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OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)  
Office of the Military Governor  
Berlin, Germany  
APO 742

AG 383.7 (LD)

28 June 1948

SUBJECT: Ownership of Motor Vehicles by Displaced Persons

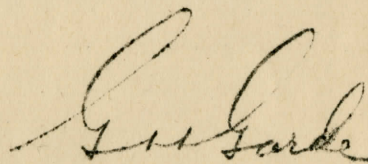
TO : Directors, Office of Military Government for Bavaria  
Office of Military Government for Hesse  
Office of Military Government for Wuerttemberg-Baden  
Office of Military Government for Bremen  
Office of Military Government for Berlin Sector\*

\*Action subject to existing agreements with other occupying powers.

Paragraph 3, letter, this headquarters, subject and file as above, 5 January 1948, is rescinded and the following substituted therefor:

"3. No restrictions are imposed upon domestic interests in Ordinance No 13 with respect to the use of motor vehicles. German authorities, however, are prohibited by paragraph 3 of the Ordinance from registering and licensing an motor vehicle owned by a foreign interest which was formerly owned by a domestic interest without the written approval by Military Government of the transaction by which the motor vehicle was acquired. If, however, the foreign interest did not acquire the motor vehicle from a domestic interest, such registering and licensing is not prohibited by Ordinance No 13. In addition, motor vehicles owned by displaced persons, whether they are foreign or domestic interests within the meaning of this Ordinance, are subject to the Licensing provisions of German law and in appropriate cases may be requisitioned by German authorities pursuant to German law. A displaced person whose motor vehicle is thus requisitioned is entitled to the same safeguards and compensation as any other person whose motor vehicle is so requisitioned."

BY DIRECTION OF THE MILITARY GOVERNOR:



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From MONTHLY MILITARY GOVERNMENT REPORT Period 1 June 1948 to 30 June 1948  
for Land Bavaria

RELIGIOUS AFFAIRS BRANCH

\*\*\*\*\*ANTI-SEMITISM. German court authorities were ordered by Military Government to cease requiring registration of racial and religious origins in court records." (p/16 )

LEGAL DIVISION

GERMAN COURTS BRANCH

\*\*\*\*\* "Former Nazis in the Administration of Justice.

The appointment of four former Nazis as judges of the newly created Supreme Court of Bavaria and the promotion of a former Nazi to the position of Chief Prosecutor of Wuerzburg were announced by the Minister of Justice. Over 60 percent of the judges and over 76 percent of the prosecutors in Bavaria are former party members. This percentage is increasing steadily and the gradual assumption by such Nazis of key positions in the administration of justice is becoming more and more evident." (p. 22)

"Desecration of Jewish Cemeteries. Conferences were held with the Minister of Justice, presidents and attorneys general of the Oberlandesgerichte, Dr. Auerbach and police officials concerning the destruction of Jewish cemeteries in the Unterfranken area. The conferences indicated that the problem is an investigating job for the police and not for the German courts which are still waiting for a proper case to be brought before them."

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"Instructions to Ministry. The following instructions were issued to the Minister President;

Former members of the Nazi party are disqualified from sitting as judges in criminal cases involving Nazi crimes and atrocities.

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Former war crimes suspects, released from the War Crimes Enclosure at Dachau without trial, are subject to trial by German courts for violation of the German criminal code.

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The Minister of Justice was requested to terminate all arrangements made with outside agencies to consult with them regarding the appointment of judges to restitution chambers." (p. 22)

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PROPERTY DIVISION

PROPERTY CONTROL AND EXTERNAL ASSETS BRANCH.

" MG LAW 59. OMGUS approved the first implementation of the Internal Restitution Law (MG Law 59) on 11 June. This ordinance No. 1, promulgated by the Minister President, sets up the machinery through which claims will be channelled to a final settlement. A restitution council (composed of three members representing the Ministries of Justice and Finance, and the State Commissioner for Racial, Religious and Political Persecutees) will supervise the ~~agencies~~ administration in each restitution agency. These agencies are the Regierungsbezirk branch offices of the Landesamt fuer Vermoegensverwaltung and Widergutmachung (Land Property Control Office). They perform all clerical work and will establish an Amicable Settlement Committee, with a professional judge as chairman, and four successors appointed by the State Commissioner and the Landesamt. If the committee fails in all attempts to reach an amicable settlement, the case will be referred to a restitution court for decision.

