BRIEF ON

DIE REICHSPRÄTUR (REICH CABINET)

Lt. W. S. Kaplan, USNR,
Miss Katherine Pito

Office of U. S. Chief of Counsel
Section 6,
Legal Staff, Trial Organization.
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Section (H) "INDIVIDUAL; GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE" of Paragraph IV "Particulars of the nature and development of the common plan or conspiracy" of COUNT ONE - THE COMMON PLAN OR CONSPIRACY, page 10.

The paragraph entitled, "DIE REICHSREGIERUNG (REICH CABINET), set forth in Appendix B, page 35 of the indictment."
Article 9 of Section II "JURISDICTION AND GENERAL PRINCIPLES" of the Charter of the International Military Tribunal, Page 2:

"At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

"After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."
1. COMPOSITION

The Reichsregierung (Reich Cabinet), as defined in the indictment consists of persons who were members of the ordinary cabinet after 30 January 1933; of persons who were members of the Ministerrat für die Reichsverteidigung, (Council of Ministers for the Defense of the Reich), and of persons who were members of the Geheimer Kabinettssrat (Secret Cabinet Council).

The composition of the ordinary cabinet, to which the term Reichsregierung was commonly applied, is hereinafter set forth. For the composition of the Council of Ministers for the Reich Defense, and the Secret Cabinet Council, see parts B and D of this Brief.

The ordinary cabinet in May 1945 consisted of the following members:

(a) Heads of departments of the central government:

THE CHANCELLOR - Adolf Hitler.

THE MINISTER OF AIR (Reichsluftfahrminister), Delegate FOR THE FOUR YEAR PLAN (Beauftragter für den Vierjahresplan) and REICH FOREST MASTER (Reichsforstmeister) Herman Goering. Appointed as Reichs Minister (without portfolio) 30 January 1933.

351-PS, list of cabinet members from Reich Chancellery files.

1862 PS, 1936 RGL, I, 887.

2093 PS, 1934, RGBl, I, 617.

Das Archiv, July 1934, p. 519.

Volkischer Beobachter, North German edition, 31 January 1933.

THE MINISTER OF ARMAMENTS AND WAR PRODUCTION (Reichsminister für Rustung und Kriegsproduktion), GENERAL INSPECTOR FOR ROADS (Generalinspektor für das Deutsche Strassewesen), and GENERAL INSPECTOR FOR WATER AND POWER (für Wasser und Energie) - Albert Speer. Appointed 9 February 1942 as Minister of Armaments and Munitions (Reichsminister fur Bewaffnung und
**THE MINISTER FOR CHURCH AFFAIRS** (Für die kirchlichen Angelegenheiten) not appointed. Acting was Herman Muhs, appointed 3 February 1942.

1997 PS, file on cabinet appointments from the Presidential Chancellory.

**THE MINISTER OF ECONOMICS** (Reichswirtschaftsminister) - Walter Funk. Appointed as of 15 January 1938 on 26 November 1937.

Das Archiv, November 1937, p. 1021.

**THE MINISTER OF EDUCATION** (Reichsminister für Wissenschaft, Erziehung und Volksbildung) - Bernhard Rust. Appointed 1 May 1934.

351 PS, ibid.

Das Archiv, May 1934, p. 227.

**THE MINISTER OF FINANCE** (Reichsfinanzminister) - Lutz Schwerin von Krosigk. Appointed 30 January 1933.

351 PS, ibid.

Volkischer Beobachter, North German edition, 31 January 1933.

**THE MINISTER FOR FOOD AND AGRICULTURE** (Reichsminister für Ernährung und Landwirtschaft) - Walter R. O. Darré. Appointed 30 June 1933.

Volkischer Beobachter, South German edition, 1 July 1933, page 2.

**ACTING** - Herbert Backe. Appointed as Acting Minister 23 May 1942 and given title of Reich Minister on 4 April 1944.

Das Archiv, May 1942, page 195.

1997 PS, ibid.

**THE MINISTER FOR FOREIGN AFFAIRS** (Reichsminister des Auswärtigen) - Joachim von Ribbentrop. Appointed 4 February 1938.

Das Archiv, February 1938, page 1417.

Das Archiv, August 1943, page 347.


1997 FS, file on cabinet appointments from the Presidential Chancellery.

THE MINISTER OF LABOR (Reichsarbeitsminister) - Franz Solte. Appointed 30 January 1933.

351 FS, list of cabinet members from Reich Chancellery files.


THE MINISTER OF THE OCCUPIED EASTERN TERRITORIES (Reichsminister für die besetzten Ostgebiete) - Alfred Rosenberg. Appointed 17 July 1941.

1997 FS, ibid.

THE MINISTER OF POSTS (Reichspostminister) - Wilhelm Ohnesorge. Appointed 2 February 1937.

Das Archiv, February 1937, page 1619.

THE MINISTER OF PROPAGANDA (Reichsminister für Volksaufklärung und Propaganda) - Paul Joseph Goebbels. Appointed 13 March 1933.

351 FS, 1944.


THE MINISTER OF TRANSPORT (Reichsverkehrsminister) - Julius Dorpmüller. Appointed 2 February 1937.

Das Archiv, February 1937, 1619.

The following were also members of the Reich Cabinet in May 1945.

(b) REICH MINISTERS WITHOUT PORTFOLIO:

The Leader of the Party Chancellery (Leiter der Partei-Kanzlei) - Martin Bormann.

Given the authority of a Reich Minister and made a member of the Cabinet, 29 May 1941.

D 141, 1941, RGB1, I, 295.
The Commander-in-Chief of the Navy - Karl Doenitz. Appointed 30 January 1943, with the rank of Reich Minister and the right to participate in Cabinet meetings.


2098 F1, 1938, RGB1, 1, 215.

The Chief of the OKW - Wilhelm Keitel. Given the rank of a Reich Minister upon appointment on 4 February 1938 as Chief of the High Command of the Armed Forces.

1915 F1, 1938, RGB1, 1, 111.

Hans Frank. Appointed as Reich Minister without portfolio 19 December 1934.

351 FS, list of cabinet members from Reich Chancellery files.

Das Archiv, December 1934, page 1197.

Wilhelm Frick. Given the title of Reich Minister 25 August 1943.

Das Archiv, August 1943, page 348.

The Chief of the Reich Chancellery (Reichskanzlei) - Hans Heinrich Lammers. Appointed State Secretary and Chief of the Reichs Chancellery 30 January 1933, and as Reich Minister 26 November 1937.

351 FS, ibid.

Das Archiv, November 1937, page 1021.

Constantin W. F. von Neurath, retained title of Reich Minister upon appointment as President of the Secret Cabinet Council, 4 February 1938.

Das Archiv, August 1943, page 348.

Das Archiv, February 1938, page 1417.

Arthur Seyss-Inquart, named Reich Minister, 1 May 1939.

