenwesen).

Forestry Office (Reichsforstamt).

55. Heads and their Deputies and all other officials of a rank higher than "Referent" or its equivalent of the following Reich Institutions:

Reich Committee for Public Health Services (Reichsausschuss für Volksgesundheit).

Reich Office for Social Insurance (Reichsversicherungsamt).

Supreme Court of Honor and Discipline of the German Labor Front (Oberster Ehren- und Disziplinarhof - DAF).

Reich Archives (Reichsarchiv).

Supreme Auditing Court of the Reich (Rechnungshof des Deutschen Reiches).

56. All officials of the Reich Ministry of Public Enlightenment and Propaganda and heads of its regional offices and subsidiary agencies down to and including Kreis level. In addition, all officials of Nazi Agencies

who have written propaganda of a primarily political nature.

57. High Officials (Minister, Chief Adjutant, State Secretary, Heads and Deputy Heads of Departments and Agencies and all other officials of a rank higher than "Referent" or its equivalent) of the Reich Ministry for Armaments and War Production including Chairmen of the "Hauptausschüsse" and "Ringe".

58. Members of the German Reichstag or Preussischer Staatsrat after 1st January 1934.

59. Reich Trustees of Labor and Special Trustees of Labor (Reichstreuhänder der Arbeit und Sondertreuhänder der Arbeit).

60. The following officials of the Reich Food Estate (Reichsnährstand):

1. all Landesbauernführer and their Deputies,

2. all Heads of Central and Regional Marketing Associations (Hauptvereinigungen und Wirtschaftsverbände),

3. all Kreisbauernführer and

4. all Heads of Landes- and Regierungsforstämter.

61. Gau Housing Commissioners (Gauwohnungskommissare) and their Deputies.

62. Commissioned Officers and NCOs of the "Stosstruppen" and/or "Werkscharen".

63. Rectors of Universities and Curators, Heads of Teachers' Training Colleges and Heads of Institutions of University Level.

64. Ministers, State Secretaries and Ministerial Directors of German Länder (States).

65. Provincial Presidents (Oberpräsidenten), Reich Governors (Reichsstatthalter) and their Departmental Heads.

66. Regierungspräsidenten or Landeskommissare (im Land Baden).

67. Landräte.

68. All Urban and Rural Mayors (Oberbürgermeister und Bürgemeister).

69. Police Presidents and Directors (Polizeipräsidenten und Polizeidirektoren) commissioned officers of the Technische Nothilfe (Technical Emergency Corps); Police Officers above the rank of Lieutenant or equivalent; all members of the Administrative Police (Verwaltungspolizei) serving with the Secret State Police (Gestapo) and with the SD (Security Service of the SS).

70. All Officers and other personnel at any time of the Militärisches Amt (formerly Abwehramt) and of the Reichssicherheitshauptamt (RSHA) and out-stations and dependent organizations, and of Uniformed, Criminal, Secret, and other Police and related Forces and Services who are subject to Mandatory Arrest will be compulsorily removed and permanently excluded from office and from positions of importance. In addition, all personnel employed in foreign countries since 1 January 1933 by the German Intelligence Service or by any organization or out-station dependent upon or controlled by it will be removed and excluded from office and from positions of importance.

71. The Plenipotentiary for the Employment and Distribution of Labor (General-Bevollmächtigter für den Arbeitseinsatz); the Special Commissioner for Agricultural Labor; the Reich Labor Inspectorate; the Reich Allocation Engineer (Reichseinsatzingenieur).

72. Deutsche Reichsbank: President, Vice-presidents, and all other members of the Reichsbank Directorate (Direktorium), all members of the Advisory Board (Beirat), and all Reichsbank Directors (Direktoren).

73. Chief Regional Finance Officials (Oberfinanzpräsidenten).

74. Armament Inspectors (Rüstungsinspekteure); Armament Commissioners (Rüstungsobmänner); Army District Deputies (Wehrkreisbeauftragte); District Labor Allocation Engineers (Bezirksarbeitseinsatzingenieure); Building Delegates (Baubevollmächtigte); Policy-making officials of the Gau Economic Chambers and the Gau Economic Consultants of the NSDAP (Gauwirtschaftsberater).

BUSINESS OFFICIALS:

75. All individuals who have accepted Nazi Honors (para. 45-52 ante) or who have held any of the following positions since 30 January 1933:

76. Head of the National Economic Chamber (Reichswirtschaftskammer) and his subordinates down to President or Chairman of a Gau Economic Chamber (Gauwirtschaftskammer) or affiliated Economic Chamber (Wirtschaftskammer).

