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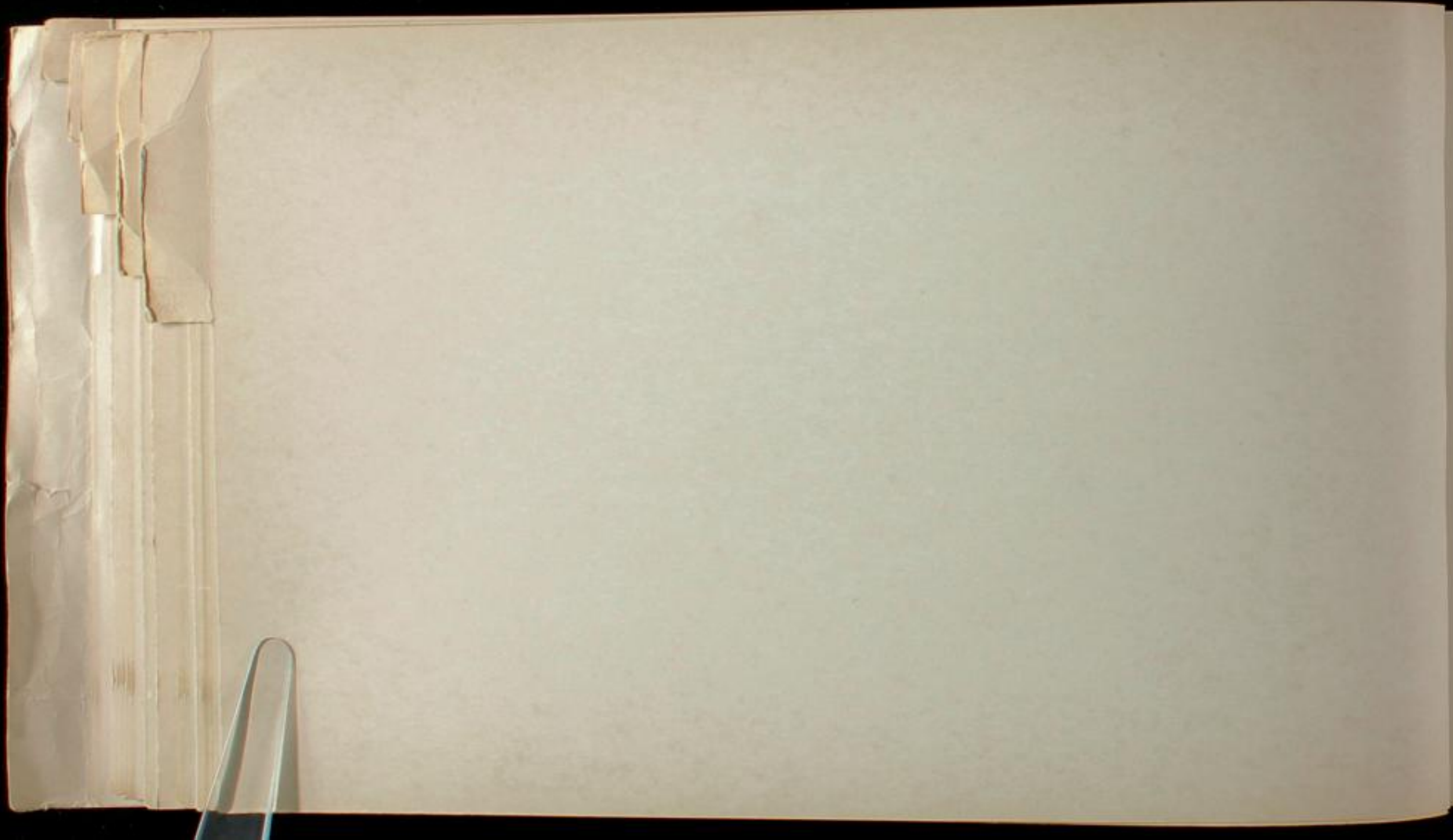
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PART IV

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## INTERNATIONAL AGREEMENTS

SUBJECT: DENAZIFICATION

ATLANTIC CHARTER  
August 14, 1941Pledging 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 1945The 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 Declarations: .....

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 1945Elimination 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

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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.

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## 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. SUBJECT

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 they 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 capacity whatsoever, 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 practicing 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

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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 far as 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

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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 (e) 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 Fuehrers der NSDAP)

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

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

V. Party Scrutiny Commission for the Protection of National Socialist Literature (Partei-

entliche 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 Fuehrers für die Überwachung 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 (Reichspresseschef 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 Kommunalpolitik)

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 (Kolonialpolitisches Amt der NSDAP)

XXIII. Foreign Office of the Party (Ausienpolitisches 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.

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

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

10. NS Kraftfahrerkorps (NSEK): 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: Betriebschmann, Betriebswart, and Betriebswalter.

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

15. NS Kriegsofferversorgung (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 Leibestübungen (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-Dozentenchaft (Reich Organization of German University Professors and Lecturers).

27. Deutscher Gemeindegag (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.F. League).

32. Deutsche Jägerschaft (Hunters' League).

33. Reichskulturkammer and subsidiary bodies (Reichsschrifttumskammer, Reichspressekammer, Reichsrundfunkkammer, 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 (Ibero-American Institute).

37. Wehrdienst.

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, Munich.

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 (Nationalsozialistischer Blutorden von 9. November 1923).

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

47. Coburg Badge (Coburger Abzeichen).

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

49. Badge of the SA Convention at Braunschweig of 1931 (Abzeichen von 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:

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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 "Attaché" 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 equivalent in 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,	Propaganda,
Economics,	Interior,
Food and Agriculture,	
Science and Education,	
Transport,	Justice,
Finance,	Posts,
Air,	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 German 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 Seeschifffahrt).

Inspector General for Water and Power (Generalinspektor für Wasser und Energie).

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

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 Disziplinshof - 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 "Hauptauschüsse" 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 and 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 "Werkacharen".

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 Landeskommisare

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(in Land Baden).

57. Landräte.

58. All Urban and Rural Mayors (Oberbürgermeister und Bürgermeister).

59. 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 (Rüstungsinspektoren); Armament Commissioners (Rüstungsobmänner); Army District Deputies (Wehrkreisbeauftragte); District Labor Allocation Engineers (Bezirksarbeitsinsatzingenieure); 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 (Reichsverkehrsruppe).

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 "Bewirtschaftungsstellen".

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 Rohstoffhandlungsgesellschaft (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 in Hauptamts.
- c) Volkgerichtshof: All judges, the Ständedirektor, the Oberreichsanwalt, and all other prosecutors.

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- 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 Hauptamt der Prüfungsstelle.
- c) Oberlandesgerichte:  
All Presidents, Vice-Presidents and Generalstaatsanwälte.
- d) Landgerichte:  
All Presidents and Oberstaatsanwälte.
- e) Hereditary Farm Courts:  
President and Vice-President 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.
- l) Reichsarbeitsgericht:  
President and Deputy.

