

CONTROL COUNCILLAW NO. 31POLICE BUREAUS AND AGENCIES OF A POLITICAL NATURE

The Control Council enacts as follows:-

Article I

All German Police Agencies and Bureaus which have as their purpose the supervision or control of the political activities of persons within Germany are abolished. This provision applies to all such Police Agencies and Bureaus, whether they are organised within legally constituted German Police Forces or placed under the control of the local authorities,

Article II

Any new organisation or any activity of Police Agencies or Bureaus of the type specified in Article I is prohibited.

Article III

Any person violating or attempting to violate any of the provisions of this Law shall be liable to criminal prosecution before a Military Government Court and to such punishment as the Court may direct,

Article IV

Any provision of German legislation inconsistent with this Law is hereby repealed.

Article V

This Law shall come into force on the date of its publication.

Done at BERLIN on the 1st day of July 1946.

P. KOENIG, General d'Armee

V. SOLOVSKY, Marshal of the
Soviet Union

Robert . HARPER, Major General
for Joseph T. McNARNEY, General

Sholto DOUGLAS, Marshal of the Royal
Air Force

"The date of publication is 5 July 1946 at 1800 hours."

CONL/P(46)47(Final)
1 July 1946

COORDINATING COMMITTEE

Financing of the Central Registry of War Criminals
and Security Suspects

1, By its Directive No.25 of 23rd January 1946, the Control Council decided that, from the date of this directive, the costs of CROWCASS would be borne in equal parts by the Governments of the four United Nations represented in the Control Council and that these Governments would have the right to charge these costs as German costs of occupation.

2, While CROWCASS is in Paris the necessity exists to finance these expenses in foreign exchange. The method whereby foreign exchange occupation costs of this character are to be reimbursed from German resources has not yet been determined. However, it is clear that pending the balancing of German import costs against the proceeds of German exports, foreign exchange occupation costs of this nature may not be defrayed from the latter source.

3. In fact, during this period Germany will not dispose of any resources in foreign exchange which can be utilized to cover them. The four occupying nations will thus have to make advances.

4. The expenses of CROWCASS as obtained from U.S. Army sources, include the following elements:

(Approximate Operating Costs for the Month of February)

French Employees	\$	17,251.00*
US and British Personnel	\$	3,400.00
Hollerith Machines	\$	2,800.00
Hollerith Cards and Paper	\$	3,500.00
Printing General Forms, etc,	\$	1,200.00
Rent	\$	1,000.00*
Stationery and Office Supplies	\$	200.00*
Mimeograph Paper	\$	200.00*
Gasoline and Oil	\$	175.00
Garage Rent	\$	35.00*
Cleaning and Preserving Materials	\$	35.00*
Communication	\$	75.00*
Light and Power	\$	250.00*
Fuel	\$	200.00*
	\$	<u>30.321.00</u>

* Payable in French Francs.
(French franc expenses converted into
U.S. dollars at the rate of
\$ 1.00 = FF 118.959.096)

5. The actual payment of these expenses will not be subject to fluctuations for several years since they deal principally with salary of personnel whose maintenance must be assured. Thus a liberal provision should be made for their payment,

6. In the application of the principle of equal shares determined by Directive No.25 it follows that the total of the expenses from the budget of CROWCASS should be divided into four equal parts and that the governments of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and of France should make an actual payment of one fourth each to cover the operating expenses. It is proposed that each of the four occupying powers pay a sum equivalent in value to \$ 45,000.00 out of which the cost in francs and sterling will be payable in those currencies, and the balance in dollars and this sum will be regarded as an advance to cover CROWCASS expenditures with a final accounting to be made at a later date. The amounts so advanced will be used to defray the costs of CROWCASS on an equal basis from 23rd January 1946. It is estimated that the amounts so advanced will cover the expenses of CROWCASS for a six month period from 23rd January 1946. Amounts already advanced for this purpose by the United States since 23rd January 1946 will be considered as applying against its share of the contribution noted above..

7. They Will charge these advances to the account of external occupation costs in order to be reimbursed in due time.

CORC/P(46)158(Revise)

5 July 1946

CORC/M(46)33

COORDINATING COMMITTEE
MINUTES
(Meeting of 3 July 1946)

379. FINANCING OF THE CENTRAL REGISTRY OF WAR CRIMINALS AND SECURITY SUSPECTS (CROWCASS).

The Meeting considered CORC/P(46)158 (Revise).

