

60.09

OFFICE OF U. S. CHIEF OF COUNSEL
APO 403 U.S. ARMY

25 September 1945

MEMORANDUM FOR: Mr. Justice Jackson

Subject : Basic Decrees to be considered
in Annex to Indictment.

1. Colonel Phillimore of the British Staff yesterday submitted a list of decrees which were considered necessary to be included in the indictment. Our chief project officers went over this list last night, made some corrections, and provided an English translation of the titles. They also recommended additional basic decrees to be considered for inclusion in the indictment.

2. Accordingly, two lists are attached, one dated 24 September, submitted by the British, and the other of this date, prepared by this Division, which we think should also be considered if such basic decrees are to be included in the indictment.

RHS.
Robert G. Storey
Chief
Documentation Division

RGS:emt

Distribution:

Mr. Alderman
Colonel Amen
Commander Kaplan
Colonel Kaplan
Commander Donovan ✓

60.09

OFFICE OF U.S. CHIEF OF COUNSEL
APO 403 U. S. ARMY
DOCUMENTATION DIVISION

25 September 1945

SOME DECREES IN ADDITION TO THOSE IN BRITISH LIST OF 24 SEPTEMBER 1945 WHICH COMMITTEE MAY WISH TO RECOMMEND FOR INCLUSION IN INDICTMENT OR FOR USE AS EVIDENCE.

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
1. Verordnung des Reichspräsidenten zur Abwehr heimtückischer Angriffe gegen die Regierung der nationalen Erhebung. (Presidential ordinance to repulse malicious attacks against the Government of the National Movement).	21 March 1933	1933 RGBl. I, 135.
2. Erste Verordnung ueber den Neuaufbau des Reichs. (First Regulation Concerning the New Building of the Reich) Details on political coordination (merging) of the "Laender" with the Reich.	2 Feb. 1934	1934 RGBl. I, 81
3. Proklamation der Reichsregierung an das deutsche Volk. (Proclamation of Reich Government to German People). Reintroduction of compulsory military service.	16 March 1935	1935 RGBl. I, 369
4. Luftschutzgesetz. (Air raid protection law).	26 June 1935	1935 RGBl. I, 827
5. Reichsbürgergesetz. (Reich citizenship law)	15 Sept. 1935	1935 RGBl. I, 1146
6. Gesetz zum Schutze des deutschen Blutes und der deutschen Ehre. (Decree for Protection of German Blood and German Honor).	15 Sept. 1935	1935 RGBl. I, 1146
7. Erste Verordnung zum Reichsbürgergesetz. (First Regulation Implementing the Reich Citizenship Law).	14 Nov. 1935	1935 RGBl. I, 1333
8. Gesetz ueber die Gewährung von Straffreiheit. (Decree concerning the granting of amnesty).	23 April 1936	1936 RGBl. I, 378

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
Granting amnesty for crimes committed by persons over- zealous in struggle for Nazism.		
9. Erlass ueber die Einsetzung eines Chefs der Deutschen Polizei im Reichsministerium des Innern.	17 June 1936	1936 RGBl. I, 487
(Order concerning the appoint- ment of a chief of German politics in the Reich Ministry of Interior).		
10. Zweite Verordnung zur Volks- abstimmung und zur Wahl zum Grossdeutschen Reichstag.	24 March 1938	1938 RGBl. I, 303
(Second order concerning plebiscite and election for the Greater German Reichstag).		
11. Anordnung ueber die Aushebung zum aktiven Wehrdienst im Jahre 1938 in Lande Oesterreich.	16 June 1938	1938 RGBl. I, 634
(Order concerning conscription for active military duty during year 1938 in Austria).		
12. Verordnung ueber eine Suehne- leistung der Juden deutscher Staatsangehoerigkeit.	12 Nov. 1938	1938 RGBl. I, 1579
(Order concerning Expiation Contribution of Jews of German nationality).		
The 1,000,000,000 RM fine.		
13. Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben.	12 Nov. 1938	1938 RGBl. I, 1580
(Order Eliminating Jews from German Economic Life.)		
14. Verordnung ueber den Einsatz des juedischen Vermoegens.	3 Dec. 1938	1938 RGBl. I, 1709
(Order concerning the Utili- zation of Jewish Property).		
Appoints trustees for Jewish property, etc.		
15. Erlass des Fuehrers und Reich- kanzlers ueber die Wiederver- einigung der Gebiete von Eupen, Malmedy und Moresnet mit dem Deutschen Reich.	18 May 1940	1940 RGBl. I, 777
(Order of the Fuehrer and Reich Chancellor concerning the re- union of areas of Eupen, Malmedy and Moresnet with Germany).		