- j) Reichsversicherungsamt:  
President and Deputy.
- k) Reichsverorgungsgericht:  
President and Vice-President.
- l) Reichsrechnungshof:  
President and all Judges.
- m) Professional Chambers:  
The Presidents, Vice-Presidents and all officials of the Reichsnotarkammer, Reichspatentamtakammer and Reichsrechtsanwaltsakammer; 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) Schifffahrtsobergerichte:  
All Presidents, Vice-Presidents.
- i) Oberpräsenhof:  
President, Deputy-President.
- j) Amtgerichte:  
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.

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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 Jugendwarter 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 NPEAs), 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, Pommeranian, 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 Borussia or all corps belonging to the Kösener SO), or a member of any of the East Prussian or Silesian Landmannschaften, 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 para. 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, aryansation, 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-Fagan Movement" (Deutsche Glaubensbewegung). This organiza-

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tion was composed of Nazi sympathizers frank enough to admit Nazism and Christianity are irreconcilable. Membership of this organization raises strong presumption of Nazi sympathy.

c) Members of the NSKK, and the NSFK, NSDAP, NSDAP and NSF.

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

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

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

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

h) 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.

i) Officials of important industrial, commercial, agricultural and financial institutions having the titles of "General director", "Direktor", "Präsident", "Vize-Präsident", "Geschäftsführer", "Betriebsführer", "Betriebsleiter", "Betriebsobmann", "Betriebschef", 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.

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

#### 19. 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-Nazi 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. SKOLOVSKY  
Army General

OLIVER P. ECHOIS  
Major General

for LUCIUS D. CLAY  
Lieutenant General

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DIRECTIVE NO. 38

THE ARREST AND PUNISHMENT OF WAR CRIMINALS, NAZIS AND MILITARISTS AND THE INTERNMENT, CONTROL AND SURVEILLANCE OF POTENTIALLY DANGEROUS GERMANS

The Control Council directs as follows:

PART I

1. OBJECT

The object of this paper is to establish a common policy for Germany covering:

a) The punishment of war criminals, Nazis, Militarists, and industrialists who encouraged and supported the Nazi Regime.

b) The complete and lasting destruction of Nazism and Militarism by imprisoning and restricting the activities of important participants or adherents to these creeds.

c) The internment of Germans, who, though not guilty of specific crimes are considered to be dangerous to Allied purposes, and the control and surveillance of others considered potentially so dangerous.

2. REFERENCES

- a) Potsdam Agreement, Sec. III, Para. 3, I(e)
- b) Potsdam Agreement, Sec. III, Para. 3, III
- c) Potsdam Agreement, Sec. III, Para. 5
- d) Control Council Directive No. 24
- e) Control Council Law No. 10, Article II, Para. 3 and Article III, Paras. 1 and 2.

3. THE PROBLEM AND GENERAL PRINCIPLES

It is considered that in order to carry out the principles established at Potsdam, it will be necessary to classify war criminals and potentially dangerous persons into five main categories and to establish punishments and sanctions appropriate to each category. We consider that the composition of categories and the nature of penalties and sanctions should be agreed in some detail but without limiting in any way the full dis-

cretion conferred by Control Council Law No. 10 upon Zone Commanders.

4. A clear definition of Allied policy with regard to the obviously dangerous as well as to only potentially dangerous Germans is required at this time in order to establish uniform provisions for disposing of these persons in the various Zones.

5. CATEGORIES AND SANCTIONS

Composition of categories and sanctions are treated in detail in Part II of this Directive. They shall be applied in accordance with the following general principles:

a) A distinction should be made between imprisonment of war criminals and similar offenders for criminal conduct and internment of potentially dangerous persons who may be confined because their freedom would constitute a danger to the Allied Cause.

b) Zone Commanders may, if they so desire, place an individual in a lower category on probation, with the exception of those who have been convicted as major offenders on account of their guilt in specific crimes.

c) Within the categories, Zone Commanders will retain discretion to vary the sanctions if necessary to meet the requirements of individual cases within the limits laid down in this Directive.

d) The classification of all offenders and potentially dangerous persons, assessment of sanctions and the review of cases will be carried out by agencies to be designated by the Zone Commanders as responsible for the implementation of this Directive.

e) The Zone Commanders and tribunals will have the authority to upgrade or downgrade individuals between categories. Zone Commanders may, if they wish, use German tribunals for the purpose of classification, trial and review.

f) In order to prevent persons dealt with under this Directive avoiding any of the consequences of the Directive by moving to another Zone, each Zone Commander will ensure that the other Zones know and understand the methods employed by him in endorsing the identity documents of classified individuals.

g) To implement this Directive, it is recommended that each Zone Commander will issue Orders or Zonal Laws conforming in substance to the provisions and principles of this Directive in his own Zone. Zone Commander will supply each other with copies of such Laws or Orders.

h) Provided that such Zonal Laws are in general conformity with the principles here set forth, full discretion is reserved to the individual Zone Commanders as regards their application in detail in accordance with the local situation in their respective Zones.

i) In Berlin the Allied Kommandatura will have the responsibility for implementing the principles and provisions of this Directive and will issue such regulations and orders as are required for that purpose. Whatever discretion in the implementation of this Directive is left to Zone Commanders will be exercised by the Allied Kommandatura in Berlin.

j) Apart from the categories and sanctions set forth in Part II of this Directive, persons who committed war crimes or crimes against peace or humanity as defined in Control Council Law No. 10, will be dealt with under the provisions and procedures prescribed by that Law.

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PART IIARTICLE 1CRIMES OF PERSONS RESPONSIBLE

In order to make a just determination of responsibility and to provide for imposition (except in the case of 5. below) of sentences the following groupings of persons shall be made:

1. Major offenders;
2. Offenders (activists, militarists, and profiteers);
3. Lesser offenders (probationers);
4. Followers;
5. Persons exonerated. (Those included in the above categories who can prove themselves not guilty before a tribunal).

ARTICLE 2  
MAJOR OFFENDERS

Major Offenders are:

1. Anyone who, out of political motives, committed crimes against victims or opponents of national socialism;
2. Anyone who, in Germany or in the occupied areas, treated foreign civilians or Prisoners of War contrary to International Law;
3. Anyone who is responsible for outrages, pillaging, deportations, or other acts of brutality, even if committed in fighting against resistance movements;
4. Anyone who was active in a leading position in the NSDAP, one of its formations or affiliated organizations, or in any other national socialist or militaristic organization;
5. Anyone who, in the government of the Reich, the Leader, or in the administration of formerly occupied areas, held a leading position which could have been held only by a leading national socialist or a leading supporter of the national socialist tyranny;
6. Anyone who gave major political, economic,

propagandist or other support to the national socialist tyranny, or who, by reason of his relations with the national socialist tyranny, received very substantial profits for himself or others;

7. Anyone who was actively engaged for the national socialist tyranny in the Gestapo, the SD, the SS, or the Geheime Feld- or Grenz-Polizei;
8. Anyone who, in any form whatever, participated in killings, tortures, or other cruelties in a concentration camp, a labor camp, or a medical institution or asylum;
9. Anyone who, for personal profit or advantage, actively collaborated with the Gestapo, SD, SS or similar organizations by denouncing or otherwise aiding in the persecution of the opponents of the national socialist tyranny;
10. Any member of the High Command of the German Armed Forces so specified;
11. In Part I of Appendix 'A' a list of categories of persons is given who, because of the character of the crimes allegedly committed by them, shown in paras. 1-10 of this Article, as well as the positions occupied by them, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as major offenders and punished if found guilty.