77. Chairman, President, Deputy or Business Manager of a Reichsgruppe (These are Reichsgruppen der gewerblichen Wirtschaft - National Groups of Industrial Economy - Industry, Handicrafts, Trade, Insurance, Power and the Tourist Industry, representing the whole industrial economy of the country except transport and agriculture), Chairman, President, Deputy or Business Manager of the Reichsvereinigungen (Reich Associations) in both cases including Main Committees, Special Committees, Main Rings and Special Rings.

78. Chairman, President or Deputy of a National Transport Group (Reichsverkehrsgruppe).

79. Chairman, all members of the Board of Directors, and leading executives of a Corporation in which the Reich has, or has had at any time since 30 January 1933, an interest representing actual or working control;

Chairman, all members of the Board of Directors and leading executives of a Corporation in which the NSDAP or any of its subsidiary organizations has, or has had at any time since 30 January 1933, an interest representing actual or working control.

80. Wehrwirtschaftsführer (War Economy Leader).

81. Reich Commissioners having jurisdiction over a raw material or industry (e.g. Reichsbeauftragte für Kohle, Reichsbeauftragte für Eisen, etc.), as well as policy-making officials of the "Reichsstellen" and "Berwirtschaftungsstellen".

MILITARY SERVICE

82. Persons who have at any time been members of the German General Staff Corps.

83. Persons who have been National Socialist Indoctrination Officers (NS-Führungsoffiziere).

ORGANIZATIONS IN OCCUPIED TERRITORY:

84. Persons who have been chiefs of military or of civil administration in countries and territories occupied by Germany, or who have headed main functional or regional divisions thereof, and Military Commandants and their Deputies in cities and small townships.

85. Officials of the RUK (Rüstungs- und Kriegsproduktion - Reich Ministry of Armaments and War Production).

86. Officials of the Rohstoffhandelsgesellschaft (ROGES - Raw Material Trading Company).

LAWYERS :

87. All persons who have been engaged or employed at any time in any of the following appointments or activities:

a) Akademie für Deutsches Recht:

President, Vice-President, Directors, Treasurer.

b) Gemeinschaftslager Hans Kerrl:

Commandants and all instructors im Hauptamte.

c) Volksgerichtshof:

All judges, the Bürodirektor, the Oberreichsanwalt, and all other prosecutors.

d) Sondergerichte:

All presiding and other permanent judges and prosecutors.

e) Party SS and SA Courts:

All judges, prosecutors and officials.

f) Standgerichte:

All presiding judges and prosecutors.

88. All persons who have been employed or engaged in any of the following appointments or activities at any time since 1 March 1933:

a)Reichsgericht:

President, judges of the Special Senate and all prosecutors.

b) Reichsjustizprüfungsamt:

President, Vice-President, Leiter und Mitglieder im Hauptamte der Prüfungsstelle.

c) Oberlandesgerichte:

All Presidents, Vice-Presidents and Generalstaatsanwälte.

d) Landgerichte:

All Presidents and Oberstaatsanwälte.

e) Hereditary Farm Courts:

President and Vice-Presidnet of the Reichserbhofgericht and the President and Vice-President of the Landeserbhofgericht in Celle.

f) Disciplinary Courts (Dienststrafkammern) for legal personnel:

The President of any disciplinary court; the members of the Supreme Disciplinary Senate of the Reichsgericht.

g) Reichsverwaltungsgericht:

President, Vice-President and all presidents of Senates.

h) Reichsfinanzhof:

President and Vice-President.

i) Reichsarbeitsgericht:

President and Deputy.

j) Reichsversicherungsamt:

President and Deputy.

k) Reichsversorgungsgericht:

President and Vice-President.

l) Reichsehrengerichtshof:

President and all Judges.

m) Professional Chambers:

The Presidents, Vice-Presidents and all officials of the Reichsnotarkammer, Reichspatentanwaltskammer and Reichsrechtsanwaltskammer; all members of the Supreme Honor Courts, relating to these professions; the President of the Notarkasse.

n) Personnel Officials:

All Personalreferenten at Reichsjustizministerium and all Courts.

o) Reichspatentamt:

President, Vice-President.