Das Archiv, May 1939, page 212.
(c) STATE MINISTERS ACTING AS REICH MINISTERS:
Karl Hermann Frank. Named as State Minister of the Protectorate of Bohemia and Moravia and given the rank of Reich Minister, 25 August 1943.

Das Archiv, August 1943, page 348.

Otto Heissner. Appointed State Minister and Chief of the Presidential Chancellery (Chef der Präsidentenkanzlei) of the Führer and Reich Chancellor, with the rank of Reich Minister, 1 December 1937.

1937 PS, file on cabinet appointments from the Presidential Chancellery.

(d) OTHERS ENTITLED TO TAKE PART IN CABINET MEETINGS:
The head of the Reich Labor Service - Konstantin Hierl. Given the right to participate in Cabinet meetings 30 January 1937, and the rank of Reich Minister 20 August 1943.

Taschenbuch für Verwaltungsbeamte, 1943.

2094 PS, 1937, RGBl, I, 95.
2095 PS, 1943, RGBl, I, 495.

The Reich Youth Leader - Arthur Arxmann, appointed 10 August 1940.


Deutscher Beamten-Kalender, 1941, page 104.

Das Archiv, August 1940, page 467.

The Chief of the Foreign Organization (Auslandsorganisation) of the Foreign Office - Ernst W. Bohle. Given the right to take part in Cabinet meetings when his jurisdiction was concerned on 30 January 1937.


The Prussian Finance Minister - Eduard H. J. von Popitz. (Reported to be dead).
THE CABINET PRESS CHIEF:


Das Archiv, November 1937, page 1102.


National Socialist Year Book, 1944, page 291.

The following is a list of persons who were members of the Cabinet prior to May 1945: (Or entitled to take part in its meetings).

Franz von Papen - Vice Chancellor, 30 January 1933-30 July 1934.

351 PS, list of Cabinet members from Reich Chancellory files.


Fritz Todt - Minister of Armaments and Munitions - 17 March 1940 - 8 February 1942 (deceased).

2091 PS, 1940, RGBl, I, 513.

Hans Kell - Minister for Church Affairs - 16 July 1935 - 13 December 1942 (deceased).

351 PS, ibid.


Alfred Hugenberg - Minister of Economics and Minister of Food and Agriculture - 30 January 1933 - 29 June 1933.

351 PS, ibid.

Volkischer Beobachter, North German edition, 31 January 1933.


351 PS, ibid.

Volkischer Beobachter, South German edition, 1 July 1933, page 2.
Hjalmar Schacht - acting Minister of Economics -
30 July 1934 - 26 November 1937. Dismissed Reich Minister without portfolio 26 November 1937.
Dismissed from office 21 January 1943.
351 PS, list of Cabinet members from Reich Chancellery files.
Das Archiv, August 1934, page 715.
Das Archiv, November 1937, page 1021.
1997 PS, file on Cabinet appointments from the Presidential Chancellery.

Volkischer Beobachter, North German edition, 31 January 1933.
See also above under Reich Ministers without portfolio in 1945.

Wilhelm Frick - Reich Minister of the Interior -
30 January 1933 - 25 August 1943.
351 PS, ibid.
Volkischer Beobachter, North German edition, 31 January 1933.
See also above under Reich Ministers without portfolio in 1945.

Franz Gößner - Minister of Justice - 1 February 1933 - 29 January 1941 (deceased).
351 PS, ibid.
Volkischer Beobachter, North German edition, 2 February 1933.

Franz Schildgeberger - Acting Minister of Justice -
29 January 1941 - 20 August 1942.
Das Archiv, January 1941, page 1000.

Peter Paul von Eltz-Rübenach - Minister of Posts and Minister of Transport - 30 January 1933 - 2 February 1937.
351 PS, ibid.
Volkischer Beobachter, North German edition, 31 January 1933.
1654 PS, letter of resignation, 30 January 1937.
Walter H.A.A. von Brandtsch - Commander-in-Chief of the Army with the rank of Reich Minister and the right to sit in cabinet meetings - 26 February 1938 - 21 December 1941.


Baldur von Schirach - Reich Youth Leader - entitled to take part in cabinet meetings.

Vaschenbuch fur Bewaltungsbeamte, 1939, Page 3.

Deutscher Beamten Kalender, 1941, page 104.


351 PS, list of Cabinet members from Reich Chancellory files.

Volkischer Beobachter, North German edition, 31 January 1933.

Title changed to Minister of War (Reichskriegsminister) 20 May 1935 and post abolished 4 February 1938.

1915 FS, 1938, RGBl, I, 111.

Heinrich Himmler - is Chief of the German police in the Ministry of the Interior (Chef der Deutschen Polizei inn Reichsministerium des Innern) took part in Cabinet meetings if his jurisdiction was concerned - 17 June 1936 - 25 August 1943.

2073 FS, 1936 RGBl, I, 487.

See also above under list of Cabinet members in 1935.

Erich Raeder - Commander-in-Chief of the Navy with the rank of Reich Minister and the right to sit in cabinet meetings 26 February 1938 - 30 January 1943.


Volkischer Beobachter, South German edition, 30 January 1943.

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Rudolf Hess, Deputy of the Führer - 1 December 1933 - 26 May 1941.

351 PS, list of Cabinet members from Reich Chancellory files.

1395 PS, 1933 RGBl, I, 1016.

Walter Funk, Cabinet Press Chief, 30 January 1933 - 26 November 1937.

351 PS, ibid.

See also above under list of Cabinet members in 1945.

Gorecke, appointed Commissioner for Creation of Employment, 30 January 1933.


Ernst Roehm, made a member of the Cabinet 1 December 1933. (Deceased).

1395 PS, 1933, RGBl, I, 1016.
Party participation in the work of the Cabinet was attained *inter alia* by the participation of Rudolf Hess, Hitler's deputy, in the work of the Cabinet. Gauweiler described Hess' function in this regard thus:

"By an order of the Fuehrer, dated 25 July 1934, his deputy, as well as appointed reviewers, were given the power to take part in the editing of bills dealing with all the departments of the Reich. On the basis of this decree, the Deputy of the Fuehrer was to be invited to all discussions of the department heads to which he could also send his representatives. Drafts of the laws had to be presented to the Fuehrer, in the form of reviewer's drafts (Referentenentwürfe) and not as Cabinet bills. From a special order from the Fuehrer, 6 April 1935, this privilege of participation in government affairs by the Fuehrer's Deputy was extended to include all executive decisions and orders insofar as they were published in the Reichsgesetzbblatt. The Deputy of the Fuehrer can on his own initiative introduce bills, etc., regardless in what field; insofar as the good of the party is concerned, he is the man in charge."

"Thus, the direct influence of the movement on the legislation and the executive branch was assured at a point where up to now the laws were an internal affair of the individual ministries. From now on, technical considerations or considerations of time cannot interfere with the requests and plans of the party."


In a letter of 9 October 1934 to Goebbels, Hess pointed out that his participation in law making meant the taking into account of the Nazi Party as such.