ARTICLE 3  
OFFENDERSA. ACTIVISTS

1. An activist is:

1. Anyone who, by way of his position or activity, substantially advanced the national socialist tyranny;
2. Anyone who exploited his position, his influence or his connections to impose force and utter threats, to act with brutality and to carry out oppressions or otherwise unjust measures;

3. Anyone who manifested himself as an avowed adherent of the national socialist tyranny, more particularly of its racial creeds.

II. Activists are in particular the following persons, insofar as they are not major offenders:

1. Anyone who substantially contributed to the establishment, consolidation or maintenance of the national socialist tyranny, by word or deed, especially publicly through speeches or writings or through voluntary donations out of his own or another's property or through using his personal reputation or his position of power in political, economic or cultural life;
2. Anyone who, through national socialist teachings or education, poisoned the spirit and soul of the youth;
3. Anyone who, in order to strengthen the national socialist tyranny, undermined family and marital life disregarding recognized moral principles;
4. Anyone who in the service of national socialism unlawfully interfered in the administration of justice or abused politically his office as judge or public prosecutor;
5. Anyone who in the service of national socialism agitated with incitement or violence against churches, religious communities or ideological associations;
6. Anyone who in the service of national socialism ridiculed, damaged or destroyed values of art or science;
7. Anyone who took a leading or active part in destroying trade unions, suppressing labor, and misappropriating trade union property;
8. Anyone who, as a provocateur, agent or informer, caused or attempted to cause, institution of a proceeding to the detriment of others because of their race, religion or political opposition to national socialism or because of violation of national socialist rules;

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9. Anyone who exploited his position or power under the national socialistic tyranny to commit offences, in particular, extortions, embezzlements and frauds;

10. Anyone who by word or deed took an attitude of hatred towards opponents of the NSDAP in Germany or abroad, towards Prisoners of War, the population of formerly occupied territories, foreign civilian workers, prisoners or like persons;

11. Anyone who favored transfer to service at the front because of opposition to national socialism.

III. An activist shall also be anyone who after 8 May 1945 has endangered or is likely to endanger the peace of the German people or of the world, through advocating national socialism or militarism or inventing or disseminating malicious rumors.

B. MILITARISTS

I. A Militarist is:

1. Anyone who sought to bring the life of the German people into line with a policy of militaristic force;

2. Anyone who advocated or is responsible for the domination of foreign peoples, their exploitation or displacement; or

3. Any who, for these purposes, promoted armament.

II. Militarists are in particular the following persons, insofar as they are not major offenders:

1. Anyone who, by word or deed, established or disseminated militaristic doctrines or programs or was active in any organization (except the Wehrmacht) serving the advancement of militaristic ideas;

2. Anyone who before 1935 organized or participated in the organization of the systematic training of youth for war;

3. Anyone who, exercising the power of command, is responsible for the wanton devastation, after the invasion of Germany, of cities and country places;

4. Anyone without regard to his rank who as a member of the Armed Forces (Wehrmacht), the Reich Labor Service (Reichsarbeitsdienst), the Organization Todt (OT), or Transport Group Speer, abused his official authority to obtain personal advantages or brutally to mistreat subordinates;

5. Anyone whose past training and activities in the General Staff Corps or otherwise has in the opinion of Zone Commanders contributed towards the promotion of militarism and whom the Zone Commanders consider likely to endanger Allied purposes.

C. PROFITEERS

I. A profiteer is:

Anyone who, by use of his political position or connections, gained personal or economic advantages for himself or others from the national socialistic tyranny, the rearmament, or the war.

II. Profiteers are in particular the following persons, insofar as they are not major offenders:

1. Anyone who, solely on account of his membership in the NSDAP, obtained an office or a position or was preferentially promoted therein.

2. Anyone who received substantial donations from the NSDAP or its formations or affiliated organizations;

3. Anyone who obtained or strove for advantages for himself or others at the expense of those who were persecuted on political, religious or racial grounds, directly or indirectly, especially in connection with appropriations, forced sales, or similar transactions.

4. Anyone who made disproportionately high profits in armament or war transactions.

5. Anyone who unjustly enriched himself in connection with the administration of formerly occupied territories;

D. In Part II of Appendix 'A' a list of categories of persons is given who, because of the character of the crimes allegedly committed by them, shown in this Article, paragraphs A, B and C, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as offenders and punished if found guilty.

ARTICLE 4  
LESSER OFFENDERS  
PROBATIONERS

I. A lesser offender is:

1. Anyone including former members of the Armed Forces who otherwise belongs to the groups of Offenders but because of special circumstances seems worthy of a milder judgment and can be expected according to his character to fulfill his duties as a citizen of a peaceful democratic state after he has proved himself in a period of probation.

2. Anyone who otherwise belongs to the group of followers but because of his conduct and in view of his character will first have to prove himself.

II. A lesser offender is more particularly:

1. Anyone who, born after the first day of January 1919, does not belong to the group of major offenders, but seems to be an offender, without however having manifested despicable or brutal conduct and who can be expected in view of his character to prove himself;

2. Anyone, not a major offender, who seems to be an offender but withdrew from national socialism and its methods, unqualifiedly and manifestly, at an early time.

3. In Part III of Appendix 'A' a list of

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categories of persons is given who will be carefully investigated and, if there is evidence of guilt in accordance with the provisions of paras. I and II of this Article, will be charged as lesser offenders and punished if found guilty.

ARTICLE 5  
FOLLOWERS

I. A follower is:

Anyone who was not more than a nominal participant in, or a supporter of, the national socialist tyranny.

II. Subject to the standard, a follower is more particularly:

1. Anyone who as a member of the NSDAP or of one of its formations, except the NF and HJ, did no more than pay membership fees, participate in meetings where attendance was obligatory, or carry out unimportant or purely routine duties such as were directed for all members;

2. Anyone, not a major offender, an offender, or a lesser offender, who was a candidate for membership in the NSDAP but had not yet been finally accepted as a member.

3. Anyone being a former member of the Armed Forces who, in the opinion of the Zone Commander, is liable by his qualification to endanger Allied purposes.

ARTICLE 6  
EXCORPORATED PERSONS

An excorporated person is:

Anyone who, in spite of his formal membership or candidacy or any other outward indication, not only showed a passive attitude but also actively resisted the national socialist tyranny to the extent of his powers and thereby suffered disadvantages.

ARTICLE 7  
SANCTIONS

In accordance with the extent of responsibility

the sanctions set forth in Art. 8-11 shall be imposed in just selection and gradation, to accomplish the exclusion of national socialism and militarism from the life of the German people and reparation of the damage caused.

ARTICLE 8  
SANCTIONS AGAINST MAJOR OFFENDERS

I. Major Offenders having committed a specific war crime will be liable to the following sanctions:

a) Death.

b) Imprisonment for life or for period of five to fifteen years, with or without hard labor.

c) In addition, any of the sanctions listed in Paragraph II of this Article may be imposed.