THE MEETING:

- (379) (a) approved CORC/P(46)158 (Revise);
(b) agreed that CROWCASS in Paris should be financed on account of proceeds from German exports and that, as soon as this organization moved to Berlin these expenses should be borne by German agencies;
(c) instructed the Finance Directorate to implement the above decision of the Committee.

COORDINATING COMMITTEE

Second Report on Financing the Repatriation of German Agents and
Obnoxious Germans Located in United Nations Territory

Note by the Allied Secretariat

1. At its 36th Meeting on 7 February 1946, the Coordinating Committee considered CORC/P(46)52 on the above subject, and agreed to refer this paper to the Finance Directorate for further examination, in consultation with the Political Directorate.
2. After securing the concurrence of the Political Directorate, the Finance Directorate, at its 34th Meeting on 20 June 1946, agreed to submit the following recommendations to the Coordinating Committee:
 - (a) "That the United Nations be requested to assume the burden of all expenses incurred in repatriating to the German border German agents and obnoxious Germans residing in their territory."
 - (b) "That all expenses incurred in this connection up to the point of entry into Germany should be borne by the United Nation concerned and that all expenses incurred within Germany should be borne out of German resources within the Zone in which they are incurred."
3. The above recommendations are submitted for approval, at the 62nd Meeting of the Coordinating Committee on 3 July 1946.*)

J. L. BAUDIER, Consul General

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

Allied Secretariat

*) see page 6

5 July 1946

CORC/P(46)33

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COORDINATING COMMITTEE

MINUTES

(Meeting of 3 July 1946)

383. SECOND REPORT ON FINANCING THE REPATRIATION OF GERMAN AGENTS
AND OBNOXIOUS GERMANS LOCATED IN UNITED NATIONS TERRITORY

The Meeting considered CORC/P(46)224.

On the CHAIRMAN's proposal,

THE MEETING:

(383) (a) approved CORC/P(46)224;

(b) instructed the Secretariat to send a letter in the name of the Control Council to the United Nations requesting them to assume the burden of all expenses incurred in repatriating to the German border agents and obnoxious Germans in their territory.

COORDINATING COMMITTEE

Special Instructions Concerning Replacement by Similar
or Comparable Property of Objects of a Unique Character

(Proposal of the U. S. Member*)

1. Replacement for unique objects of the following categories only may be submitted to the Allied Control Authority:

- a. Works of art of the masters of painting, engraving and sculpture,
- b. The most important works of distinguished masters of applied art and outstanding anonymous examples of national art.
- c. Historical relics of any kind,
- d. Manuscripts, books (such as rare incunabula), books having an intrinsic value of historical character, or constituting rare examples even of modern times,
- e. Objects of importance to the history of science,

2. Only claims for objects of great rarity will be considered, Action to be taken on each claim will be based upon the evidence presented and the merits of each case.

*) see page 8

9 July 1946

CORC/M(46)34

COORDINATING COMMITTEE

MINUTES

(Meeting of 8 July 1946)

THE MEETING agreed:

- (387) (a) To approve in principle the paper submitted by the American Delegation.*)
- (b) To instruct the R.D. and R. Directorate to consider what machinery could best implement the measures mentioned in the paper, taking into account the existing machinery for dealing with reparation and restitution.

*) NOTE: In its meeting of 8 July 1946 the Coordinating Committee considered Appendix "A" to CORC/M(46)34 instead of the originally submitted paper CORC/P(46)80 Revise: "Special Instructions Concerning Replacement by Similar or Comparable Property of Objects of a Unique Character".

CONTROL COUNCIL

LAW NO. 32

Employment of Women on Building and Reconstruction Work

In view of the shortage of able-bodied men in certain parts of Germany, the Control Council enacts as follows:-

Article I

The appropriate German authorities may employ, or authorize the employment of female labor on building and reconstruction work, including rubble clearance.

Article II

The provisions of the Ordinance concerning working hours (Arbeitszeitordnung) of 30th April 1938 (RGEL 1938 I/447) and all other enactments inconsistent with this Law are repealed or amended in accordance with this Law.

