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OFFICE OF U. S. CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY

INTERROGATION DIVISION SUMMARY

Lamner's written notes on legislation and measures for defense of
the Reich supplementing Interrogations of 15 and 16 October 1945
(dated 17 October 1945)

1. LAMNERS

- a. Drafting of legislation (2, 3)
- b. Decrees by the Fuehrer (3)
- c. Hitler's supreme legislative power (4)
- d. Council for the Defense of the Reich and secret legislation authorizing it (4)
- e. Plenipotentiary for Administration (5)
- f. Plenipotentiary for Economics (5)
- g. Reich Minister of War (5)
- h. Commissioner of the Four Year Plan (6)
- i. GBV and GBW (6, 7)
- j. Council of Ministers for Reich Defense (5-8)
- k. Secret Cabinet Council (8, 9)

Hans Heinrich LAMMERS - - 17 October 1945 - handwritten notes on legislation and measures for the defense of the Reich.
Notes supplementary to interrogations of October 15 and 16 1945.

I. Laws - - - procedure (A) 1, introduction of proposal thru Lammers' office by one or more Ministers. 2, distribution of proposal to all members of cabinet. 3, discussion in cabinet. 4, signatures of participating Ministers and Hitler. 5, announcement in Reich law journal.

Procedure (B) written procedure was used in urgent cases or those of lesser importance. Up to november 1937 this was the exception, not the rule.

After november 1937 until the end of the war only written circulation procedure: 1, introduction of proposal thru Lammers' office by one or more Ministers. 2, distribution of proposal by Lammers to all members of cabinet with following stamped notice, - up to the point that no opposition arises, concurrence will be assumed. 3, differences, if any, settled by Lammers. 4, document presented to Hitler for signature, together with such disagreements as required his decision. 5, announcement in the Reich law journal. (pp.2-3).

II. DECREES BY THE FUEHRER

If Hitler desired a decree or a Minister suggested a decree, then Lammers gave a hearing to the Minister concerned and sent a copy of the proposal (to Hitler for signature) with the least possible delay. Hitler often considered the hearing unnecessary and sometimes signed decrees without Lammers knowledge. Those Ministers who approached Hitler over Lammers head would say (if questioned) that they feared Lammers influence against their proposal, with Hitler. Proclamation followed. (p.3).

III. SUPREME LEGISLATIVE POWER

Was wielded by Hitler. What could be done by law could be done by Fuehrer decree. In practice, however, decrees were usually applied to organizational arrangements (establishment of new authorities, setting up of Reich commissioners etc.) and were not applied to other regulations (there is no IV.)

V. SPECIAL POWERS

Were usually granted to Ministers for the execution of any law or decree of special interest to Hitler.

MEASURES FOR THE DEFENSE OF THE REICH

I. Counsel for the defense of the Reich.

A secret regulation of Hitlers toward the end of 1937 indicated a tightening of the Reichs Departments.(p.4).

1, under a Generalbevollmaechtigten fuer die Verwaltung GBV (plenipotentiary for administration) were concentrated:

Reichsministers of 1,-Interior--2, Justice--3, Science, training and popular education--4, Ecclesiastical affairs--5, Department for

Hans Heinrich Lammers, 17 oct.1945.

space arrangement. The Minister of the interior was also the GBV. 2, under a Generalbevollmaechtigten fuer die Wirtschaft, GBW (plenipotentiary for economics) were incorporated: Reichsministers of 1,-economics, 2,- Reichsbank, 3,- labor, 4,-nutrition and agriculture, 5,- board for preservation of forests, 6,- military finance, 7,- civilian transportation. 3,- the Reichsminister of war had the postmaster General and the Minister of transportation within his jurisdiction for military transportation.(p.5).

Excluded from these boards were the Ministers of foreign affairs, of propaganda and of finance, the latter to the extent that military finance was not involved.

The GBV and also the GBW, which was replaced at the end of 1939 by the "Beauftragte fuer den Vierjahresplan", (commissioner of the four-year plan) and thirdly the Minister of war, who was replaced by the "Chef des Oberkommandos der Wehrmacht" (Chief of the high command of the armed forces) formed a committee for the management of affairs pertaining to the defense of the Reich. Usually this was called the "Dreierkollegium" (committee of three).

It had the right to issue decrees and to give directions to other agencies. As Lammers did not participate in its work he does not know when or how often it convened or what was discussed, except in cases where decrees were published. Lammers feels fairly certain that this committee was formed toward the end of 1937. Thinks Funk became plenipotentiary for economics in 1938 or later. Believes definitely that Frick became plenipotentiary General for the administration after the war had already started. Later Himmler became his assistant. Does not know of similar committee prior to 1937.(p.6). Special notes regarding the "Generalbevollmaechtigten fuer die Wirtschaft" (plenipotentiary General for economics).

The autocratic powers of Goering prevented the fulfillment of the aims of the G.B.W. from the beginning. The incorporation of several "Reichsressorts" (auxiliary officials) was ineffectual because Goering, either personally or thru his executors, could always give orders of his own and even nullify those of the G.B.W. Eventually he gave his orders directly to the G.B.W., in his capacity as Minister of economics and through his blanket powers over the Reichsbank.

At the end of 1939 Funk and Goering agreed, with Hitler's consent, to limit the authority of the G.B.W. to the Minister of economics and the President of the Reichsbank, both of which positions were already held by Funk. All remaining jurisdictions of the G.B.W. were transferred to Goering's four-year plan. Thus the G.B.W. ceased to exist although never formally dissolved.(p.7).

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THE COUNCIL OF MINISTERS FOR REICH-DEFENSE

Was founded September 1939 at the outbreak of the war. Its members were Goering--President, Hess--Hitler's deputy, (later Bormann,) 3, the chief executive for the administration (GBV), 4, the chief executive for economics (GBW) 5, the chief of the supreme command of the Wehrmacht-6, the chief of the Reich's chancellery as a charge d'affaires member.

CHIEF TASKS OF THIS COUNCIL OF MINISTERS

Had power of issuing decrees. Since this council was independent of Hitler, unlike the cabinet which he controlled thru the chairman, it was hoped that it would accomplish the speedy enactment of legislation necessitated by the war. Lammers' Department was to establish a link between the cabinet and Hitler. This council met, at most, six or eight times up to December 1939, and was never called into session again. It had never occupied itself with high politics, military matters, or defense and especially not with foreign policy or propaganda. Hitler intentionally did not make the Minister of foreign affairs a member of the council of Ministers.

As advisors to Hitler in matters of foreign policy the secret cabinet council was founded early in February 1938 with von Neurath as president. He had, until then, been Minister of foreign affairs. The decree of the Fuehrer was published in the Reich law book. The secret cabinet council was never called into session. Decrees issued by the council of Ministers for Reich defense after December 1939 were circulated among those Ministers, each in written form, for their consideration. When each Minister had had a chance to give his opinion they were decided upon.

Tasks of the above mentioned Reichs defense council (13 pp.4-6) were not transferred to the council of Ministers discussed here. Whether such a transfer of tasks would have been practical, and why it did not occur, need not be discussed here. Strictly speaking, the council of Ministers for the Reichs defense was not entitled to its name.(pp.8-9).