II. The following sanctions may be imposed upon other Major Offenders:

a) They shall be imprisoned, or interned for a period not exceeding 10 years. Internment after 8 May 1945 can be taken into account. Disabled persons will be required to perform special work in accordance with their capability.

b) Their property may be confiscated. However, there shall be left to them an amount necessary to cover the bare existence after taking into consideration family conditions and earning power.

c) They shall be ineligible to hold any public office, including that of notary or attorney.

d) They shall lose any legal claims to a pension or allowance payable from public funds.

e) They shall lose the right to vote, the capacity to be elected, and the right to be politically active in any way or to be members of a political party.

f) They shall not be allowed to be members of a trade union or a business or vocational association.

g) They shall be prohibited for a period of not less than ten years after their release:

1. To be active in a profession or, independently, in an enterprise of economic undertaking of any kind, to own a share therein or to supervise or control it.

2. To be employed in any dependent position, other than ordinary labor.

3. To be active as teacher, preacher, editor, author, or radio commentator.

b) They are subject to restrictions as regards living space and place of residence, and may be enlisted for public works service.

4) They shall lose all licenses, concessions and privileges granted them and the right to keep a motor vehicle.

ARTICLE 9  
SANCTIONS AGAINST OFFENDERS

1. They may be imprisoned or interned for a period up to ten years in order to perform reparation and reconstruction work. Political internment after 8 May 1945 can be taken into account.

2. Their property may be confiscated (as a contribution for reparation), either as a whole or in part. In case the property is confiscated in part, capital goods (Sachwerte) should be preferred. The necessary items for daily use shall be left to them.

3. They shall be ineligible to hold any public office, including that of notary or attorney.

4. They shall lose any legal claims to a pension or allowance payable from public funds.

5. They shall lose the right to vote, the capacity to be elected, and the right to be politically active in any way or to be members of a political party.

6. They shall not be allowed to be members of a trade union or business or vocational association.

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7. They shall be prohibited, for a period of not less than five years after their release:
- To be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it.
  - To be employed in any dependent position, other than ordinary labor.
  - To be active as a teacher, preacher, editor, author, or radio commentator.
8. They are subject to restriction as regards living space and place of residence.
9. They shall lose all licenses, concessions and privileges granted them and the right to keep a motor vehicle.
10. Within the discretion of Zone Commanders sanctions may be included in zonal laws forbidding offenders to leave a Zone without permission.

ARTICLE 10  
SANCTIONS AGAINST LESSER OFFENDERS

If the finding of the tribunal places an individual in the category of lesser offenders, he may be placed on probation. The time of probation shall be at least two years but, as a rule, not more than three years. To which group a person responsible hereunder will be finally allocated will depend on his conduct during the period of probation. While on probation, the following sanctions will apply:

- They shall be prohibited, during the period of probation:
  - To operate an enterprise as owner, partner, manager or executive, supervise or control an enterprise or to acquire any enterprise in whole or in part, or any interest or share therein, in whole or in part.
  - To be active as teacher, preacher, author, editor or radio commentator.

2. In the event the lesser offender is the owner of an independent enterprise, or any share therein, at the time of his classification, his interest in such enterprise may be blocked.

3. The term enterprise as used in paragraph 1a) and 2 of this Article need not include small undertakings of craftsmen, retail shops, farms and like undertakings, having less than 20 employees.

4. Property values, acquisition of which rested upon use of political connections or special national socialist measures such as aryaznisation and armanent shall be confiscated.

5. For the period of probation additional sanctions, taken from those set forth in Article 11 hereof may be imposed, with just selection and modification, more particularly:

- Restrictions in the exercise of an independent profession, and prohibition to train apprentices.
- In respect of civil servants: Reduction of retirement pay, retirement or transfer to an office with lesser rank or to another position with reduction of compensation, rescission of promotion, transfer from the civil service relationship into that of a contractual employee.

6. Internment in a labor camp or confiscation of the whole property may not be ordered.

7. Within the discretion of Zone Commanders sanctions may be included in zonal laws forbidding the lesser offenders to leave a Zone without permission.

8. Within the discretion of Zone Commanders sanctions may be included in zonal laws denying them the capacity to be elected and the right to be politically active in any way or to be members of a political party. They may also be denied the right to vote.

9. They may be required to report periodically to the police in the place of their residence.

ARTICLE 11  
SANCTIONS AGAINST FOLLOWERS

The following sanctions against followers may be applied at the discretion of the Zone Commanders:

- They may be required to report periodically to the police in the place of their residence.
- They will not be permitted to leave a Zone or Germany without permission.
- Civilian members in this category may not stand for election at any level but may vote.
- In addition, in the case of civil servants, retirement or transfer to an office with lesser rank or to another position, possibly with reduction of compensation or rescission of a promotion instituted while the person belonged to the NSDAP, may be ordered. Corresponding measures may be ordered against persons in economic enterprises including agriculture and forestry.
- They may be ordered to pay single or recurrent contributions to funds for reparations. When determining contributions, the follower's period of membership, the fees and contributions paid by him, his wealth and income, his family conditions and other relevant factors shall be taken into consideration.

ARTICLE 12  
EXGNERATED PERSONS

No sanction will be applied against persons declared to be exonerated by a tribunal.

ARTICLE 13

Persons in the categories defined in Articles 2 to 6 above who are guilty of specific war crimes or other offences may be prosecuted regardless of their classification under this Directive. Imposing of Sanctions under this Directive

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shall not bar criminal prosecutions for the same offense.

Done at Berlin on the 12th day of October 1946.

R. NOIRET,  
Général de Division

P. A. KUROCHKIN,  
Colonel General

LUCIUS D. CLAY,  
Lieutenant General

G. W. B. J. ESKINE,  
Major General  
for B. H. ROBERTSON  
Lieutenant General

## APPENDIX 'A'

## PART I

The following is a list of categories of persons who, because of the character of the crimes allegedly committed by them, shown in paras. 1-10 of Article 2 of Part II of this Directive, as well as the positions occupied by them, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as major offenders and punished if found guilty.

A. The German Secret Service including Abwehrcenter (military intelligence offices)

1. All executive officials of the Reichsministerium (RSHA or National Department of Security), its organizations and offices directly supervised by RSHA.

2. All officials of the Geheime Feldpolizei (GFP) down to and including the rank of Feld-

Polizeidirektor.

3. All executive officials of the Research Office of the Reich Air Ministry.

B. The Security Policy (Sipo).

1. All members of the Geheime Staatspolizei (Gestapo).

2. Executive officials of the Grenzpolizei-Kommissariate (Grenko).

3. All executives of the Main Offices (Leitstellen) and Offices (Stellen) of the Criminal Police (Kriminalpolizei).

C. The Ordnungspolizei (Orpo).

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

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

D. The NSDAP.

1. All office holders of the NSDAP down to and including the office of Amtleiter of the Kreisleitung.

2. All members of the Corps of Political Leaders of the Party down to and including the rank of political Einsatzleiter and all members of the training staffs of the Ordensburgen, Schulungsburgen, Adolf-Hitler-Schulen and Nationalpolitische Erziehungsanstalten.