D-139, Original letter from Hess to Goebbels, 9 October 1934.

Hess' participation in drafting laws and decrees was extended in 1933 to include laws and decrees of the "Lander".

D-140, original letter from Hammers to Reich Ministers, 12 April 1938.

After his flight to England, Martin Bormann, as Leader of the Party Chancellory, took over the same functions and was given the authority of a Reich Minister and made a member of the Cabinet.
2009 FS, Decree of 29 May 1941, Rec, I, 295, relating to the Chief of the Party Chancellory.

On January 30, 1937, Hitler executed the acceptance into the Party of those members of the Cabinet who were not members before.

"Volkischer Beobachter, 1 February 1937, South German edition.

Thereupon, von Eltz-Rubenach wrote to Hitler resigning his position as Minister of Posts and Minister of Transport, saying that as a Christian he could not accept membership in the National Socialist Party.

1944 FS, letter from von Eltz-Rubenach to Hitler, 30 January 1937.

His resignation was accepted immediately and Wilhelm Ohnesorge was appointed to the position of Minister of Posts, and Julius Dornmueller to the position of "Minister of Transport.

Das Archiv, Februar 1937, page 1619.

Huber, after referring to the fact that the "Ministry Hess" with its liaison staff was charged with asserting the Party's influence on the legislation and administration of the State, said in 1939 with reference to the unity of the Party and Reich Cabinet:

"Unity of Party and Reich Cabinet (Reichregierung) is furthermore secured by the numerous personal unions, i.e., association of Central State Offices with corresponding party offices. Such personal unions exist in the cases of the Food Minister, (Darré) (State and Party); and the Propaganda Minister, (Goebbels) (State and Party); the Chief of the German Police, (Himmler) (State and Party); and the Reich Labor Leader, (Hior), (State and Party); the Chief of the Organization in foreign countries, (Böhla) (State and Party); and the Reich Youth Führer, (von Schirach) (State and Party). Furthermore, the majority of the Reich Ministries is occupied by leading old party members. Finally, all Reich Ministers have been accepted by the party on 30 January 1937 and have been decorated with golden party insignia."

1774 FS, page 3-4, translation of excerpt from "Entst. Rudolf Huber, "Verfassungsrecht des Grossdeutschen Reichs".

At the period of which Huber was writing, the Cabinet members to whom he referred held the following Party position:

Darré was Leader of the Reich Office for Agrarian politics;
Goebbels was Reich Propaganda Leader of the NSDAP; Himmler was Reich Leader of the SS; Himmler was Reich Labor Leader; Bohle was Leader of the Foreign Organization; von Schirach was Reich Youth Leader.

National Socialist Yearbook, 1939, page 190-191.

Upon the appointment of Otto Thierack as Minister of Justice on 20 August 1942, Dr. Jämmers pointed out that the Party and State were united by the appointment.

(At the same time Thierack was named President of the Academy of German Law and Leader of the National Socialist Organization of Lawyers ("Rechtswahrerbundes").

1897 IS, file on cabinet appointments from the Presidential Chancellery.

Das Archiv, August 1942, page 429.

For party positions of other cabinet members in 1943, see Document 2473 IS.

2473 IS, extracts from the National Socialist Yearbook, 1943, discussed in the brief on the Leadership Corps of the Nazi Party.
3. GROWTH AND CONCENTRATION OF LEGISLATIVE POWERS

Under the Weimar Constitution, the supreme law making body of the German Reich was the Reichstag or German Parliament.

2050-PS, the Constitution of the German Reich, 11 August 1919, Article 68.

The separate states (Länder) were allowed to retain certain legislative functions (Ibid., Art. 12). Further, limited controls over Reich legislation were vested by the Constitution in the Federal Council (Reichsrat) who could raise objections to laws passed by the Reichstag (Ibid., Art. 74); in the President of the Reich, who could force a referendum by the people on any particular law that he did not wish to sign (Ibid., Art. 73); and in the People who had the right of initiative and referendum (Ibid., Art. 73). The cabinet could initiate legislation with the consent of the Reichsrat (Ibid., Art. 68, 69) but otherwise had no legislative powers and was primarily an executive body.

Upon the accession to power by the Nazis in January 1933, the legislative situation was quickly changed. The possibility of securing an enabling act from the Reichstag was discussed at the very first meeting of the new Cabinet under Hitler.

251-PS, Document showing list of Cabinet members and minutes of first sessions of Hitler's Cabinet, 30 January 1933.

On 24 March 1933, the Reichstag passed such an enabling law entitled "An Act to Relieve the Distress of the People and of the Reich".

2001-PS, 1933, Reichsgesetzblatt, Part I, p. 141

Under this law the cabinet secured unlimited legislative powers, with the right to "deviate from the constitution insofar as they do not affect the position of the Reichstag and the Reichsrat", (Ibid, Art. 2). It further decreed that the "powers of the President remain undisturbed", (Ibid, art. 2). But, the Reichsrat was abolished by the cabinet on 14 February 1934,

2002-PS, 1934, Reichsgesetzblatt, Part I, p. 89

while (upon the death of Hindenburg) the posts of Chancellor and President were merged,


Previously, on 30 January 1934, the separate states (Länder) were, by Cabinet law, deprived of their independent character as states and their sovereign functions transferred to the Reich. That law abolished separate constitutions, separate Parliaments and embassies, and separate legislative power.
This law contained a provision (Article 4) to the effect that "the Reichsregierung may issue new constitutional laws".


The Enabling Act of 24 March 1933 was at first restricted to four years


and then extended three times, twice by the Reichstag for a definite period

2047-PS, 1937 Reichsgesetzblatt, Part I, p. 105
2048-PS, 1939, Reichsgesetzblatt, Part I, p. 99

and the last time by an edict of the Fuehrer for an indefinite period.


The Reichstag, since 1933, had virtually ceased its functions as a legislative body.


With the exception of the decree making power of Hitler and the Deputy of the Four Year Plan, Goering, (who was also a member of the Cabinet)

1862-PS, 1936, RGBe, I, p. 887

the Cabinet possessed, until 1939, the highest legislative power in the Reich.

Under the Secret Defense Law of 4 September 1938 the Plenipotentiaries for Administration and Economy, who were in fact also the Ministers of the Interior and Economics respectively and to whom certain other ministries were subordinated, were given the power to issue laws in agreement with the OKW which could deviate from existing laws. (See below under section on creation of the Reich Defense Council and the Plenipotentiaries for Administration and Economy).


A Fuehrer Decree on 30 August 1939 established the Council of Ministers for the Defense of the Reich and authorized the Council to issue decrees with statutory effect "insofar as I have not provided for the passing of a law by the Reich Cabinet (Reichsregierung) or the Reichstag". (See below under the section on the Council of Ministers for the Defense of the Reich).

2018-PS, Decree of 30 August 1939, establishing the Council of Ministers, 1939, RGBl, I, 1539.

The cabinet retained its legislative powers to the end of the war.