TITLE (German & English) with Brief Description Where Necessary	DATE	SOURCE REFERENCE
Specifically mentions breach of Versailles Treaty.		
16. Verordnung ueber die Behandlung von Vermoegen der Angehoerigen des ehemaligen polnischen Staates.	17 Sept. 1940	1940 RGBl. I, 1270
(Order concerning treatment of property of nationals of the former Polish state).		
Deals with confiscation of, and trusteeship over, property of Polish nationals.		
17. Erlass des Fuehrers ueber einen Generalbevollmaechtigten fuer den Arbeitseinsatz.	21 March 1942	1942 RGBl. I, 179
(Order of the Fuehrer concern- ing a Plenipotentiary (Commis- sioner-General for Manpower).		
Decree giving Sauckel his authority.		
18. Geschaeftsverteilung und Geschaeftsverkehr des Chefs der Deutsche Polizei im Reichsministerium des Innern.	26 June 1936	1936 RMBliV 946. (Ministerialblatt des Reichs- und Preuss. Minister- iums des Innern). (In OCC library).
(Assignment and channels of the chief of German police within the Ministry of Interior).		
19. Aufnahme von Angehoerigen der Sicherheitspolizei in die Schutzstaffel der NSDAP.	23 June 1938	1938 RMBliV 1090
(Acceptance of the members of the Security Police into the SS of the NSDAP).		
20. Zusammenarbeit der Behoerden der Allgemeinen und innern Verwaltung mit dem Sicherheits- dienst des RFSS (SD).	11 Nov. 1938	1938 RMBliV 1906
(Cooperation of the Agencies of the general and interior admin- istration with the SD of the Reichsfuehrer SS).		
21. Order of Himmler on formation of RSHA	27 Sept. 1939	Source to be found.
22. Das Recht des Generalgouverne- ments.	24 Sept. 1940	Page 810
Laws of General Government of Poland.		

OFFICE OF U.S. CHIEF OF COUNSEL
APO 403 U.S. ARMY
DOCUMENTATION DIVISION

60.09
(Furnished Doc.Div.
OCC, 24 Sept 1945)

BRITISH LIST OF DOCUMENTS REQUIRED TO PROVE
NAZI CREATION OF TOTALITARIAN STATE

TITLE (German & English) with
Brief Description Where Necessary DATE SOURCE REFERENCE

A. Destruction of Civil Liberties and Establishment of Gestapo.

1. Verordnung des Reichspräsidenten zum Schutze von Volk und Staat.

(Decree of Reich president for Protection of People and State)

Decree which suspended civil liberty provisions of Weimar Constitution.

28 Feb. 1933 1933 RGBl. I, 83
2. Runderlass by Goering defining scope of (1).

3 Mar. 1933 Ministerialblatt fuer die Innere Verwaltung, 1933 I, 233. (Not in OCC library).
3. Gesetz ueber die Errichtung eines Geheimen Staatspolizeiamte.

(Decree about establishment of secret state police office)

26 April 1933 Preussisches Gesetzbuch 1933, p.122. (Not in OCC library).
4. Gesetz ueber die Geheime Staatspolizei.

(Decree concerning the secret state police).

30 Nov. 1933 Preussisches Gesetzbuch, 1933, p. 413.
5. Gesetz ueber die Geheime Staatspolizei.

(Decree concerning the secret state police).

10 Feb. 1936 Preussisches Gesetzbuch, 1936, p. 21.
6. Carrying out ordinance of (5).

(See section 7 concerning Gestapo and Concentration Camps)

10 Feb. 1936 As (5) above.
7. Secret Decree of the Reich Minister of the Interior of 13 and 17 November 1933, of 12 and 26 February 1934 and of 14 December 1937.

Source to be obtained (Not in OCC library).
8. Gesetz ueber die Verhaengung und den Vollzug der Todesstrafe.

(Decree concerning death sentences and their execution.)

29 March 1933 1933 RGBl. I, 151.

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
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NB: First example of death
penalty introduced retroactively.

B. The Destruction of Democratic Institutions

(a) In the Reich

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|--|---|--------------------|
| 9. Gesetz fuer Behebung der Not
von Volk und Reich.

(Decree for Remedying the Need
of People and Reich).