3. All members of the Reichstagsfraktion of the NSDAP before 30 January 1933.

4. The following office holders of the Reich Food Estate (Reichsnährstand):

- a) all Landesbauernführer and their deputies;
- b) all leaders of the Hauptvereinigungen

und Wirtschaftsverbände;

- c) all Kreisbauernführer;
- d) all leaders of the Landesforstämter.

5. Officials of the Gauwirtschaftskammern who were charged with political coordination on behalf of the Party.

6. Gauwirtschaftsberater.

E. The Organizations of the NSDAP.

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

2. Allgemeine SS - All officers down to and including the rank of Untersturmführer.

3. SA - All officers down to and including the rank of Sturmbannführer.

4. HJ - All officers down to and including the rank of Bannführer and equivalents in the HJ and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born prior to 1 January 1919.

5. NSKK - All officers down to and including the rank of Standartenführer.

6. NSFK - All officers down to and including the rank of Standartenführer.

7. NS-Deutscher Studentenbund - All executive office holders of the Reichsstudentenführung and the Gaustudentenführungen.

8. NS-Dozentenbund - All executive office holders at Reich and Gau levels.

9. NS-Frauenenschaft - All executive office holders at Reich and Gau levels.

F. Affiliated Organizations of the NSDAP.

1. Deutsche Arbeitsfront.

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- a) All executive officials of the DAF in the Central Office of the DAF.
  - b) All executive officials of the DAF in the Kriegshauptarbeitsgebieten I, II, III and IV.
  - c) All members of the Oberster Ehren- und Disziplinarhof.
  - d) All executive officials of the DAF-Gauleitung, Auslandsorganisation.
2. NS-Volkswohlfahrt - All executive office holders down to and including the Department Heads at Reich level.
  3. NS-Kriegsopferversorgung - All office holders down to and including the Department Heads at Reich level.
  4. NS-Bund Deutscher Technik - All office holders down to and including the Department Heads at Reich level.
  5. Reichsbund der Deutschen Beamten - All office holders down to and including the Department Heads at Reich and Gau levels.
  6. NS-Deutscher Agrarbund - All office holders down to and including the Department Heads at Reich and Gau levels.
  7. NS-Lehrerbund - All office holders down to and including Department Heads at Reich and Gau levels.
  8. NS-Rechtswahrerbund - All office holders down to and including Department Heads at Reich and Gau levels.
- G. Supervised Organizations of the NSDAP.
1. NS-Altherrenbund - All members of the Fuehrerkreis down to Gau level.
  2. Reichsbund Deutscher Familie - All executive office holders at Reich level.
  3. Deutscher Gemeindegast - Executive office holders of the Deutscher Gemeindegast.

4. NS-Reichsbund fuer Leibesuebungen - Reichssportfuehrer and all Sportbereichsfuehrer.
- H. Other Nazi Organizations.

1. Reichsarbeitsdienst (RAD) - All officers down to and including the rank of Oberstarbeitsfuehrer as far as men are concerned, and down to and including the rank of Stabsoberruehrerin as far as women are concerned.

2. Reichskolonialbund - All executive officials of the Colonial Political Office in the Reichsleitung of the NSDAP.

3. Volksbund fuer das Deutschtum im Ausland (VDA) - All officials in Reich and Gau Offices since 1935 within Germany and all Volksgruppenfuehrer and Landesgruppenfuehrer outside Germany.

4. NS-Reichskriegerbund (Kyffhaeuserbund) - All officials down to and including the Gaukriegerfuehrer.

5. Reichskulturkammern - All presidents, vice-presidents and managers. All members of the Reichskulturrat, of the Reichskultursekretariat and Pressedirekte.

6. Deutscher Fichtebund - All executive officials.

7. Reichssicherheitsdienst - All officials down to and including the rank of Dienststellenleiter.

I. The Nazi Party Decorations.

1. NS-Blutorden - (Of 9 November 1923) - All holders.

2. Badge of honor for members under Number 100 000 (Golden Party Badge) - All holders.

3. NSDAP - Service-Medals - All holders of Class I (25 years of service).

K. Government Officials.

Note: The classifications indicated apply only to those persons who were appointed to any of the

positions listed after 30 January 1933, or who were incumbents in such positions on that date who survived the successive Nazi purges which followed.

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

2. All former German ambassadors since 30 January 1933.

3. All officials down to and including the rank of Ministerialdirektor in Reich offices or of an equally high rank in Government offices which existed before 30 January 1933; all officials down to and including Ministerialrat in Reich or Government offices which were created after 30 January 1933 for the fulfillment of new tasks and also in those which had been established in countries and territories formerly occupied or ruled by Germany.

4. All officials who occupied one of the following positions since 1934.

- a) Reichsbevollmaechtigtter, Sonderbevollmaechtigtter,
- b) Reichskommissar,
- c) Generalkommissar,
- d) Generalinspekteur,
- e) Beauftragter und Wehrkreisbeauftragter,
- f) Reichstreuhänder der Arbeit, Sonderstreuhänder der Arbeit,
- g) Generalreferent.

L. The German Armed Forces and Militarists.

1. NS-Fuehrungsoffiziere - All full-time NS-Fuehrungsoffiziere down to and including division in the OKW, OKH, OKM, OKL.

2. General Staff Officers - All officers of the

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German General Staff who since 4 February 1938 belonged to the Wehrmachtsführungstab of the GKW, OKM, OKL, or OKL.

3. Heads and Deputy Heads of Military and Civil Administration of countries and territories formerly occupied by Germany.

4. All former officers of the Freikorps "Schwarze Reichswehr".

M. Private Business and Professions.

1. Wehrwirtschaftsführer - All 'Wehrwirtschaftsführer' who were appointed after 1 January 1938.

2. Wirtschaftskammern (Economic Chambers) - All executives and deputy executives of Reichs- and Gewerkschaftskammern.

3. Reichsgruppen der Gewerblichen Wirtschaft (Reich Groups of Trade and Industry) - All chairmen, presidents and deputy executives.

4. Reichsverkehrgruppen (Reich Traffic Groups) - All chairmen, presidents and deputy executives.

5. Wirtschaftsgruppen (Economic Groups) - All chairmen, presidents and deputy executives at Reich level.

6. Reichsvereinigungen (Reich Associations) - All chairmen, presidents and deputy executives.

7. Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) - All presidents and managing directors.

8. Reichskommissare (Reich Commissioners) - All those responsible for raw material and industrial supply.

N. Jurists.

1. President and Vicepresident of the Academy of German Law;

2. Commanders and all fulltime executives of the Gemeinschaftslager Hanna Kerrl;

3. All judges, the Oberreichsanwalt and all public prosecutors as well as the office manager of the Volksgerichtshof;

4. All judges, public prosecutors and officials of the Party, SS and SA courts;

5. President and Vicepresident of the Reichsjustizprüfungsamt;

6. Presidents of the

- a) Reichsgericht,
- b) Reichsarbeitsgericht,
- c) Reichserbhofgericht,
- d) Reichsarbeitsgesundheitsgericht,
- e) Reichsfinanzhof,
- f) Reichsverwaltungsgericht,
- g) Reichsrechnungshof,
- h) Reichsrechtsanwaltskammer,
- i) Reichsanotarkammer,
- j) Reichspatentanwaltskammer,
- k) Reichskammer der Wirtschaftsprüfer.