Hitler announced early in 1940, in regard to the question as to the extent of the field of legislation of the Council of Ministers for the Defense of the Reich, that he believed it practical to reserve certain
legislative missions for the Reich Cabinet (i.e. The ordinary cabinet).

On 14 June 1942, Dr. Lammers, Reich Minister and Chief of the Reich Chancellery expressed the opinion that Hitler, as well as Goering, had not changed their point of view in that regard, and that they would "stress the fact that the Fuehrer himself and the Reich Cabinet should not be eliminated from the powers of legislation".

252-PS, letter from Dr. Lammers to the Plenipotentiary for Administration, 14 June 1942.

As a matter of fact, Cabinet laws continued to be passed during the years 1939-1944 (i.e. after the establishment of the Council of Ministers) (1939-1944, RGBI, I, passim).
This circulation of drafts of laws continued throughout the whole war.

Transcript of interrogation of Hans Heinrich Iammers, 16 October 1945, page 3,19.

1701-FS, Memorandum of 9 August 1943
From Frick to the Reich Minister and Chief of the Reich Chancellery enclosing 55 copies of a draft law, and memorandum of comment thereon by Rosenberg, 22 December 1943.
5. **Laws and Decrees Passed by the Ordinary Cabinet.**

Among the laws and decrees enacted by the ordinary cabinet, and discussed in briefs relating to other sections of the indictment, which relate to the common plan or conspiracy of the defendants and which made possible or facilitated the commission of various of the crimes referred to in counts one, two, three and four of the indictment, may be cited those contained in Appendix A collated with reference to Paragraphs of Count I.
6. EXECUTIVE AND ADMINISTRATIVE POWERS

Control over executive and administrative powers of the Reich was secured to and concentrated in the Central Government of the Nazis—the Cabinet—by a series of steps that eliminated the separate states (Land) as administrative bodies and reduced them to mere geographical divisions. The preliminary processes in that direction were completed by the Cabinet on 30 January 1934 with the enactment of the Law for the Reconstruction of the Reich. By that law the states were definitely deprived of their character as States, their legislative assemblies were abolished and their sovereign powers transferred to the Reich.


Of the centralizing effects of this law, the defendant Frick said:

"The relationship between Reich and Provinces has been placed on a completely new basis, unprecedented in the history of the German people. It gives to the Reich government unlimited power, indeed it obligates it to build up a completely unified leadership and administration of the Reich: Thereby the German Reich has become a unified state and all administration in the provinces ensues only by order of and in the name of the Reich. The Province boundaries are only administrative technical boundaries of an area, but no longer boundaries of authority!"

2380 R3, article by Wilhelm Frick, "Der Sieg des deutschen Einheitsgeants" (National Socialist Yearbook, 1935, page 13).

Further administrative control was effected by the Reich Governors Law passed by the Cabinet on 30 January 1935. This law made all Reich governors (Statthalter) permanent delegates of and subject to the order of the Cabinet and more especially the Reich Minister of the Interior.


These Statthalter had been previously created as the supreme state (Land) authorities deriving their existence by appointment of Hitler.
In Prussia unification was obtained by merging the various ministries and offices with those of the Reich, except in the case of the Minister of Finance. Hitler in turn kept the Office of Reich Governor of Prussia although he delegated the power to Goering.

"Taschenbuch für Verwaltungsbeamte 1945, page 108.

Two important functions - Justice and Police - previously the domain of the states, were taken over by the Reich in 1934 and 1936 respectively. By a Cabinet Law of 16 February 1934, the Administration of Justice was transferred to the Reich. All courts became tribunals of the Reich and all ministries of justice of the Länder were abolished.


Supreme control over police affairs was placed within the jurisdiction of the Reich by decree of 17 June 1936.

2073 FS, 1934, Reichsgesetzblatt, Part I, page 487.

The executive and administrative powers gathered into the Central Nazi government, were collectively contained in the 16 principal ministries of the Cabinet.

1. The Foreign Office handled relations of the Reich and foreign countries. Diplomatic and consular services, as well as the office for foreign trade, were in this ministry.

FS, Stuckart-Rosen, Verwaltungsrecht, 1944, page 66.

The Chief of the Foreign Organization of the Nazi Party, William Bohlo, (who also became a member of the Cabinet), was attached to this office. The AO, as it was called, concerned itself with all matters dealing with Germans abroad.

"Taschenbuch für Verwaltungsbeamte, 1942, page 8.


Under the Nazis this was the most important ministry of all. Here belonged general administration, local administration, administration of civil service affairs,
police administration, public health system, welfare system, geodetic system, and sport system. Under the Ministries were the Reich governors, the "land" governments, the Provincial Presidents (Oberpräsidenten) and District Presidents (Regierungspräsidenten), as well as police authorities. In addition, numerous central intermediary boards such as the Reich Health Office and the Reich Genealogical Office (Stuckart-Rosen). Practically all legislation was prepared in this ministry. Thus the "Enabling" Law of 24 March 1933 (see Section A-3 above), as well as the three racial Nürnberg laws, were drafted by this office.

Practically all legislation was prepared in this ministry. Thus the "Enabling" Law of 24 March 1933 (see Section A-3 above), as well as the three racial Nürnberg laws, were drafted by this office.

IS, Das Dritte Reich Im Aufbau, Volume 4, Page 81.

IS, Das Reichsministerium des Innern, Medicus, 1940, page 62.

With the acquisition and occupation of new territories, the integration and coordination thereof were placed within this ministry. The Reich Minister of the Interior (in some cases in cooperation with other Reich Ministers) was given regulatory powers over: (a) Austria 1940, Reichsgesetzblatt, Part I, page 237; (b) Eupen, Malmedy and Moresnet 1940, Reichsgesetzblatt, Part I, page 803; (c) Sudentenland 1939, Reichsgesetzblatt, Part I, page 780; (d) Protectorates of Bohemia and Moravia 1939, Reichsgesetzblatt, Part I, page 485; (e) Danzig 1939, Reichsgesetzblatt, Part I, page 1547; (f) Nomol Territory 1939, Reichsgesetzblatt, Part I, page 54; (g) Incorporated Poland 1939, Reichsgesetzblatt, Part I, page 2042; (h) Occupied Polish Territories 1939, Reichsgesetzblatt, Part I, page 2077; Norway 1941, Reichsgesetzblatt, Part I, page 765; and the Saar 1935, Reichsgesetzblatt, Part I, page 66).

The Reich Labor Service also was under this ministry. In 1943, however, the leadership thereof was taken out of the jurisdiction of the Interior Ministry and was given
the status of a Supreme Reich Authority. Reich Labor Leader Karistaniin Hierl then received the rank of a Reich Minister. (See Section A-1 of this Brief).

In 1943 when Himmler was appointed Minister of the Interior, all power of the police, the SS and the Interior were united in his person.

3. The Ministry for Public Enlightenment and Propaganda.

This ministry was created on 13 March 1933.