89. The personnel listed in this sub-paragraph are to be suspended and not re-employed unless there is positive evidence in their favor:

a) Ministry of Justice:

All Ministerialdirigenten (unless they are deputies to the Ministerialdirektoren), and Ministerialräte who have presided over a Department.

b) Prüfungsämter:

All members not covered by para. 88 b) above.

c) Disciplinary Courts for Legal Personnel:

All members not covered by para. 88 f) above.

d) All lawyers who have held regular employment in the Legal Advice Bureau of the DAF or have been admitted to appear before Labor Courts of first instance.

e) Professional Chambers and Honor Courts relating to legal personnel:

All members not covered by para. 88 l) and m) above.

f) Oberstes Fideikommissgericht (Entailed Estates Court):

President, Vice-President.

g) Oberlandesgerichte:

All Oberstaatsanwälte.

h) Schiffahrtsobergerichte:

All Presidents, Vice- Presidents.

i) Oberprisenhof:

President, Deputy- President.

j) Amtsgerichte:

All dienstaufsichtsführende Richter.

k) Hereditary Farm Courts:

All judges of the Reichserbhofgericht, and the Landeserbhofgericht in Celle not covered by para. 88 e) above.

l) Reichsverwaltungsgericht:

All members not covered by para. 88 g) above.

m) Reichsfinanzhof:

Presidents of Senates.

n) Reichsarbeitsgericht:

Presidents of Senates.

o) Any persons who were either

1. Staatssekretär, Ministerialdirektor, or their deputies, or

2. employed or engaged in the appointments or activities specified in paragraph 88 above during the period between 1 January 1933 and 8 May 1945.

90. High ranking officials of the Organization Todt (Einsatzleiter and upwards).

91. Any national of any of the United Nations who has committed offences against his national law in support of the German war effort or any such national who has assumed or been granted German citizenship after the date of entry of his former native country into a state of war with Germany.

92. Members of non-German native administrations (Quislings), and

members of non-German Nazi or Fascist parties who may have assumed or been granted German citizenship after 1st April 1933.

93. All members of the Staffs of Concentration Camps.

94. Persons who have held the office of Vertrauenslehrer (or Jugendwalter before 1937) in any type of school.

95. Persons who have denounced or contributed to the seizure of opponents of the Nazi regime.

96. Persons who have instigated or perpetrated acts of violence against political or religious opponents of the Nazi regime.

97. Persons employed in disseminating Nazi or Fascist ideology.

98. Persons who have been officials, teachers, or pupils at any time in National Political Educational Institutes (Nationalpolitische Erziehungsanstalten - NAPOLAS or NPEA), Adolf Hitler Schools (Adolf-Hitler-Schulen) or Ordensburgen.

99. Any person who has been previously removed or excluded from office or employment by any Zone Commander.

11. GUIDE TO DISCRETIONARY REMOVALS OR EXCLUSIONS

The eradication of nazism and militarism will require the elimination and exclusion from any positions of control or influence of persons likely to perpetuate an undemocratic tradition. In addition to the persons coming within categories listed in paragraph 10 and therefore subject to compulsory removal, the following types should be closely examined:

a) Career officers of the German Armed Forces including the former Reichswehr.

b) Persons who represent Prussian Junker tradition. These persons

are difficult to define correctly. Information as to any individual, however, which shows him to have been a member of an aristocratic Prussian or East Prussian, Pommerarian, Silesian or Mecklenburg family, or of one which is the owner of extensive property in Prussia, or that he was a member of any of the elite German University Students Corps (such as the Bonner Borussen or all corps belonging to the Kösener SC), or a member of any of the East Prussian or Silesian Landesmannschaften, should be given careful consideration; such individuals are likely to merit removal or exclusion as they are likely to perpetuate the German militaristic tradition.

12. DISCRETIONARY REMOVAL AND EXCLUSION CATEGORIES

The list given hereunder should be consulted in determining whether or not persons not included under pars. 10 above or otherwise prescribed fall within the category of strong Nazi sympathizers or persons hostile to Allied purposes:

a) Members (other than conscripts) of the Waffen-SS.

b) Persons who have been candidates for membership in any of the branches of the SS.

c) Persons who joined the SA on or after 1 April 1933.

d) Members of the Hitler Jugend and Bund deutscher Mädel who joined the HJ before 25 March 1939.

e) NCOs of the RAD below the rank of Feldmeister (men) and Maidenführerin (women).