Gave Government Legislative Powers
Without Reference to Reichstag and
Constitutional Limitations. | 24
March
1933 | 1933 RGBl. I, 141. |
| 10 Two laws and a Fuehrerbefehl
& (Hitler Order) issues to extend
11. validity of item (9). These were: | 30 Jan 37 1937 RGBl I, 105
30 Jan 39 1939 RGBl I, 95 | |
| 12. Fuehrerbefehl renewing above. | 10 May 43 1943 RGBl I, 295 | |
| 13. Decree Abolishing Reichsrat. | 2 Feb 34 1934 RGBl I, 89 | |
| 14. Gesetz ueber das Staatsoberhaupt

(Decree concerning head of state)

Combined Presidency with Reich
Chancellorship. | 1 Aug 34 1934 RGBl I, 747 | |

(b) In the Laender

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|--|---------------------|--------------------|
| 15. Vorlaeufiges Gesetz zur Gleich-
schaltung der Laender mit dem
Reich.

(Preliminary decree for the
political coordination of "States"
with the Reich.) | 31
March
1933 | 1933 RGBl. I, 153 |
| 16. Gesetz zur Gleichschaltung
der Laender mit dem Reich.

(Decree for the political
coordination of "States" with
the Reich)

Reduced independence of "States". | 7
April
1933 | 1933 RGBl. I, 173 |
| 17. Gesetz ueber den Neuaufbau
des Reiches.

(Decree concerning the New
Building of the Reich)

Abolished legislatures of "States"
and transferred their sovereignty
to Reich. | 3
Jan.
1934 | 1934 RGBl. I, 75 |
| 18. Verordnung ueber den Neuaufbau
des Reiches.

(Ordinance concerning New
Building of the Reich) | 27
Nov.
1934 | 1934 RGBl. I, 1190 |

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
19. Reichsstatthaltergesetz (Reich "Governor" decree) Defines functions and duties of Governors of "Laender". (c) <u>In the Municipalities</u>	30 Jan. 1935	1935 RGBl. I, 65
20. Prussian Law of	17 July 1933	Preussische Ge- setzbuch, 1933, p. 257 (Not in OCC library).
21. Deutsche Gemeindeordnung (German municipal regulation) Defines functions and duties of municipalities. (d)..... (?) (e) <u>Destruction of Political Parties</u>	30 Jan. 1935	1935 RGBl. I, 49
22. Gesetz ueber die Einziehung Kommunistischen Vermoegens. (Decree concerning the confis- cation of Communist Property).	26 May 1933	1933 RGBl. I, 293
23. Verordnung zur Sicherung der Staatsfuehrung (Ordinance to insure state leadership). Eliminated all Social Democrats from legislatures--Reich, Laender, and Municipalities.	7 July 1933	1933 RGBl. I, 462
24. Gesetz ueber die Einziehung Volks- und Staatsfeindlichen Vermoegens. (Decree concerning confiscation of property inimical to People and State). Confiscated Social Democratic and other property "inimical" to People and State.	14 July 1933	1933 RGBl. I, 479
25. Gesetz gegen die Neubildung von Parteien. (Decree prohibiting formation of political parties). Declared NSDAP to be sole political party in Germany, and forbade formation of new parties.	14 July 1933	1933 RGBl. I, 479
26. Gesetz zur Sicherung der Einheit von Partei und Staat. (Decree to insure the unity of party and state).	1 Dec. 1933	1933 RGBl. I, 1016

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
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Declares NSDAP to be a public corporation of the State and integrating NSDAP into State, etc.

(f) Sovereignty of Fuehrer

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|---|-------------------|-----------------------|
| 27. Gesetz ueber Massnahmen der Staatsnotwehr.

(Decree concerning Measures of Defense of State)

Retroactive justification of all actions taken in "blood purge" surrounding Roehm affair. | 2
July
1934 | 1934 RGBl. I,
529. |
| 28. Erlass des Fuehrers ueber die Regierungsgesetzgebung.

Order of the Fuehrer concerning the legislative power of Government. (See Item (12) above). | 10
May
1943 | 1943 RGBl. I,
295. |

C. Enforcement of Totalitarianism.

(a) "Coordination" (Gleichschaltung) of the Civil Service.

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|---|---------------------|-----------------------|
| 29. Gesetz zur Wiederherstellung des Berufsbeamtentums.

(Decree for Restoration of Professional Civil Service).

Elimination of persons "unreliable" from racial or political point of view. | 7
April
1933 | 1933 RGBl. I,
175. |
| 30. Erste Verordnung zur Durchfuehrung des Gesetzes zur Wiederherstellung des Berufsbeamtentums.

(First Regulation for Executing Decree listed in (29) above). | 11
April
1933 | 1933 RGBl. I,
195 |
| 31. Gesetz zur Ergaenzung des Gesetzes zur Wiederherstellung der Berufsbeamtentums.

(Decree to amend the law listed in (29) above). | 20
July
1933 | 1933 RGBl. I,
518 |
| 32. Gesetz fuer Aenderung von Vorschriften auf dem Gebiete des Allgemeinen Beamtenechts.