2029 FS, 1933 Reichsgesetzblatt, Part I, page 104.

Every avenue or means of propaganda and opinion control—radio, press, literature, motion pictures, art, theater,—were under the supervision and control of this ministry. Among other things, the film censorship offices, the Reich Chamber of Culture, the Reich Radio Company, and the Instituto of Politics were agencies controlled and supervised by Goebbels as Minister of Propaganda.


FS, Stuckart-Toson, Verwaltung, 1944, page 66.

4. The Reich Minister of Aviation and Supreme Commander (Oberbefehlshaber) of the Air Force administered civil and military aviation.


5. The Reich Minister of Finance administered the budget and financial system of the Reich including taxes, monopolies and tariffs.


6. The Ministry of Justice handled all matters touching on the judicial system. Under the Minister were all courts and their personnel, and all prosecutors.


On 24 April 1934, the People's Court was created and placed within the jurisdiction of this Ministry.

7. The Reich Minister for Armament and War Production had the responsibility of bringing

"to a level of highest production all offices active in producing arms and munitions. Furthermore, he is responsible for the area of raw materials and productions in industry and manual labor".

(IS, Stuckart-Tosen, Verwaltungsrecht, 1944, page 67.

8. The Reich Minister for the Occupied Eastern territories administered the occupied eastern (Russian) territories. Under him were the Reich Commissars, the Commissar General, Head Commissars and Area Commissars in those territories.


The other ministries, whose powers are inherent in the very nature of their portfolio, were the High Command of the Armed Forces, Economics, Food and Agriculture, Labor, Education, Church Affairs, Transportation, and Posts.

(IS, Ibid, page 66 et. seq.

In addition, the Protector of Bohemia and Moravia, the defendant, von Neurath (later the defendant Frick); the Governor General of Poland, the defendant Hans Frank; the Reich Commissioner in the Occupied Netherland territories, the defendant, Seyss-Inquart; the Reich Youth Leader, the defendant Shirach (and later Axman), were all Cabinet members. While the sole political party of the Reich—the Nazi Party—was officially represented by Hess and in the cabinet, not only through Hitler, but through the Chief of the Party Chancellery, Borman. (See Section A-2 of this brief).

This tremendous concentration of executive, and administrative power in the Cabinet was further enhanced by many additional regulatory and administrative powers delegated to the several ministers by laws or decrees. The laws or decrees were themselves usually very broad, thereby leaving much room for discretionary action on the part of the designated Enforcement Minister.

A few pertinent examples are:
LAW

Cabinet law of 7 April 1933, purging the Civil Service.

Interior, Finance.

Cabinet Law of 26 May 1933
confiscating communist property.
1396fS, 1933 Reichsgesetzblatt, Part I, page 293.

Interior.

Cabinet Law of 14 July 1933
confiscating property subversive to the people and the state.

Interior.

Reich Citizenship Law (Nürnberg)
of 15 September 1935.

Interior.

Cabinet law of 30 April 1939 discriminating against Jewish tenants.

Interior, Justice.

Decree of 12 November 1938 eliminating Jews from German economic life.

Economics and competent ministries.

Decree of 12 November 1938 levying fine of one billion marks upon Jews of German Nationality.

Finance and competent ministers.

Decree of 30 June 1942 regulating conditions of employment of Eastern workers.

Finance, Interior, Occupied Eastern Territories, Food and Agriculture.
(In consultation with each other and the General Manpower Authority.)

Into the Council of Ministers for the Defense of the Reich (See Section D of this Brief), which was expressly created "for the uniform leadership of administration and economy", were collected and concentrated all the collective powers of the Cabinet as represented by the ministries and ministers therein contained.


The Council of Ministers itself was a committee formed out of the secret Reich Defense Council. (See Section C of this Brief). Both of these bodies had as integral members
thereof the Plenipotentiary for Economy, the Plenipoten-
tiary for Administration, and the Chief of the High
Command of the Armed Forces. (Ibid). Subordinate to
and within the sphere of the directions of the Pleni-
potentiary for Economy were the Ministers of Economics,
Food and Agriculture, Labor, the Forest Master, and for
limited purposes, the Reich Finance Ministry and the
Reichsbank.

Subordinate to and within the sphere of the direc-
tions of the Plenipotentiary for Administration were the
Ministers of Interior, Justice, Education, Churches, and
the Reich Office for Space Allocation (Raumordnung).
Immediately under the Chief of the High Command of the
Armed Forces, were the Reich Postal Ministers, the Reich
Transportation Minister.

2194 FS, top secret letter from the
Ministry for Economy and Labor, Saxony,
to the Reich Protector in Bohemia and
Moravia, 4 September 1939, enclosing
copy of the 1938 Secret Defense Law.
The Chief of the OKW could, under certain conditions,
also give directions to the other two Plenipotentiaries
and to the Reich Ministers not subordinate to them.

2194 FS, ibid, (Par. 11).

This concentration of power did not stop short at the
top, but was also extended to the provincial level by the
creation and appointment by the Council of Ministers of
National Defense Commissioners. On 1 September 1942, 18
commissioners were appointed.

1939, RGL, I, page 1565.
This number was increased to 42 on 16 November 1942.

1942, RGL, I, page 649.
These commissioners were the executive agents of the Minis-
terial Council. They had no apparatus of their own, but
had to utilize the existing local machinery. They were
the superior administrative officials on the regional
level.

Ibid.
Further, the forty-two defense commissioners were also the Gauleiter of the Party.

IG, Stuckart-Rosen, Verwaltungsrecht, 1924, page 81.
3. THE SECRET CABINET COUNCIL

The Secret Cabinet Council (GeheimerKabinettssrat) was established by decree of the Fuehrer of 4 February 1938.


The members of the Secret Cabinet Council were: Reich Minister von Neurath, President; The Foreign Minister (von Ribbentrop); the Prussian Ministerial President, Minister of Air and Commander of the Air Force, (Goring); the Minister of Propaganda (Goebbels); the Reich Minister and Chief of the Reich Chancellery (Lammers); the Commander of the Army -in-Chief (von Brauschitsch); the Commander of the Navy (Raeder); the Chief of the ONV (Keitel). The duty of the Secret Cabinet Council was to advise the Fuehrer on the conduct of foreign relations.

The President of the Secret Cabinet Council, von Neurath, was a member of the Reich Defense Council (Reichsverteidigungsrat). (See infra).


It is to be noted that all of the members of the Secret Cabinet Council were members of the ordinary cabinet.

Huber pointed out that the Secret Cabinet Council represented "a select committee" of the Cabinet for deliberation on foreign affairs.

1774 FS, extracts from Ernst Rudolf Huber, Verfassungsrecht des Grossdeutschen Reiches (1939) (page 3 of translation).
Shortly after coming into power, the ordinary Cabinet, by decision of 4 April 1933, established a Reich Defence Council (Reichsverteidigungsrat), reference to which is made in a cabinet decision of 21 May 1935.