f) Nominal members of the NSDAP who joined the Party after 1 May 1937 and persons who have been candidates for membership of the NSDAP.

g) Persons who have benefited by acceptance or transfer of property

incidental to spoliation of occupied countries, aryanization, or confiscation of property on political, religious or racial grounds.

h) Persons who have had exceptionally rapid promotions in civil service, education or the press since 30 January 1933.

i) Persons who have been employed in policy-making or executive positions in the military or civil administration of German occupied territories and who are not covered by para. 10 above.

j) Persons who have made substantial contributions to the Party (sums large in themselves or large in proportion to the means of the individual in question). In this connection it should be noted that contributions to German political parties, including the NSDAP, were frequently made by companies, cartels, etc., and prominent sympathizers with the Party may have used this method rather than that of personal subscription to support the Party.

k) Persons who were members of other political parties or organizations in Germany which ultimately provided support for the National Socialist Party at the time of its coming into power (e.g. Hugenberg's Harzburger Front Group of the Deutschnationale Volkspartei, the Stahlhelm and the Kyffhäuserbund).

l) Persons holding high positions in the German Red Cross, particularly if they were appointed since 1933. Leading posts in this organization have been given only to men and women considered reliable by the Nazis.

m) Persons belonging to the "German Christian Movement" (Deutsche Christen-Bewegung). This organization consists mainly of Nazis who claim to be Protestant Christians and who have managed, with the help of the

NSDAP, to gain a majority control of the administrative machinery of the German Evangelical Church. Membership of this organization indicates Nazi sympathy.

n) Persons belonging to the "Neo-Pagan Movement" (Deutsche Glaubensbewegung). This organization was composed of Nazi sympathizers frank enough to admit Nazism and Christianity are irreconcilable. Membership of this organization raises strong presumption of Nazi sympathy.

o) Members of the NSKK, and the NSFK, NSDStB, NSDoB and NSF.

p) Recipients of the Spanish Cross, the Austrian Commemoration Medal, the Sudeten Commemoration Medal, the Memel Commemoration Medal, the Danzig Cross, the SA Military Badge, or Reich Labor Services Badges of Merit.

q) Parents who have permitted any of their children to attend National Political Educational Institutes (Nationalpolitische Erziehungsanstalten) - NAPOLAS or NPEA, Adolf Hitler Schools (Adolf-Hitler-Schulen) or Ordensburgen.

r) Persons who have received financial favoritism from the Nazis.

s) Persons who, through Nazi influence, escaped military service or actual service at the front.

t) Lawyers to whom the criteria mentioned in Category "C" of Appendix 1 of Section 1 of the Technical Manual for Legal and Prison Officers (2nd edition) apply.

u) Officials of important industrial, commercial, agricultural and financial institutions having the titles of "General direktor", "Direktor", "Präsident", "Vize-Präsident", "Geschäftsführer", "Betriebsführer", "Betriebsleiter", "Betriebsobmann", "Bürochef", or their equivalents;

policy-making technical personnel such as "Chefingenieur", "Oberingenieur", "Betriebsingenieur", etc.; all members of the "Vorstand", and "Aufsichtsrat"; all persons with the power to hire and dismiss employees.

v) Near relatives of prominent Nazis should not be employed.

13. PRINCIPLES GUIDING DISCRETION IN REMOVING AND EXCLUDING INDIVIDUALS

The guiding principle in all these cases must be whether the person under examination has or has not been more than a nominal participant in the activities of the Nazi Party, in the light of the definition in paragraph 2 of this directive. In cases of doubt persons will not be employed or left in occupation of their office if others are available who are politically more reliable but administratively somewhat less suitable. Such persons will, wherever possible, be given only posts of minor responsibility until they have proved themselves to be politically reliable. It is essential that the head executive German officials at the levels of Provinz, Regierungsbezirk and Kreis should be confirmed anti-Nazis even if this entails the employment of persons less well qualified to discharge their administrative duties.

Done in Berlin on 12 January 1946.

B. H. ROBERTSON
Lieutenant General

L. KOELTZ
Général d'Armée

V. SOKOLOVSKY
Army General

OLIVER P ECHOLS
Major General

for LUCIUS D. CLAY
Lieutenant General

COMPARISON OF PURGE IN JAPAN & GERMANY

JAPAN

Purge in Japan has been a technique designed to remove the continuity of influence or excercise of power by persons whose past careers showed them undesirable leaders for a nation dedicated to democracy. It has never been either in concept or administration a punitive measure.