(Decree for amending of regulations governing general Civil Service regulations.) | 30
June
1933 | 1933 RGBl. I,
433. |
| 33. Reichsgrundsaetze ueber Einstellung, Anstellung und Befoerderung der Reichs- und Landesbeamten. | | |

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
34. Deutsche Beamtengesetz (Decree governing civil service).	26 Jan. 1937	1937 RGBL. I, 39
35. Verordnung ueber die Vorbil- dung und die Laufbahnen der Deutschen Beamten. (Decree concerning the Education and Career of German civil servants.) Only the more fundamental Nazi laws and decrees dealing with the civil service have been listed above.	28 Feb. 1939	1939 RGBL. I, 371
(b) <u>Coordination of the Courts</u>		
36. Verordnung der Reichsregierung ueber die Bildung von Sonder- gerichten. (Decree of the Government con- cerning the formation of special courts).	21 March 1933	1933 RGBL. I, 136
37. Verordnung ueber die Erweit- erung der Zustandigkeit der Sondergerichte. (Decree concerning broadening of the jurisdiction of the special courts).	20 Nov. 1938	1938 RGBL. I, 1632
38. Gesetz zur Aenderung von Vor- schriften des Strafrechts, etc. (Decree amending regulations of penal law). Creation of people's court; deals with new penalties for "treason".	24 April 1934	1934 RGBL. I, 341
39. Gesetz ueber den Volksgerichts- hof. (Decree concerning the People's Court).	18 April 1936	1936 RGBL. I, 369
(d) <u>Coordination of Public Opinion</u>		
40. Reichskulturkammergesetz. (Decree establishing Reich culture chamber). Goebbels "culture chamber"	22 Sept. 1933	1933 RGBL. I, 661
41. Schriftleitergesetz. (Decree governing editors).	4 Oct. 1933	1933 RGBL. I, 713

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
<u>(e) Coordination of the Professions</u>		
<u>(1) Attorneys</u>		
42. Gesetz ueber die Zuelassung zur Rechtanwaltschaft. (Law concerning admission to the bar)	7 April 1933	1933 RGBl.I,188
43. Rechtsanwaltsordnung (Code governing attorneys- at-law).	21 Feb. 1936	1936 RGBl.I,107
<u>(2) Notaries</u>		
44. Reichs-Notar-Ordnung (Code governing Notaries- Public).	13 Feb. 1937	1937 RGBl.I,191
<u>(3) Physicians and Dentists</u>		
45. Reichsaerzteordnung. (Code governing physicians and dentists).	13 Dec. 1935	1935 RGBl. I, 1433
<u>(f) Coordination of Education</u>		
46. Gesetz ueber die Schulpflicht in Deutschen Reich (Decree concerning mandatory school attendance in Germany)	6 July 1938	1938 RGBl.I,799
47. Hitler-Jugend Gesetz. (Membership in Hitler-Youth made mandatory).	1	1936 RGBl. I, 993
48. Gesetz ueber die Bildung von Studentenschaften an den wis- senschaftlichen Hochschulen. (Decree concerning the creation of student bodies at universities).	22 April 1933	1933 RGBl. I, 215
<u>(g) Suppression of Trade Unions and Works Councils.</u>		
49. Gesetz ueber Betriebsvertre- tungen und Wirtschaftliche Vereinigungen. (Decree concerning factory representative bodies and economic associations.	4 April 1933	1933 RGBl. I, 161
50. Gesetz ueber Treuhender der Arbeit. (Decree establishing trustees of labor). Abolished collective bargaining and set up Hitler-designated trustees to govern conditions of employment.	19 May 1933	1933 RGBl. I, 285

<u>TITLE (German & English) with Brief Description Where Necessary</u>	<u>DATE</u>	<u>SOURCE REFERENCE</u>
51. Gesetz zur Organisation der Nationalen Arbeit. (Decree on the organization of national work). Transfers "Fuehrer principle" to all enterprises.	20 Jan. 1934	1934 RGBL. I, 45
52. Verordnung des Fuehrers und Reichskanzlers ueber Wesen und Ziel der Deutschen Arbeits- front.	24 Oct. 1934	Published in Voelkischer Be- obachter (Also in "Organisationsbuch der NSDAP")
53. Para. 24-31, Gesetz ueber die Gewahrung von Entschaedigung, etc. Para. 24-31, Decree concerning the granting (?) of compensation for certain confiscated proper- ties. Declares that DAF (German Labor Front) acquires all pro- perties of unions and employer associations without any compensation.	9 Dec. 1937	1937 RGBL. I, 1333

NB: This list of legislation makes no pretense at being complete. It includes only the major measures adopted by the Nazis for controlling German life.