7. Presidents of the Oberlandesgerichte who were appointed after 31 December 1938.

8. Oberreichsanwalte, Reichsanwalte and Generalstaatsanwälte, of the Oberlandesgerichte appointed after 31 March 1939.

9. Vicepresidents of the

- a) Reichsarbeitsgericht,
- b) Reichserbhofgericht,
- c) Reichsarbeitsgesundheitsgericht,
- d) Reichsverwaltungsgericht.

10. Chairmen

- a) of the Sonderamt of the Reichsgericht,
- b) Personalreferenten of the Reichsjustizministerium.

O. Other Groups of Persons.

1. War Criminals.
2. All persons who have denounced opponents of National Socialism or who have in any way con-

tributed to their arrest or who have induced or used force against political or religious opponents of the National-Socialistic tyranny.

3. Commissioned officers of Stosstrupps and Werkstätten within business establishments.

4. Rectors of universities and chairmen of the board of curators, heads of teacher's training colleges and heads of institutions of university level since 1938 insofar as they have been members of the NSDAP or its formations and all such persons appointed since 1938 irrespective of Party affiliation.

## PART II

The following is a list of categories of persons who, because of the character of the crimes allegedly committed by them, shown in Article 3, paragraphs A, B and C, of Part II of this Directive will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as offenders and punished if found guilty.

A) The German Secret Service including Abwehrstab (military intelligence offices).

1. All officers and other personnel of the RSHA, its organizations and offices directly supervised by RSHA, if not included in the category of Major Offender.

2. All officials of the Geheime Feldpolizei who are not included in the category of Major Offender.

3. All persons who since 30 January 1933 were engaged in their countries by the German Secret Service including Abwehr or any other organization or branch under the control or supervision of the German Secret Service.

B) The Security Police (Sipo).

1. All persons who have been members of the Grenzpolizei since 1 June 1937, if not included

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in the category of Major Offender.

2. All officials of the Criminal Police down to and including the rank of the Kriminalkommissar if not included in the category of Major Offender.

3. All executive officials of the Mail Censor Offices (Briefpruefungsstellen) if not included in the category of Major Offender.

C) The Ordnungspolizei (Orpo).

1. All commissioned police officers (Schutzpolizei, Gendarmerie, Wasserschutzpolizei, Luftschutzpolizei, Technische Nothilfe, Feuerschutzpolizei, Verwaltungspolizei, Kolonialpolizei, Sonderpolizei, Hilfspolizei) who were promoted after 30 January 1933 or who, whether promoted or not, remained in office after 31 December 1937 in spite of successive purges.

2. All commissioned police officers who have served as such at any time in one of the territories formerly occupied by Germany in any fighting formation (Einsatzgruppe or Einsatzkommando) or the Sipo or the SD.

3. All members of the Verwaltungspolizei who had been assigned to Gestapo and SD.

D) The NSDAP.

1. All office holders and officials of the NSDAP (alaried and honorary posts) down to the lowest rank in the party offices (main and subordinate offices) as well as institutions and academies which were founded by the NSDAP.

2. All members of the Corps of Political Leaders who are not included in the category of Major Offender.

3. All members of the 'Reichstagsfraktion' of the NSDAP who are not included in the category of Major Offender.

4. All members of the NSDAP who joined prior to 1 May 1937.

5. All members of the NSDAP who after 4 years

of service with the 'Hitler-Jugend' and after having reached the age of 18 had been selected for admission into the party.

6. All members of the NSDAP regardless of the entrance date who were members of the following organizations:

- a) Reichspressekammer,
- b) Reichsrundfunkkammer,
- c) Deutsche Akademie Kuenstler,
- d) Deutsche Christenbewegung,
- e) Deutsche Glaubensbewegung,
- f) Institut zur Erforschung der Judenfrage,
- g) Kameradschaft USA,
- h) Osteuropaisches Institut (seit 1935).
- 1) Staatsakademie fuer Rassen- und Gesundheitspflege.

7. All regular officers of the 'Wehrmacht' who became members of the NSDAP including such officers who were members of the NSDAP before entering the Wehrmacht but who did not thereafter sever their connections with the NSDAP.

8. All executive officials of the Reich Food Estate (Reichsansehrtand) who are not included in the category of Major Offender, and executives of its 'Regierungsforstaemter'.

E) The Organisation of the NSDAP.

1. Waffen SS - All members not included in the category of Major Offender (except those who were conscripted into this organization unless they were promoted to Unteroffizier after their induction); the personnel of the concentration camps insofar as they are not included in the category of Major Offender.

2. Allgemeine SS and its other Organizations - All members not included in the category of Major Offender, including sponsoring members (foerdernde Mitglieder) who joined as such after 31 December 1938, or who in case of prior joining paid fees of more than RM 10,- per month or who made any other substantial contribution to the SS.

3. SA - All officers down to and including the rank of Unteroffizier, insofar as they have served in the SA in this capacity, if not included in the category of Major Offender, as well as members who joined the SA before 1 April 1933.

4. HJ and BIM - All officers not included in the category of Major Offender down to and including confirmed full-time non-commissioned officers. All officers of the HJ and the Deutsches Jungvolk in the field of education and information and all members of the 'Schnellkommandos' (HJ-Streifendienst) under the control of the SS, who were born after 1 January 1919.

Note: See Appendix 'A', Part I, Section 2 para. 4) regarding major offenders for comparison with this section regarding offenders.

5. NSRY - All officers down to and including the rank of Sturmfuhrer, if not included in the category of Major Offender.

6. NSFK - All officers down to and including the rank of Sturmfuhrer, if not included in the category of Major Offender.

7. NS-Deutscher Studentenbund - All office holders, if not included in the category of Major Offender.

8. NS-Dozentenbund - All office holders, if not included in the category of Major Offender.

9. NS-Frauenschaft - All office holders down to and including Block-Frauenschaftsleiterin, if not included in the category of Major Offender.

F) Affiliated Organizations of the NSDAP.

1. Deutsche Arbeitsfront including 'Kraft durch Freude'.

a) All office holders not included in the category of Major Offender.

b) All executive office holders of the Arbeitswissenschaftliches Institut.

c) All Betriebschmanner, Betriebswarte and

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Betriebswalter in enterprises of the DAF.

2. NS-Volkswachfahrt - All office holders not included in the category of Major Offender.

3. NS-Kriegsopferversorgung - All office holders not included in the category of Major Offender.

4. NS-Bund Deutscher Technik - All office holders not included in the category of Major Offender.

5. Reichsbund der Deutschen Beamten - All office holders not included in the category of Major Offender.

6. NS-Deutscher Aerztebund - All office holders not included in the category of Major Offender.

7. Reichsbund Deutscher Schwestern - NS-Schwester (brown nurses). All office holders.

8. NS-Lehrerbund - All office holders not included in the category of Major Offender.

9. NS-Rechtswahrbund - All office holders not included in the category of Major Offender.

G) Supervised Organizations of the NSDAP.