Article III

This Law shall come into force on the date of publication,

V. SOKOLOVSKY
Marshal of the Soviet Union

JOSEPH T. McNARNEY
General

SHOLTO DOUGLAS
Marshal of the Royal Air Force

P. KOENIG
General d'Armee

Done at BERLIN the 10th day of July 1946

"The date of publication is 14 July 1946 at 1800 hours."

CONTROL COUNCILDIRECTIVE NO. 30Revision of Article IV of Directive No.30 on the
Liquidation of German Military and Nazi Memorials
and Museums

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

Article IV of Directive No.30 is hereby rescinded and replaced by the following wording:

IV

"The following are not subject to destruction and liquidation:

- I. Monuments erected solely in memory of deceased members of regular military organizations, with the exception of paramilitary organizations, the S.S., and Waffen S.S.
2. Individual tombstones existing at present or to be erected in the future, providing the architectural designs, decorations or inscriptions of the monuments, mentioned in paragraphs 1 and 2 do not recall militarism or commemorate the Nazi party.

With a view to the preservation of the monuments indicated in paragraphs 1 and 2, alterations may be made in the architectural designs, decorations or inscriptions which would remove objectionable characteristics."

Done at Berlin, the 12th day of July 1946.

M. I. DRATVIN
Lieutenant General

R. W. HARPER
Major General

G.W.E. G. ERSKINE
Major General

R. J. NOIRET
General de Division

CORC/P(46)226 Final

CONTROL COUNCILLAW NO. 33Census of the German PopulationTHE CONTROL COUNCIL ENACTS AS FOLLOWS:Article I

A census will take place of the entire population located in the American, British, French and Soviet Lone of Occupation and in Berlin on the basis of the situation existing at 2400 hours on Tuesday 29th of October, 1946.

Article II

The following persons will be excluded from the census:

1. Members of the Armies of Occupation, of Military Governments, of Control Commissions, and Military Missions accredited to the Allied Control Authority.
2. Civilians who are not German nationals and who are affiliated to, and in possession of identity papers issued by, the Occupational Forces.
3. Civilians who are not German nationals and who had been admitted into a Zone or into Berlin by military Government and are in possession of identity papers exempting them from German registration and do not receive their ration cards from German sources; such as members of International Delegations, non-German barge crews and non-German bargemen whose home port is not located in Germany.

Article III

The following persons will be subject to census by Occupational and not by German authorities;

1. Prisoners of war.
2. Displaced persons who are in possession of displaced persons' identity cards and are located in camps placed under the responsibility of any of the Allied Military Authorities.

(c) Wilfully suppresses, defaces, alters, or makes away with any such document

shall be prosecuted in Military Government or German courts and shall be punished by imprisonment for a term not exceeding five (5) years or by a fine of not less than 1000.- and not more than 29,030.- M., or both.

Article VIII

This Law shall come into force on the date of publication.

Done at BERLIN on the 20th day of July 1946.

/s/ P. A. Kurochkin
/t/ P. A. KUROCHKIN
Colonel-General

/s/ Joseph T. McNarney
/t/ JOSEPH T. MCNARNEY
General

/s/ B. H. Robertson
/t/ B. H. ROBERTSON
Lieutensnt General

/s/ R. J. Noiret
/t/ R. J. NOIRET
General de Division

"1800 hours, 25th July 1946 was agreed to as the date of promulgation of Law No.33."

CONL/P(46)50 (Final)
20 July 1946

3. Civilian internees.

Article IV

The fourteen (14) mandatory questions appearing in Appendix 'A' of this Law are to be included in the Household List for all four Zones.

Article V

Zone Commanders shall have discretion to determine the format of the Household List and to add any additional questions thereto.

Article VI

Subject to the provisions of Article III the local German authorities will be responsible under the control of Military Government for the implementation of the present Law and are given full power for the preparation and execution of the census.

Article VII

1. It shall be the duty of all persons when required by any person authorized to do so under this Law to answer correctly all questions on the census schedules applying to themselves and to persons under legal or physical disability for whom they are answerable.