GERMANY

Denazification in Germany is concerned with the punishment of former Nazis in accordance with the degree of their participation and, required all persons over 18 years of age to file registration (Meldebogen)

BASIC DIFFERENCES

The basic purge directive to the Japanese ordered the Japanese Government to remove from public office and to exclude from government service exponents of militant nationalism and aggression.

No trials have been held
Existing Japanese Government carried out the purge.
No prison sentences to purgees
No loss of civil rights (except holding public office)
No hard labor
No fines

Purge completed May 10, 1948

Total of 201,815 purged
(717,415 screened)

Purge includes:

115,416 Career Military
3,062 Ultra-nationalists
33,572 Imperial Rule Assistance Assoc. and affiliates
431 Expansionists
43 Governors of Occupied Areas

Denazification trials have decreed:

10 years internment
Permanent loss of civil rights
Prohibition from any position other than ordinary labor for at least 10 years after release from prison.
Confiscation of property
Fines
Loss of gains obtained while engaged in Nazi activity.

Denazification approximately 70% completed.

Total of 3,258,155 (Chargeable Registrants)
1,348,586 (Subject to trial)
(12,025,584 Screened)

Approximately 70,000 persons have permanently lost civil rights; of these
859 - 10 years internment
12,538 - 5 years internment
59,524 - fined
246,853 - Fined and loss of gains while engaged in Nazi activity.

49,291 Ultra-nationalists and militarists (Economic, special Higher Police, etc.)

(None of the above has received prison sentence, fined or caused to lose property).

Denazification charges are:

Participation in, and support of Nazi activities or militarism.

Certain crimes against German Nationals.

IMPLEMENTATION

In October 1945 the first phase of the purge in Japan began with the removal from the fields of education and police of militarists and aggressionists. The Japanese Government was held responsible for their immediate removal. On 4 January 1946, the Japanese Government was directed to purge all persons who shared responsibility for Japan's program of aggression. This directive was designed to remove and bar undesirable persons from positions of influence in the political, economic and social life of Japan. It specifically ordered the Japanese to remove and bar the following groups (categories):

Category A War Criminals
B Career Military and Naval Personnel; Special Police and Officers of the War Ministries.
C Ultranationalists & members of Terroristic or Secret Patriotic Societies.
D Persons influential in the activities of the Imperial Rule Assistance Association and its affiliates.
E Expansionists
F Governors of Occupied Areas
G Other militarists and ultra-nationalists.

The first phase of Denazification was handled by Military Government. All Nazis holding public or quasi-public posts were removed. A program was started for screening all such persons. In August 1945 this program was extended to business enterprise, with the objective of barring Nazis from control of large enterprises.

The present phase is concerned with the punishment of former Nazis in accordance with the degree of their participation in National Socialism and Militarism.

On 5 March 1946, the law for Liberation from National Socialism and Militarism was passed by legislatures of Bavaria, Wuerttemberg-Baden and Hesse. This law sets up German Denazification Tribunals (536 Tribunals in U. S. Zone) which will handle the 3,258,155 chargeable registrants; and establishes five classifications to group persons accused of Nazi activity or who were members of organizations found criminal by the Nuremberg International Military Tribunal. These groups are:

Major Offenders
Offenders
Lesser Offenders
Followers
Persons Exonerated

WAR CRIMES AND DENAZIFICATION IN OCCUPIED GERMANY

At London in August 1945, the four major powers reconciled the differences in their legal procedures and agreed to establish an International Military Tribunal to conduct the principal trial. The agreement, later adhered to by 19 additional nations, stated the principle that "To prepare, incite, or wage a war of aggression, or to conspire with others to do so, is a crime against international society; and that to persecute, oppress, or do violence to individuals or minorities on political, racial or religious grounds in connection with such a war, or to exterminate, enslave, or deport civilian populations, is an international crime, and that for the commission of such crimes individuals are responsible."

The Nuremberg Trial of 22 German leaders and seven organizations was conducted by the International Military Tribunal from November 1945 to September 1946. Thereafter, a series of Military Tribunals was set up with U. S. civilian judges designated by the President and appointed by the Military Governor to continue trials of major war criminals in the U. S. Zone. Military Government Courts comprised of military judges have also conducted trials involving crimes against U. S. Army personnel or atrocities committed in concentration camps.