Hans B. Brausse, Die Führungsordnung des Deutschen Volkes, 1940, page 162.

The Reich defence Council was clearly a war planning group. Frick has stated upon interrogation:

"It was supposed to plan preparations for war and wartime decrees which later on were published by the Ministerial Council for the Defence of the Reich."

Transcript of interrogation Wilhelm Frick, 13 October 1945, page 9-10.

Its duties are defined in paragraph 10 of the Secret Defence Law enacted by the Cabinet on 4 December 1938 as consisting in peace time in the decision on all measures for the preparation of the Reich Defence and on gathering together of all forces and means of the nation according to the directions of the leader and Reich Chancellor", (underlining added).

The Chairman of the Reich Defence Council was Hitler:

His permanent deputy was Goering. Permanent members were:

The Reich Minister of Air and Supreme Commander of the Air Forces,

The Supreme Commander of the Army,

The Supreme Commander of the Navy,

The Chief of the OKW,

The Deputy of the Leader,

The Reich Minister and Chief of the Reich Chancellery,

The President of the Secret Cabinet Council,

The Plenipotentiary for the Reich Administration,

The Plenipotentiary for Economics,

The Reich Minister of Foreign Affairs,

The Reich Minister of the Interior,

The Reich Finance Minister,
The Reich Minister for Popular Enlightenment and Propaganda,

The President of the Reich Bank Directory.

Other Reich ministers and offices directly subordinated to Hitler were to be consulted if necessary.

Within the Reich Defense Council was the Reich Defense Committee, a working committee (Reichsverteidigungsausschuss) presided over by the Chief of the OKW. It was composed of the OKW, the Deputy of the Commissioner for the Four Year Plan, the leader staffs of the Plenipotentiary for Administration, (Generallbevollmächtigte für die Verwaltung) (see below), and the Plenipotentiary for Economy, (Generallbevollmächtigte für die Wirtschaft) (see below), and the Reich Defense officials. These defense officials were commissioned by Hitler's Deputy, Hess, by the Reich Chancellory, by each Reich Ministry, by the Reich Leader of the SS and Chief of the German Police (Himmler), by the Reich Labor Leader (Hiehl), by the Reich Forest Master (Goering), by the General Inspector for German Roads (Deutsche Strassenwesen) by the Reich Office for Space Order (Reichsstelle für Raumordnung) by the Reichsbank directorate, and by the Prussian State Ministry. They were immediately subordinate to the Minister or State Secretary and the chief of the Reich Office respectively. (Paragraph 11).

2194-PS, top secret letter from the Ministry For Economy and Labor, Saxony, to the Reich Protector in Bohemia and Moravia, 6 September 1939, enclosing copy of the 1938 Secret Defense Law.

In this way the Cabinet by its own law, signed by Hitler, Goering, Hess, Frick, Funk and von Ribbentrop, set up a large war-planning body of sixteen members, all of whom were Cabinet members, and a small working committee composed also of Cabinet members and the Reich Defense officials, the majority of whom were appointed by Cabinet members and subordinated thereto.

Article 6 of the Secret Defense Law, enacted by the Cabinet, 21 May 1935, provided for the appointment by Hitler of a Plenipotentiary for War Economy (Generallbevollmächtigte für die Kriegswirtschaft) whose task was "to put all economic
forces in the service of carrying on the war and to secure the life of the German people economically». Subordinated to him were the Reich Ministers of Economy, Food and Agriculture, the Reich Forest Master and all Reich agencies immediately subordinate to Hitler. The financing of the war effort in the province of the Finance Ministry and the Reichsbank was done under his responsibility. The Plenipotentiary for War Economy was authorized to issue legal regulations deviating from existing law.

In a cabinet decision of the same date, 21 May 1935, it was provided that the Plenipotentiary for War Economy would "begin his work already in peace-time". The ministries subordinate to him were "bound already in time of peace to observe his recommendations for the preparation of a war economy and the financing of the war effort".

Dr. Schacht, President of the Directorate of the Reichsbank, who was then Acting Minister of Economy was named by Hitler as Plenipotentiary for War Economy.


The Secret Defense Law enacted by the Cabinet on 4 September 1938, which superseded the Secret Defense Law of 21 May 1935, also provided (Paragraph 4) for a Plenipotentiary for Economy (Generalbevollmächtigte fur die Wirtschaft or GBW), who was to take over the direction of the economy upon declaration of a "state of defense". His task was to "put all economic forces into the service of the Reich defense, and to safeguard economically the life of the German nation". The same Reich Ministries as listed in the Secret Defense Law of 21 May 1935 were subordinated to him. These ministries were already (in time of peace) bound by the directions of the Plenipotentiary for Economy for the preparation of the Reich Defense (Paragraph 14).

The Plenipotentiary for Economy was the Reich Minister for Economy, Funk, who signed the law of 4 September 1938 in the former capacity.
Paragraph 3 of the law of 4 September 1938 provided further for a Plenipotentiary for Administration (Generall- 
bovollmachtigte fur die Reichsverwaltung or GbV) to whom 
were subordinated the Reich Ministers of Interior, Justice, 
Education and Church Affairs and the Reich Office for Space 
Order (Rauhordnung). His duties were to take over "the 
uniform leadership of the non-military administration with 
exception of the economic administration" upon the declara-
tion of a "state of defense". (Paragraph 3). The officials 
subordinate to him, however, were bound by his directions 
"already in peace time". (Paragraph 13).

2194 FS, top secret letter from the Min-
istry for Economy and Labor, Saxony, to 
the Reich Protectorate Bohemia and Moravia, 
4 September 1939, enclosing copy of the 

The Plenipotentiary for Administration was the Reich 
Minister of the Interior, Frick. His deputy was Himmler. 
Upon Himmler's appointment as Reichsm Minister of the Interior, 
he succeeded Frick in both capacities.

Transcript of interrogation Wilhelm Frick, 
13 October 1945, Page 20.

Neugestaltung von Recht und Wirtschaft, 
Hoft 13', Stuckart and Schiedermair, 
Novos Staatsrecht 1, (1943), page 139.

Das Archiv, August 1943, page 347.

Frick stated during an interrogation:

"The task of the Plenipotentiary of Adm in-
istration before this period (30 August 1939) 
probably was the preparation for the organi-
zation in the event of war, such as appoint-
ing different advisers in the different 
ministries who would keep in touch with him 
and so on".

Transcript of interrogation Wilhelm Frick, 
13 October 1945, 1045 to 1230, page 31.

Paragraph 5 of the law of 4 September 1938 provided that 
the Reich Minister of Transport and the Reich Minister of 
Posts would, with the declaration of a state of defense, 
receive orders from the GbV.

2194 FS, top secret letter from the Ministry 
for Economy and Labor, Saxony, to the Reich 
Protectorate Bohemia and Moravia, 4 September 
1939, enclosing copy of the 1938 Secret 
Defense Law.