2. Any person who shall wilfully refuse or neglect to answer any of these questions, or shall wilfully give answers that are false, shall be prosecuted in Military Government or German courts and shall be punished by imprisonment for a term not exceeding six months or by a fine of not less than 100.-- and not more than 1000.-- RM, or both,

3. Any official or other person employed in connection with the taking of the census who:-

- (a) Wilfully makes or is privy to the making of an inaccurate return of information, or
- (b) Wilfully makes or is privy to the making of any omission or false statement in any document issued or prepared under this law or any order made pursuant thereto, or

Appendix 'A' to
Control Council Law No. 33

CONTROL COUNCIL

Census of the German Population
Standard Questionnaire for the Four Zones

1. Christian names
2. Surname
3. Relation to head of family or household
4. Sex
5. Year, month, date, and place of birth
6. Family particulars:
 - (a) single
 - (b) married
 - (c) widowed
 - (d) divorced
 - (e) living apart
7. "Staatsangehoerigkeit" (See explanation 1)
 - (a) present citizenship
 - (b) how was it acquired
 - (c) from what date
 - (d) country of origin
8. National Origin (literally, "nation from which you stem")
(Greek, Rumanian, Russian, Italian, etc.)
(see explanation 2)
9. Mother tongue
10. Religious affiliation:
 - Roman Catholic
 - Protestant
 - Jewish
 - Non-believer
 - Other religions

11. Education:

- (a) illiterate, literate (see explanation 3)
- (b) has he or she received any university or technical education
- (c) if so, state in what university or technical institution final or professional examinations were passed

12. Trade or profession:

- (a) Nature of present occupation (employment) or other means of subsistence (peasant, metal turner, electrical engineer, pensioner, etc.)
- (b) Social position (independent contractor or skilled worker, additional member of family, workman, employee, etc.)
- (c) Place where working (where employed)
 - (i) Name and trade name of firm, or of administrative department, e.g., S. Muller's Builders
 - (ii) Firm's address {or of administrative department}

13. a. Present residence

b. Permanent residence 1 September 1939

14. Have you served in the Wehrmacht (Army, Navy or Air Force), or in a para-military organization? if so, from what date to what date, and in what rank?

Explanations

- (1) Staatsangehoerigkeit: Citizens of Germany should answer "Deutschland". Those who are not citizens of Germany acquire German citizenship by naturalization only (routine procedure for naturalization), women by marriage with a citizen of Germany. Children of foreigners do not acquire German citizenship by reason of their birth within the country. Persons possessing another citizenship in addition to German citizenship should also indicate this. Stateless persons, i.e., those having no citizenship of any country, should put "Staatenlos".

- (2) These questions shall be answered by those persons whose national origin from which they stem differs from their citizenship (Staatsangehoerigkeit) (question 7).
- (3) Only to be filled out by persons who were born before 1 January, 1932.

CONTROL COUNCILCensus of the German PopulationStandard Questionnaire for the Four ZonesOfficial German Text of Questionnaire

1. Vorname
2. Familienname
3. Stellung zum Haushaltungsvorstand
4. Geschlecht
5. Geburts- Tag -Monat -Jahr und -Ort
6. Familienstand:
 - (a) ledig
 - (b) verheiratet
 - (c) verwitwet
 - (d) geschieden
 - (e) getrennt lebend
7. Staatsangehoerigkeit (siehe Erlaeuterung 1):
 - (a) gegenwaertige Staatsangehoerigkeit
 - (b) wie erworben
 - (c) seit wann (Datum)
 - (d) Land des Ursprungs
8. Nationale Abstammung (Griechen, Rumaene, Russe, Italiener usw. siehe Erlaeuterung 2)
9. Muttersprache
10. Religionszugehoerigkeit:
 - roemisch-katholisch
 - evangelisch
 - israelitisch
 - glaubenslos
 - andere Glaubensbekenntnisse

11. Bildungsgrad:

- (a) des Lesens und Schreibens kundig oder unkundig
(siehe Erlaeuterung 3)
- (b) wurde Hochschul- oder Fachausbildung abgeschlossen?
- (c) wenn ja, angeben, in welcher Hochschule bezw.
Fachanstalt die Staats- oder Abschlusspruefung
abgelegt wurde.

12. Beruf:

- (a) gegenwaertiger Beruf (Beschaeftigung) oder andere
Erwerbscuellen (Landwirt, Eisendreher,
Elektroingenieur, pensioniert usw.)