In line with its policy of encouraging self-government as rapidly as the Germans show themselves capable of assuming responsibility, Military Government has authorized the Germans to prosecute and try certain classes of cases. These include cases involving crimes against German nationals in violation of German law, and cases involving Nazi activities but not a specific crime.

Denazification. Two principle phases of the denazification program may be discerned:

a. The destruction of Nazi organizations and power, and exclusion of active Nazis from positions of influence in public and private life;

b. The punishment of Nazi offenders for illegal acts; and

c. The acquisition by the land governments through due process of law of properties illegally acquired.

The first phase was handled principally by Military Government, with the objective of breaking the hold of Nazis and militarists on German life and establishing the groundwork for ultimate democratic self-government. In the first months of the occupation there were some delays in replacing Nazis. A program was started for screening all persons holding or applying for public or quasi-public posts. All such persons were required to fill out political questionnaires, and further information was obtained from available records and from testimony. In August and September 1945, this program was extended to business enterprise, with the objective of barring Nazis from control of large enterprises.

The present phase of denazification is concerned with the punishment of former Nazis in accordance with the degree of their participation and, conversely, the clearing of suspected persons who can prove their right to be exonerated. In the course of the denazification processing under this phase, some active Nazis have turned up who were missed in the earlier screening of leading persons, and the law provides penalties designed to exclude such offenders from positions of influence or economic power. Where specific crimes against non-German nationals are charged, the cases are handled by the U. S. military courts, previously mentioned.

Where no criminal charges are made, jurisdiction rests with the German Denazification Tribunals which have been set up by the German "Law" for Liberation from National Socialism and Militarism, passed initially by the legislatures of Bavaria, Wuerttemberg-Baden, and Hesse, and which became effective 5 March 1946. This law sets up five classifications to group persons accused of Nazi activity or who were members of organizations found criminal by the Nuremberg International Military Tribunal. These groups are:

Major Offenders

Offenders (activists, militarists and profiteers)

Lesser Offenders (probationers)

Followers

Persons Exonerated

The foregoing classifications were established for all of Germany by Control Council Directive No. 38, which was promulgated 12 October 1946, and varying degrees of punishment were fixed for each class.

The Law for Liberation from National Socialism and Militarism, whose execution is in the hands of the Germans, requires the registration of all Germans over 18 years of age in the U. S. Zone. Upon registration, each person fills out a questionnaire regarding membership and rank in Nazi organizations, advantages derived therefrom and the extent of his income and property before and during the Nazi regime. By 30 November 1947, over twelve million persons had registered. The questionnaires filled out by these people are examined by Public Prosecutors, who must be free of any Nazi affiliation and enjoy a reputation for having been opposed to Nazism and Militarism. The Public Prosecutor determines, on a basis of the questionnaire and other factual data, including information submitted by Military Government, the degree of the

registrant's active Nazism. He also determines whether the registrant is eligible for amnesty or whether he should be exonerated (subject to Military Government review and other checks). If the registrant has had Nazi affiliations and there are no apparant reasons for his exoneration or amnesty, the Public Prosecutor charges the registrant as either a "Major Offender", "Offender", "Lesser Offender," or "Follower", according to the standards laid down in the law.

The classification made by the Public Prosecutor is examined by a German Denazification Tribunal (Spruchkammer) selected in a manner as to eliminate business competitors of the respondent and to avoid one-sided political combinations. The Tribunal, which consists of a chairman and at least two accessors, must give the respondent a fair hearing. If the respondent contests the classification of the Public Prosecutor the burden of proof rests with the respondent. Witnesses may be heard, affidavits received and personal appearances compelled by subpoena and fines. On the basis of the evidence the Tribunal determines the respondent's classification by majority vote in secret deliberation. The decision may be appealed by either side to an Appellate Tribunal.

In the U. S. Zone, 536 Tribunals were operating as of November 1947, and 93% of the 12,195,674 persons registered under the Law had their status finally determined. Of the total number registered, 73% (8,937,519) were found not chargeable under the Law, whereas 27% (3,258,155) were chargeable.