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A petition from the Jewish Community of Frankfurt for State recognition as a corporation of public law under the Hesse constitution raised the problem as to whether every individual Jewish Community should be so recognized by law, or whether, as in the case of other churches, a single act of recognition applicable to Jewish communities in the States was sufficient. The present Jewish population, largely composed of members from outside Hesse, varies considerably as to custom and orthodoxy, and consequently desires recognition by separate communities. Some older Hesse members of these communities feel, however, that this outside population will move elsewhere in the near future, leaving a comparatively homogenous balance that could be recognized by the state as the Hesse Jewish Community. To help clarify the situation, the Hesse Ministry of Education and Culture (1) took steps to recognize the Frankfurt Jewish Community in order to secure passage of implementing legislation and decrees for making either type of recognition possible under the broad articles of the Hesse constitution, and (2) completed work on a survey and analysis of the legal position of Jewish communities in Land Hesse.

Judicial Operations: Before the Landgericht Karlsruhe four former Nazi party members, also members of the SS and SA, were tried for murder committed on 29 March 1934 when they, according to premeditated plan, strangled to death the well-known political opponent of the Nazi party, the Staatsrat and attorney, Dr. Ludwig Marum, who then was interned in a solitary cell at the concentration camp at Kislau. One accused was found guilty of murder and sentenced to penitentiary for life and loss of civic rights for life, another accused was found guilty of intentional manslaughter and sentenced to 12 years imprisonment and loss of civic rights for five years, another accused was found guilty of aiding and abetting in murder and sentenced to three years imprisonment, and the fourth was found guilty of aiding and abetting in manslaughter and sentenced to one year and three months imprisonment. The prosecutor filed an appeal relative to the third and fourth accused. No criticism appears warranted.

Before the Landgericht Mannheim a former police captain named Boese and two policemen were retried for manslaughter. The police captain had in his previous trial been found guilty of manslaughter committed in March 1945 when he ordered without judicial proceedings the summary shooting of three German civilians who hoisted a white flag on a building at Mannheim when the American forces were about to take the town. In the first trial the accused was found guilty of intentional manslaughter and sentenced to two years imprisonment, and the two policemen who executed the order were acquitted. That judgment and its affirmance by the Oberlandesgericht Karlsruhe were set aside by the Director of this Office and a retrial was ordered. At this retrial the police captain again was found guilty of intentional manslaughter and sentenced to three years imprisonment. The two policemen were acquitted as in the first trial. No further intervention by Military Government appears called for.

Legal Advice Branch: A legal question of widespread interest was posed as the result of a recent trial in a MG court, wherein a dependent of a member of the armed forces was tried and convicted of intentionally inflicting bodily injury upon her husband in violation of paragraph 223a of the German Criminal Code. As a natural consequence, this opened up the whole question as to the amenability of dependents to German Criminal Law. It was pointed out that members of the occupying forces and their dependents are not believed to be subject to German Criminal Law, but that the Military Governor has the power by the issuance of appropriate orders to make them subject to such laws and he may limit the extent thereof.

Where a member of the armed forces in April 1947 appeared before a Standesamt admitting parenthood of an illegitimate child, the American Consulate was advised that, in view of earlier directives to the Ministry of Justice prohibiting such action, this Office would not authorize the German authorities to complete the legitimation proceedings.

With the and approval of German Ordinance No.1,002, implementing Military Government Law No. 59 (Restitution of Indentifiable Property), the Restitution Authority under the jurisdiction of the Ministry of Justice can now proceed with the processing and adjudication of claims pertaining to properties presumably transferred under duress. The Central Filing Agency, Bad Nauheim, has commenced the distribution of claims to the restitution agencies established

by the ordinance. The payment for services of German attorneys representing claimants abroad, in connection with proceedings under Military Government Law No. 59, has been recognized as an additional handicap in the execution of the program. This matter, is receiving consideration by OMGUS.

On the basis of information received by this Office that the Restitution Authority was receiving, considering, and acting upon claims filed directly with it, rather than with the Central Filing Agency, and on the basis of instructions received from OMGUS, the Restitution Authority was directed to terminate such practices forthwith as a violation of the provisions of Military Government Law No. 59. These practices jeopardized the rights of claimants, gave preferential consideration to some claimants over others, and tended to discredit the restitution program. Further corrective action will be taken on upon receipt of information that has been requested of the Restitution Authority.