COORDINATING COMMITTEE
CHANNELS OF COMMUNICATION BETWEEN VARIOUS ECHELONS
OF THE ALLIED CONTROL AUTHORITY AND THE ALLIED
KOMMANDATURA, BERLIN

{Proposal of the Allied Secretariat)

1. At its thirty-fourth meeting, on the 28th June 1946, the Directorate of Internal Affairs and Communications approved a paper on the subject of Channels of Correspondence between the Communications and Posts Committee of the Allied Control Authority and the Allied Kommandatura of Berlin, taking into consideration that direct exchange of correspondence was approved at the Joint Meeting of the Communications and Posts Committee of the Directorate of Internal Affairs and Communications and of the Allied Kommandatura. The original paper submitted by the Directorate is held by the Allied Secretariat.

2. The Allied Secretariat is of the opinion that, apart from this particular instance, the Coordinating Committee should give a decision on the general principle of direct communications between echelons of the Allied Control Authority and the Allied Kommandatura.

3. A number of papers from various committees of the Allied Control Authority addressed to the Allied Kommandatura, Berlin, have come to the attention of the Allied Secretariat in recent weeks. A large part of this correspondence is relative to the implementation of principles and regulations already agreed by the Coordinating Committee and Control Council. These papers are not of sufficient interest to warrant their presentation to the Coordinating Committee, as they represent routine and/or technical correspondence. However, existing procedure requires presentation of these papers to the Coordinating Committee for approval and transmission to the Kommandatura.

4. The Allied Secretariat recommends that the Coordinating Committee approve the following procedure for correspondence between various echelons of the Allied Control Authority and the Allied Kommandatura.

- a) The Coordinating Committee agrees that correspondence which is relative to the implementation of Coordinating Committee decisions on principles and regulations, and is only of a routine and/or technical nature, may be transmitted by various echelons of the Allied Control

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Authority to the Allied Kommandatura without reference to the Coordinating Committee as set forth below.

- b) The Coordinating Committee delegates to the Allied Secretariat the responsibility of control of all such direct correspondence.
- c) Echelons of the Allied Control Authority who wish to establish direct channels of communication with echelons of the Allied Kommandatura will submit a request for authorization to the Allied Secretariat. The Allied Secretariat will review all requests from the various echelons of the Allied Control Authority for permission to correspond directly with the Allied Kommandatura. The Allied Secretariat will review from time to time all papers which constitute direct correspondence.

5. This paper is submitted to the Coordinating Committee for its consideration at its Sixty-sixth Meeting on 23 July 1946.

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

Approved at Berlin 23 July 1946.

CO.C/P(46)237

COORDINATING COMMITTEEEstablishment of a Coal Committee of Qualified Experts

Note by the Allied Secretariat

The French Delegation has been informed that the Council of Foreign Ministers in Paris, on 12 July 1946, came to the following decision:

The Council of Foreign Ministers agreed to charge the Allied Control Council with the appointment of a Committee of qualified experts who should submit to the four Governments not later than 10 August 1946 a report on the following questions:

1. Measures which should be taken with a view to increasing German coal production.
2. Basic guiding principles for the allocation of the German coal production between requirements of home consumption and export.

This report should be considered by the Allied Control Council for Germany which, in its turn, should submit the report to the Council of Foreign Ministers by 1 September 1946.

This paper is submitted for consideration by the Coordinating Committee at its Sixty-Sixth Meeting on 23 July 1946.*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

*) see page 25

ESTABLISHMENT OF A COMMITTEE OF EXPERTS ON COALFRENCH MEMORANDUM

Pursuant to the **decision** of the **Council of Foreign Ministers** on 12 July, relative to the **Committee of Experts on Coal**, which **was** referred to the **Coordinating Committee**, the **French Delegation** proposes:

- 1) that each member of the **Coordinating Committee** immediately appoint the experts of **its** delegation who **will take part in the work** of the **Committee**;
- 2) that the **Coordinating Committee instruct** the **Committee of Experts**, on the one hand, to carry **out** an enquiry **in the four occupation Zones**, examining particularly the points mentioned in the attached appendix; and, on the other hand, **to study**, in conformity with **Para 2 of the decision** of the **Council of Foreign Ministers**, the principles for the apportionment of German coal production between internal consumption and export.