-31-
Thus all of the Ministries, with the exception of the Ministry of Propaganda and the Foreign Office, were lined up in time of peace for purposes of war planning according to a law enacted by the Cabinet itself, in three groups headed respectively by the Plenipotentiary for Economy, the Plenipotentiary for Administration and the OKW, all of whom were in fact members of the Cabinet.

In a lecture at the University of Freiburg in 1940, Frick said:

"The planned preparation (of the administration) for the possibility of a war has already been carried out during the peace. For this purpose the Führer appointed a Plenipotentiary General for the Reich Administration and Plenipotentiary for the Economy".

2608 PG, extracts from a lecture by Frick, "The Administration in Wartime".

The two Plenipotentiaries and the OKW formed what has been described as a "Three Man College".

2608 PG, extract from lecture by Frick at the University of Freiburg, 1940.

Deutscher Beamten-Kalender, 1940, page 111.

This system of a three man college functioned as follows, from a legislative point of view:

The Plenipotentiary for Economy was empowered by paragraph 4 of the Secret Defense Law of 4 September 1938 to issue laws within his sphere with the consent of the OKW and the Plenipotentiary for Administration, which differed from existing laws.

Similarly, the Plenipotentiary for Administration was empowered by paragraph 3 of the same law to issue laws within his sphere with the consent of the OKW and the Plenipotentiary for Economy, which differed from existing laws.

In the spheres of the Reich Minister of Posts, the Reich Minister of Transport and of the General Inspector for German roads (Generalinspektor für die Strassenwesen), the Chief of the OKW had the right, under paragraph 5 of the same law, to issue laws in agreement with the Plenipotentiaries for Administration and Economy which differed from existing laws.
The legislative function of the three-man college, prior to 9 September 1939 was one of drafting decrees to be used in time of war. Then asked upon interrogation whether the college "really concerned planning for war measures" and whether most of them were carried out later by the (Ministerial) Council for the Defense of the Reich", Frick replied:

"Yes, because, you see, as soon as the war started, all these things had to be done in a very speedy manner and there would have been no time for planning. All one wanted to do was to look into the drawer of the desk and have the ready made preparations there".

Transcript of interrogation of Wilhelm Frick, 13 October 1945, page 7.

The activities of the "Three-man college" prior to the outbreak of the war, remained strictly secret. The publication of the Secret Defense Law of 21 May 1935 has been suspended although it became effective on the date of its signature. A memorandum signed by the Deputy of the Reichsminister of Transport, dated 17 July 1939, stated that it remained prohibited publicly to cite the Secret Reich Defense Law of 4 September 1938, although it was permissible publicly to mention all institutions founded on the law and their functions, without referring to the law, and for the Plenipotentiaries of Administration and Economy to co-sign "laws which are prepared and announced in peace time for war".

2194 FS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protectorate Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

No record has been found of either law ever having been published, even after the outbreak of the war. The published decrees of the three-man college, enacted pursuant to the 1938 law, do not make the customary recital of the specific law or decree under the authority of which they were enacted, but recite merely that they are enacted "on the basis of legislative authority" (auf Grund gesetzlicher Ermächtigung).
The Council of Ministers for the Defense of the Reich (hereinafter referred to as the Council of Ministers) was established by decree of the Fuehrer of 30 August 1939. It was formed out of the Reich Defense Council (Reichsverteidigungsrat) discussed supra, Section C. Its members were (Art. I (2)):

- Chairman, General Field Marshal Hermann Goering.
- The Deputy of the Fuehrer, Rudolf Hess.
- The Plenipotentiary for Administration, Wilhelm Frick.
- The Plenipotentiary for Economics, Walter Funk.
- The Reich Minister and Chief of the Reich Chancellery, Hans Heinrich Lamers.
- The Chief of the High Command of the Armed Forces, Wilhelm Keitel.

Other members of the Reich Defense Council, and other persons were entitled to take part in the meetings of the Council of Ministers (Art. I (3)). Such other persons, including members of the Reich Cabinet, did in fact take part in the meetings of the Council of Ministers as is shown in the minutes of its meetings of 1 September, 4 September, 19 September, 16 October and 15 November 1939.

Minutes of meetings of the Council of Ministers.

The Council of Ministers was given the power to pass decrees (Verordnungen) with the force of law if the Fuehrer did not order the passage of laws by the Reich Cabinet (Reichsregierung) or the Reichstag (Art. II).

The business of the Council of Ministers was managed by the Reich Minister and Chief of the Reich Chancellery, Hans Heinrich Lamers (Art. V).

2018.18, decree of 30 August 1939 establishing the Council of Ministers, (1939, TBBl, I, 1539).

The Council of Ministers was given the power by decree of the Fuehrer of 12 October 1939 to legislate for the Occupied Eastern Territories. (1939, TBBl, I, 2077).

Pursuant to this decree, the Council of Ministers enacted the following decrees inter alia:
PS, 1941, RGBl, I. - The decree of 4 December 1941 regarding penal measures against Jews and Poles in the Occupied Eastern Territories.

2039-PS - Decree of 30 June 1942 concerning the employment of Eastern Workers. (1942, RGBl, I.)

Frick testified upon interrogation that the decree of 4 December 1941, above referred to,

"was drafted by the Ministry of Justice and came to me in my capacity as Plenipotentiary of Administration and then came to the Ministerial Council for realization."

Transcript of Interrogation Wilhelm Frick, 13 October 1945, page 19.

The decrees of the Council of Ministers before enactment were circulated among all of the members by written communication from Dr. Lammers.

2231-PS - Translation from von Stutterheim, Die Reichskanzlei (1940).


They were also circulated to all the various Reich Ministers who were not members of the Council of Ministers, for their comment.

1141-PS - Copy of letter from Dr. Lammers to the Members of the Council of Ministers for the Defense of the Reich, 17 September 1939.

The minutes of the Council of Ministers show that such questions as the following were discussed at their meetings:
The population of the future Polish Protectorate and the placement of Jews living in Germany (19 September 1939): treatment of Polish prisoners of war (15 November 1939).

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PS, Minutes of the Council of Ministers.

Between 1 September 1939 and 31 August 1942, the Council of Ministers published 157 decrees.

Between 27 August 1939 and 31 August 1942 sixty-one decrees were "announced by authority of the Reich Defense Law" (i.e., pursuant to the system of the "three-man college").

PS, File memorandum, 23 December 1942, from the files of the Council of Ministers, initialed L.

In a lecture in 1940, Frick pointed out that the Deputy of the Fuehrer represented the Party on the Council of Ministers "thus guaranteeing the unity between Party and State also within the Ministerial Council for the Defense of the Reich."
He characterized the Council of Ministers as "the highest permanent organ of the Reich with comprehensive jurisdiction, responsible only to the Fuehrer". "The composition of the Ministerial Council for the Defense of the Reich", he added, "shows the real concentration of power in it".

2608-TS, Extracts from lecture by Frick, 1940, "The Administration in Wartime".
Laws Relating to Count One, IV, D3. (Acquisition of control of Germany).