General Summary of Results of War Crimes Trials and Denazification Proceedings

War Crimes Trials

The Courts	The Charges	The Verdicts		The Sentences
		Acquitted	Guilty	
International Military Tribunal	Conspiracy	Fritzsche	Goering	
		von Papen	von Ribbentrop	
	Crimes against peace	Schacht	Keitel	
			Kaltenbrunner	
		Organization	Rosenberg	Death
	War Crimes	Reich Cabinet	Frank	
		General Staff and High Command	Frick	By
			Streicher	
		Storm Troopers (SA)	Sauckel	Hanging
	Crimes against humanity		Jodl	
			Seyes-Inquart	
			Borman	

The Courts	The Charges	The Verdicts Acqtd	Guilty (contd)	The Sentences
				JAIL TERMS
			Hess	Life
			Funk	Life
			Raeder	Life
			Von Schirach	20 yrs.
			Speer	20 yrs.
			Von Neurath	15 yrs.
			Doenitz	10 yrs.
			Organizations	
			Nazi Party Leadership Corps Elite Guard (SS) Security Service(SD) Gestapo	Members automatically subject to trial by military courts or Denazification Tribunals.
Military Tribunals (U. S. Civilian judges)	Crimes against peace	17	45	Death: 11
	War crimes Crimes against humanity		Defendents on trial or pending - 119/2 (as of 30 Dec. 1947)	JAIL TERMS Life - 13 15-25 yrs. - 5 10 yrs - 11 2½ - 7 yrs - 5
Military Government Courts (U.S. Military judges)	Violation of rules of war against U. S. Nationals	245	1,384/3	Death: 421
	Concentration camp atrocities			JAIL TERMS LIFE - 190 26-50 yrs - 11 11-25 yrs-125 6 - 10 yrs 114 up to 5 yrs 523

Denazification Trials

The Courts	The Charges	The Results		Maximum Sanctions under Denazification Law
German Denazification Tribunals (536 in U. S. Zone)	Participation in support of Nazi activities or militarism	Chargeable Registrants	3,258,155	
		Amnestied without trial	1,909,561 *	
		Cases subject to trial	1,348,586	
		Cases not yet tried	787,148	
		Trials completed	561,438	
	Certain crimes against German nationals	Findings of Trials:		
		major offenders:	859	10 yrs internment Permanent loss of civil rights Prohibited from any position other than ordinary labor for at least 10 years after release from prison. Confiscation of property.
		offenders:	12,538	5 yrs. internment Permanent loss of civil rights Prohibited from any position other than ordinary labor for at least 5 years after release from prison Confiscation of property.
		Lesser offenders:	59,524	Fine Partial loss of property Loss of civil rights and restrictions on economic activities during 2-3 period of probation.

Followers:	246,853	Fine Loss of gains obtained while engaged in Nazi activity.
Exonerated:	12,855	None
Amnestied during trials :	218,056/4	None
Procedures quashed :	10,753	None
Total	561,438	

Notes.

1. These defendents were subsequently tried by German Denazification Tribunals and sentenced as follows: Fritzsche, 8 years internment; von Papen, 9 years internment; Schacht, 8 years internment, prohibited from any occupation but ordinary labor for 10 years, permanent loss of civil rights.

2. Indictment in final case filed 28 November 1947.

3. About half of these defendents still have the right of appeal. Final action has been completed in 227 cases out of 486.

4. Amnesties have been granted to the following classes of persons:

a. Youth born in 1919 or later, provided they are not chargeable as major offenders or offenders.

b. Nazi Party members, except major offenders and offenders, who are more than 50% disabled, or who earned less than 3600 marks per year in 1943 and 1945, and on 1 January 1945 had taxable property valued at less than 25,000 marks.

(Source "Germany" Problems of U. S. Army in Occupation 1945-1947 Prepared by Civil Affairs Division, Special Staff, Department of the Army - 1 January 1948).

Status of Denazification Operations in The U. S. Zone (Excluding Bremen)
(As of 31 July 1947)

Classification	Total Registrants	Percent
Total number of Meldebogen (registration forms)	12,025,584	100
Number of persons not chargeable	8,734,925	73
Number of persons chargeable	3,290,659	27
Total number of chargeable cases Completed (31 Jul 47)	2,308,458	70
Number of persons found to be major offenders, offenders and Lesser offenders	48,694	1
Number of Followers and Persons Exonerated	201,019	6
Number Amnestied	1,998,958	61
Number of Proceedings Quashed	59,787	2
Total number of chargeable cases not completed	982,201	30
Number Heavily Incriminated	738,171	23
Number not Heavily Incriminated	244,030	7

(Source Report #25 "Report of Military Governor - Office of Military Gov't for Germany (U.S.)