DRAFT INSTRUCTIONS FOR THE EXPERTS RESPONSIBLE FOR ENQUIRING
INTO THE MEASURES NECESSARY TO INCREASE COAL PRODUCTION

The investigation and report of the Committee of Experts will deal with the following points:

1. The number of additional miners necessary, the possible source of this manpower and the rate of incorporation to be recommended,
2. Means of attracting to the pits the greatest number of miners and of ensuring the maximum output.
 - a. Increase in the miners' rations. Should such an increase be linked with output? Should the same advantages be extended to families and workers in related industries which are essential to the operation of the mines? The quantities of supplementary food necessary should be indicated,
 - b. The value of a supplementary distribution of consumer goods to miners, as a means of increasing production; the type and quantity of goods necessary and the way in which they may be obtained, either from German production or from imports. Indications should be given of the available resources for this purpose in each zone; the quantities of coal and raw materials necessary and the time required for definite delivery, also the recommendations with regard to distribution.
 - c. The effect of miners' housing conditions on output and proposals as to what housing programme should be undertaken. Indications should be given as to the quantities and type of building materials necessary, The resources of the zones in coal supplies and raw materials.
 - d. The advantage, from the production point of view, of an increase in miners' wages.
 - e. Other means of encouraging output (transport; facilities, tobacco and beer rations, output bonus).
 - f. Technical supervision, discipline in the pits and necessary measures to improve them, Collaboration with the Trade Unions and labor organisations. Reduction of absenteeism.

g. Psychological methods to encourage output,

3. The sufficiency or insufficiency of the present supplies of equipment to the mines, and measures to be adopted to obtain the supplementary supplies which may be necessary. Indications should be given of the quantities of coal and raw materials required.

4. To what extent the consumption of coal in the mines can be reduced.

5. Examination of the methods used to establish production programmes and the levels to be attained.

6. Production level to be attained.

In drawing up their report the experts should give their opinion on the short and long term effect on coal production of the recommendations which they put forward. These recommendations shall be entirely objective and will take local conditions into account. The actual possibilities of putting their proposals into effect should in any case be submitted to the zone commanders for their opinion,

24 July 3.96

CORC/M(46)37

COORDINATING COMMITTEEMINUTES

(Meeting of 23 July 1946)

411. ESTABLISHMENT OF A COAL COMMITTEE OF QUALIFIED EXPERTS

The Meeting considered CORC/P(46)239.

General KUROCHKIN stated that the Soviet Delegation agreed to the creation of this committee and nominated Mr. KURMASHOV as the Soviet representative,

General CLAY nominated Mr. FORESTER as the U.S. representative, and proposed that a meeting of the Committee be called immediately in order to draw up its terms of reference and submit them to the next Coordinating Committee meeting. The experts should, at the same time, begin their duties immediately without awaiting confirmation of their terms of reference.

General ERSKINE stated that the British delegation would agree to the creation of such a Committee on condition that its activities should embrace all four zones. He nominated Brigadier MARLEY as the British representative. He also proposed that the Committee should report to the Coordinating Committee through the Directorate of Economics.

General KUROCHKIN thought this latter procedure impracticable and considered that the Committee should report directly to the Control Council. However, its report could be prepared in consultation with the Directorate of Economics.

General NOIRET agreed with General KUROCHKIN's proposal and nominated M. PARISOT as the French representative on the Committee.

On the Chairman's proposal,

THE MEETING:

- (411) (a) appointed a Coal Committee of qualified experts, composed of the members mentioned above, and instructed it to start work immediately;
- (b) instructed the Coal Committee to draw up its terms of reference and to submit them to the next meeting of the Coordinating Committee.

COORDINATING COMMITTEEProposal to Make Reparations Item No. 16 Available to the Soviet Union

(Note by the Allied Secretariat)

At its Fifty-second Meeting, the Economic Directorate considered the statement by the Soviet Member, about making Reparations Item No. 16 available to the Soviet Union; since that item was a part of Reparations Item No. 3 (shipbuilding plant Deschimag Weser).

The U.S. Member explained that Reparations Item No. 16 was part of the Deschimag Weser plant.

The Directorate requests the Coordinating Committee to reconsider its decision on Item No. 16 in the list of plants and to make it available to the U.S.S.R.

This document is presented to the Coordinating Committee for consideration at its Sixty-sixth Meeting on 23 July 1946.*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

CORC/P(46)240

*) see page 27

24 July 1946

CORC/M(46)37

COORDINATING COMMITTEE

MINUTES

(Meeting of 23 July 1946)

413. PROPOSAL TO MAKE REPARATIONS ITEM NO. 16 AVAILABLE TO THE SOVIET UNION

The Meeting considered CORC/P(46)240.