1396-PS  Law of 26 May 1933, providing for the confiscation of communist property. (1933, RGBl, I, 293).

1398-PS  Law of 14 July 1933, against the new establishment of parties. (1933, RGBl, I, 479).

1398-PS  Law of 14 July 1933 providing for the confiscation of property of Social Democrats and others. (1933, RGBl, I, 479).

1395-PS  Law of 1 December 1933 securing the unity of party and state. (1933, RGBl, I, 1016).

2077-PS  Law of 27 February 1934 for the care of fighters for the National revolution; (providing compensation for members of the Nazi party, etc.). (1934, RGBl, I, 133).


Laws relating to Count One, IV, D3a, (Consolidation of control of Germany).

2076-PS  Decree of the Cabinet, 21 March 1933, creating special courts. (1933, RGBl, I, 136).


1400-PS  Law of 30 June 1933 ruling out civil servants married to non-Aryans. (1933, RGBl, I, 433).

1398-PS  Law of 20 July 1933 providing for the discharges of communist officials. (1933, RGBl, I, 518).


Iaw of 24 April 1934 creating the People's Courts. (1934, RGB1, I, 341).

Law of 1 August 1934 uniting the office of President and Chancellor. (1934, RGB1, I, 747).

Law of 30 January 1935, Reich Governor Law, further reducing the independence of the states. (1935, RGB1, I, 65).

Law of 30 January 1935 providing for the abolition of representatives or deliberative bodies in the municipalities. (1935, RGB1, I, 49).


Law of 18 March 1938 providing for the submission of one list of candidates to the electorate for the entire Reich. (1938, RGB1, I, 258).

Laws relating to Count One, IV, D3(b), (Consolidation of control of Germany, use of a system of terror).

Law of 14 July 1933 against the new establishment of parties (containing a penal clause). (1933, RGB1, I, 479).

Law of 3 July 1934 concerning measures for emergency defense of the State (legalizing the Roehm purge). (1934, RGB1, I, 529).

Law of 20 December 1934 on treacherous acts against state and party and for the protection of party uniforms. (1934, RGB1, I, 1269).

Law of 24 April 1935 making the creation of new or continuance of existing parties an act of treason. (1935, RGB1, I, 341).


Law of 16 September 1939 permitting second prosecution of an acquitted person before a special court, the members of which were named by Hitler. (1939, RGB1, I, 1841).

Laws relating to Count One, IV, D3(e), (Consolidation of control of Germany, destruction of trade unions).

Law of 4 April 1933 concerning factory representative councils and economic organizations, (controlling employee representation). (1933, RGB1, I, 161).


Law of 20 January 1934 regulating National Labor (placing leadership principle in industrial relations).
Laws relating to Count One, IV, D3(d), (Consolidation of control of Germany, Jewish persecution).

1401-FS Law of 7 April 1933 permitting persons of non-Aryan descent to obtain permission to practice law and excluding communists from admission to the bar. (1933, RGiB, I, 188).

2022-FS Law of 25 April 1933 restricting number of non-Aryan Germans in schools and high institutions. (1933, RGiB, I, 225).

1402-FS Law of 29 September 1933, the "Homestead Law" regarding the "peasantry", and excluding therefrom persons of Jewish blood. (1933, RGiB, I, 686).

Laws relating to Count One, IV, D3(e), (Consolidation of control of Germany, control of education and training of youth).


1392-FS Law of 1 December 1936 on Hitler Youth (establishing the Hitler Youth). (1936, RGiB, I, 9993).


Laws relating to Count One, IV, F, (conspiracy regarding aggressive war).


APPENDIX A Cont'd.

2307-PS

2194-PS
ARGUMENT AND CONCLUSION

From 1933 to the end of the war the Reichsregierung comprised the dominant body of influence and leadership—below Hitler—in the Nazi government. Three subdivisions are included in the term Reichsregierung, the ordinary cabinet, the Secret Cabinet Council, the Council of Ministers for the Defense of the Reich. Yet, in reality, there was only an artificial illusory boundary between the three. In the ordinary cabinet (commonly referred to as the Reichsregierung) were the leading political and military figures in the Nazi government. Seventeen of the twenty-four defendants were members thereof. From the body of the ordinary cabinet were selected not only the members of the Secret Cabinet Council and the Council of Ministers for the Defense of the Reich, but also the members of the war planning group, the Reich Defense Council, which was in fact secret. And when it was deemed essential, for the purposes of the conspiracy to wage aggressive war, to concentrate power in a few individuals, again the members of the ordinary cabinet were used as a manpower pool. Thus, the Plenipotentiaries for Economy and Administration were also ministers in the ordinary cabinet. And they were also members of the Council of Ministers as well as the Reich Defense Council. Under them were grouped all but three of all the ministries in the ordinary cabinet. Members of the ordinary cabinet attended meetings of the Council of Ministers and the draft decrees of the latter body were circulated to all members of the ordinary cabinet. Where political considerations of foreign policy required another small group to act as advisers, the members of the Secret Cabinet Council were drawn from the ordinary cabinet.

The Cabinet was dominated by the Nazi party through the control exercised over its legislation by the Fuehrer’s deputy, Hess, and later by the leader of the Party Chancellery, Bormann, as well as through the individual party
membership of all members, and the union of various key cabinet and Party positions in one man.

Through the union in various individual Cabinet members, not only of Cabinet and Party positions but also of important Governmental positions outside the Cabinet, an enormous concentration of political power was centered within the Cabinet.

Through its interrelated meetings and the circulation procedure which continued during the whole period of the Nazi regime, the Cabinet functioned as a cohesive group. Every member was free to resign, as von Eltz-Rubonach did in 1937, when he protested that his Christian principles would not permit him to accept the Party membership conferred on Cabinet members.

The laws enacted by the Cabinet as a whole established the framework within which the Nazi conspirators established their control of Germany as set forth in Count I of the indictment and committed the crimes referred to in Counts I, II, III, IV of the indictment.

Moreover, the Cabinet, as a whole, almost immediately upon the coming into power of Hitler became a war planning group through its establishment in April 1933 of a Reich Defense Council and its enactment of the Reich Defense Laws of 1935 and 1938. In this capacity it functioned in the utmost secrecy, as has been shown above.

Individually, Cabinet members were responsible for innumerable criminal acts, as is shown by the briefs on the seventeen defendants who were members of the Cabinet.

CONCLUSION

By providing the legal framework for the common plan and conspiracy described in Count One of the Indictment, particularly by becoming an active participant in the common plan or conspiracy to commit crimes against peace and by the passage of harsh penal laws, discriminatory laws, confiscatory laws, in violation of the principles and laws
of justice and humanity and by virtue of the acts of the individual criminals collectively functioning therein, the Reichsregierung as defined in Appendix B, page 35 of the indictment, should be declared a criminal group within the meaning of Article 9 of Section II of the Charter of the International Military Tribunal.