1. NS-Altherrenbund - All office holders not included in the category of Major Offender.

2. Reichsbund Deutscher Familie - All office holders not included in the category of Major Offender.

3. Deutscher Gemeindetag - All office holders not included in the category of Major Offender.

4. NS-Reichsbund fuer Leibesuebungen - All office holders not included in the category of Major Offender.

5. All office holders of the following organizations:

- a) Deutsches Frauenwerk,
- b) Deutsche Studentenschaft,
- c) Deutscher Dozentenbund,
- d) Reichsdozentenschaft,
- e) Deutsche Jegerackchaft.

H) Other Nazi Organizations.

1. Reichsarbeitsdienst (RAD) - All officers down to and including the rank of "Feldmeister" of the male unit and "Maidenfuhrerin" of the female unit insofar as they are not included in the category of Major Offender.

2. Reichskolonialbund - All office holders since 1 January 1935 if not included in the category of Major Offender.

3. Volkbund fuer das Deutschtum im Ausland - All office holders appointed since 1 January 1935 if not included in the category of Major Offender.

4. NS-Reichskriegerbund (Kyffhaeuserbund) - All executive officials down to and including the Kreis level.

5. Reichskulturkammern etc. and subordinate offices and branches (Reichsschrifttumkammern, Reichspressekammer, Reichsrundfunkkammer). All office holders if not included in the category of Major Offender.

6. Deutscher Fichtebund - All members if not included in the category of Major Offender.

7. Reichsicherheitsdienst - All members if not included in the category of Major Offender.

8. All office holders of the following institutes:

- a) Institut zur Erforschung der Judenfrage,
- b) Weltdienst,
- c) Deutsche Akademie Muenchen,
- d) Staatsakademie fuer Rassen- und Gesundheitspflege,
- e) Amerika-Institut,
- f) Osteuropaeisches Institut,
- g) Ibero-Amerikanisches Institut,
- h) Deutsches Auslands-Institut.

I) The Nazi Party Decorations.

1. Coburg Badge - All holders.
2. Nuremberg Party Meeting Badge of 1929 - All

holders.

3. Badge of the SA-Meeting Braunachweig of 1931 - All holders.

4. Golden HJ Badge (Golden Hitler Youth Badge) - All holders.

5. NSDAP Service Medals - All holders if not included in the category of Major Offender.

6. Gau Ehrenzeichen of the NSDAP (The Gau Badges of honour) - All holders.

K) Government officials.

1. All officials of the Foreign Office (Embassies, Legations, General Consulates, Consulates and Missions) in the rank of a Ministerialrat or in the position of an attaché.

2. All officials in higher positions who had been promoted to such offices otherwise than by normal advancement after 1 April 1933 and without having professional qualifications.

3. All officials who occupied the following positions since 1934:

- a) Bevollmaechtigtter,
- b) Inspekteur,
- c) Trustees of Labor and of other fields and their deputies,
- d) Kommissar,
- e) Deputies of the holders of titles and positions included in the category of Major Offender,
- f) Reichsinnsetzungenieure and Arbeitseinstellungingenieure,
- g) Obmann including Ruestungsobmann.

4. All members of the German Reichstag or of the Prussian Staatarat since 1 January 1934.

5. All officials of the Reichministerium for Public Information and Propaganda and executives of its Regional offices and auxiliary offices down to and including Kreis level, as well as

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all employees of Nazi offices who participated in political propaganda in word or script.

6. The officials in the Hoehere Dienst of the Reichministerium for Armament and War Production, Reichministerium, the Gewohnungskommissare and their deputies.

7. Oberfinanzpraesidenten.

8. Regierungspraesidenten, Landraete und Buergermeister.

L) The German Armed Forces and Militarists.

1. NS-Fuehrungsbeamte - All officers, regardless of whether they were professional or reserve officers, not included in the category of Major Offender.

2. General Staff Officers - All officers serving as General Staff Officers since 4 February 1938 not included in the category of Major Offender.

3. All military and civilian officials with special authority, including heads and deputies of any functional or regional divisions in the military or civil administration of occupied countries and territories, as well as executive officials of RUK (Armament and war production) except those included in the category of Major Offender.

4. All officials of the Raw Material Trade Association (Rohstoffhandelsgesellschaft).

5. Military Commanders and their deputies in cities and townships.

6. Die Wehrmacht - All regular officers of the Deutsche Wehrmacht down to and including the rank of Generalmajor or equivalent rank, provided they were promoted to this rank after 1 June 1936, and all Wehrmacht officials down to the professional rank of Oberst.

7. Organisation Todt (OT). Transportgruppe Speer - All officers down to and including the

rank of "Einsetzleiter".

8. All members of the training staffs and executive officials of the War academies and Kadettenanstalten.

9. All professors, speakers and authors in the field of military science since 1933.

10. All members of the Schwarze Reichswehr and all members of the Freikorps who became members of the NSDAP insofar as they are not included in the category of Major Offender.

M) Private Business and Professions.

1. Wehrowirtschaftsfuehrer - All Wehrowirtschaftsfuehrer appointed by the Ministry of Economics not included in the category of Major Offender.

2. Wirtschaftskammern - All executive officials of Economic Chambers not included in the category of Major Offender.

3. Reichsgruppen der gewerblichen Wirtschaft - All executive officials of the groups, main committees, special committees, main rings and special rings.

4. Reichsverkehrsgruppen - All executive officials of Transportation Groups.

5. Wirtschaftsgruppen - All executive officials of Economic Groups.

6. Reichsvereinigungen (Reich Associations) - All executive officials of the Reichsvereinigungen, including department heads and chairmen, deputies, managers of the main committees, special committees, main rings and special rings.

7. Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) - All executive officials not included in the category of Major Offender.

8. Policy-making officials of the Reich Allocation Offices (Reichsstellen) and subordinate allocation offices (Bewirtschaftungsstellen).

9. Business enterprises including financial institutions in which the Reich, the NSDAP, or any of its formations or affiliated organizations had at any time since 1 April 1933 an interest representing actual or working control - All presidents, members of the boards of supervisors or directors, managing directors and managers.

10. I. Private enterprises in industry, trade, commerce, handicraft, agriculture and forestry, banking, insurance, transportation, etc.:

Enterprises which because of capital invested, the number of their employees, the kind of production, or for any other reason are, of themselves, important and essential:

All proprietors, owners and leaseholders, partners, including shareholders holding a share of more than 25%, chairmen of the executive or supervisory boards, or other persons having a decisive influence on the management, insofar as such persons were members of the NSDAP or of any of its formations, or, without having been members, owed their position to their connections with the NSDAP.

II. Nonprofit enterprises and charitable institutions:

Enterprises which are of great importance because of their size or activity.

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

11. Professions (Physicians, lawyers, pharmacists, architects, engineers, artists, authors, journalists and so on):

a) All executives, members of boards of direc-

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tors, business managers, executive employees and members of the chambers of professional and social agencies including the court of honor, and all councillors admitted to practice before the Party courts, SA or SS courts.

b) Other members of professions who by reason of their membership in the NSDAP or of any of its formations derived special advantages.

## B) Jurists.

1. Managers and Treasurers of the Akademie fuer Deutsches Recht (Academy for German Law).

2. Chairmen, other regular judges and the regular executives of the public prosecutors office or special courts.

3. Chairmen, judges and public prosecutors of military courts (Standgerichte).

## 4. Presidents and Vicepresidents

- a) of the Reichspatentamt,
- b) of the Reichsversicherungsamt and the Reichsversorgungengericht,
- c) of the Landeserbhofgericht in Celle.

5. Vicepresidents and Senatpresidents of the Reichsgericht who were appointed after 31 December 1938, and regular members of the Oberster Dienststrafsenat of the Reichsgericht.

## 6. Vicepresidents

- a) of the Reichserbgesundheitsgericht,
- b) of the Reichsfinanzhof,
- c) of the Reichsrechtsanwaltskammer,
- d) of the Reichsnotarkammer,
- e) of the Reichspatentanwaltskammer,
- f) of the Reichskammer fuer Wirtschaftspraefer,

and all regular members of the Oberste Ehrengerichtshoefe for lawyers, patent attorneys, notaries and Wirtschaftspraefer.

7. Presidents of the Oberlandesgerichte and Generalstaatsanwalts if not included in the category of Major Offender and Vicepresidents of the

Oberlandesgerichte.

8. Presidents of the Dienststrafkammern for judicial officials.

9. Presidents of the Landesgerichte.

10. Oberstaatsanwalts of the Landgerichte.

11. Personalreferenten of the courts.

12. Full-time executives and regular members of the Pruefungstellen of the Reichsjustispruefungsent.

13. President of the Rechtsanwaltskammer, Notarkammer and Patentanwaltskammer in the districts of the Oberlandesgerichte.

## 14. Presidents and Vicepresidents

- a) of the Fideikommissgericht,
- b) of the Schifffahrtsobergericht,
- c) of the Oberpreisenhof.

15. Presidents and Vicepresidents and regular members of the Courts of Honor of the free professions at Reich and Gau level.

## C) Other Groups of Persons.

1. NCO's of Stosstruppe and Werkescharen within business establishments.

2. Persons who held the office of Vertrauenslehrer or Jugendwarter in any type of school.

3. Rectors of universities and chairmen of the board of curators, heads of teachers' training colleges and heads of institutions of university level appointed since 1934 if not included in the category of Major Offender.

4. All other persons who have propagated the National Socialist or Fascistic "world philosophy".

5. Persons who after 1 April 1933 have applied for or adopted German nationality or acquired same in a way other than by annexation laws or by marriage or adoption.

## PART III

The following is a list of categories of persons who will be carefully investigated and, if there is evidence of guilt in accordance with the provisions of paragraphs I and II of Article 4 of this Directive, will be charged as lesser offenders and punished if found guilty:

1. Applicants for membership in the SS or its formations;

2. Members of SA after 1 April 1933;

3. Members of HJ or BIM prior to 25 March 1939;

4. NCO's of RAD of a rank below Feldmeister or Madenfuhrerin;

5. Members of NSDAP after 1 May 1937 and all Applicants for membership in the NSDAP;

6. Persons who were officials in the field of education or press who received extraordinarily rapid promotion after 1 May 1939;

7. Persons who have profited by acceptance or transfer of property incidental to the spoliation of formerly occupied territories, "Aryanizing" or confiscation of property on political, religious or racial grounds;

8. Persons who have been employed in policy-making or executive positions in the Military or civilian administration of formerly occupied areas;

9. Persons who have made substantial contributions to the Party;

10. Members of political parties or organizations in Germany which supported the seizure of power by the NSDAP, such as the Tannenbergbund, Altdeutscher Verband;

11. Leading officials of the German Red Cross, particularly those who were appointed after 1 January 1933;

12. Members of the Deutsche Christenbewegung and Deutsche Glaubensbewegung;

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13. Members of the NSKK, NSFK, NSDStB, NSDdB, and NSF;

14. Holders of the Spanish Cross, of the Austrian, the Sudetendeutsche and the Memel Commemoration Medal, of the Danzig Cross, of the SA-Wehrsportabzeichen, of the Merit Medal of RAD;

15. Parents or guardians who expressed consent for the education of their children in Nationalpolitische Erziehungsanstalten, Adolf-Hitler-Schulen and Ordenschulen;

16. Persons who gained financial advantages through the NSDAP;

17. Persons who due to National Socialist influence escaped military service or active combat duty;

18. Employees of important enterprises in trade, industry, agriculture or finance with the title Generaldirektor, Direktor, \*resident, Vicepresident, Geschäftsfuehrer, Betriebsleiter, and all members of the Board of Directors, the chairman and deputy chairman of the Board of Supervision, Chief engineers and Oberingenieure in so far as they were policy-making technical personnel, and all persons with power to hire and fire employees.

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<p><u>NOTE</u></p> <p>The recommendations and decisions confirmed or taken by the Council of Foreign Ministers are transmitted to the Control Council for Germany and to the Commanders-in-Chief of the occupation forces of Germany for appropriate action within their spheres of competence.</p> <p>(Page 41: CFM/47/M/145)</p>	<p style="text-align: center;"><u>FOUR POWER AGREEMENT</u></p> <p>The Control Council is directed</p> <p>(1) To take all appropriate measures to hasten the process of Denazification throughout Germany in accordance with Control Council Directives Nos. 24 and 36.</p> <p>(2) To complete as soon as possible the removal of former active Nazis and militarists from public and semi-public office and from positions of responsibility in important private undertakings and to study the possibility of fixing a date for the completion of this process.</p> <p>(3) To take all measures necessary to ensure that only those individuals are employed in a judicial capacity or as public prosecutors who are considered by reason of their political and moral qualities to be capable of assisting the development of genuine democratic institutions in Germany.</p> <p>(4) To concentrate upon and to hasten the bringing to trial of war criminals, members of Nazi criminal organizations and of active supporters of the Nazi regime, without requiring the indiscriminate trial of the mass of nominal members of the Nazi Party.</p> <p>(5) To take action in the near future through Zone Commanders to devolve upon the appropriate German authorities responsibility for carrying out Control Council Directives Nos. 24 and 36, by passing the necessary German legislation and to ensure through the Zone Commanders that the effect of the legislation so passed is such as to produce uniform treatment of all former Nazis and militarists corresponding to their degree of responsibility, while at the same time giving the German authorities discretion as to the precise methods by which they carry out this task.</p> <p style="text-align: center;">(Page 2: CFM/47/M/145)</p>		<p><u>NOTE:</u> Extensive negotiations at all levels of the ACA have not yet produced an agreed interpretation of the above five articles.</p> <p style="text-align: right;">1 Febr 1948</p>	
ACTION TAKEN BY CFM: Referred to Control Council as Directive for Action				