THE MEETING:

(413) **approved** the proposal of the Directorate of Economics to deliver Reparations **Item No.16** (a portion of the Deschimag Weser Plant) to the Soviet Union, **including it** as a part of Item No. 3 in the **first list** of advanced deliveries.

COORDINATING COMMITTEE

Non-ferrous Metal Plants Declared Available for Reparations
or to be Retained in Germany

(Note by the Allied Secretariat)

The Directorate of Economics, at its Fifty-fourth Meeting on 5 July 1946, confirmed the **lists** of non-ferrous metal plants declared available for reparations or to be retained in Germany, with the following amendments:

- (a) In reparations item No. 1412 - "Norddeutsche Raffinerie" - in column 5 of the list, to exclude the copper-smelting shop of 40,000 tons capacity;
- (b) In the lists of plants to be retained in Germany, to include the copper-smelting shop of 40,000 capacity, belonging to "Norddeutsche Raffinerie" plant.

One copy of each agreed text of the above mentioned lists is available for information in the Allied Secretariat.

This paper is submitted to the Coordinating Committee for consideration at its Sixty-sixth Meeting on 27 July 1946.*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

*) see page 29

29 July 1946

CORC/M(46)38

COORDINATING COMMITTEEMINUTES

(Meeting of 27 July 1946)

49. NON-FERROUS METAL PLANTS DECLARED AVAILABLE FOR REPARATIONS OR TO BE RETAINED IN GERMANY.

The Meeting considered CORC/P(46)241.

THE MEETING:

(419) agreed:

- (a) to **approve** the list of non-ferrous metallurgical plants declared available for reparations;
- (b) to instruct the Directorate of Reparations, Deliveries and Restitution:
 - (i) to report this list to IARA and the Soviet Union for submission of claims;
 - (ii) to **proceed** immediately with the valuation of these plants;
- (c) to the Economic Directorate's proposal to **exclude** from reparations plant 1412, the "Norddeutsche Raffinerie" copper-smelting shop of 40,000 tons capacity;
- (d) to delete from the headings of the lists the words "OR DESTRUCTION" (attachment 1, page 1, and attachment 2, page 1);
- (e) to **approve** the list of non-ferrous metallurgical plants to be retained in Germany.

29 July 1946

CORC/M(46)38

COORDINATING COMMITTEE

MINUTES

(Meeting of 27 July 1946)

423. MEMORANDUM OF THE SOVIET MEMBER OF THE ECONOMIC DIRECTORATE
ON PLANTS NOS. 1013 AND 1209

The CHAIRMAN informed the Meeting that the Economic Directorate had requested confirmation of the decision to include reparations plant 1209 as part of reparations plant 1013, inasmuch as the latter had mistakenly been divided between two positions in the list.

THE MEETING:

(423) confirmed the above-mentioned decision of the Economic Directorate.

22 July 1946

CONL/A(46)19

CONTROL COUNCILMINUTES

(Meeting of 20 July 1946)

83. PRESENTATION TO THE CONTROL COUNCIL OF THE CHIEF OF THE NETHERLANDS MILITARY MISSION

The CHAIRMAN announced that the Allied Secretariat wished to inform the Control Council that the new Chief of the Netherlands Military Mission, Major General Huender, had arrived in Berlin and was awaiting presentation to the Control Council.

THE MEETING

(83) agreed that Major General Huender should be presented to the Control Council at its 35th Meeting, 30 July 1946.

31 July 1946

CONL/A(46)20

CONTROL COUNCILMINUTES

(Meeting of 30 July 1946)

85. PRESENTATION TO THE CONTROL COUNCIL OF THE NEW CHIEF OF THE NETHERLANDS MILITARY MISSION

Major HUENDER, new Chief of the Netherlands Military Mission was presented to the Members of the Control Council.

COORDINATING COMMITTEECONSTITUTION OF BERLIN

To provide for the situation arising after the collapse of the national-socialist regime, and the occupation by the Allied Powers, and in continuation of the constitutional right, according to the City Statutes of 30 May 1853, to the Law on the formation of a new Municipality Berlin of 27 April 1920, and the Law on the preliminary regulation of various problems of the municipal constitutional right of the City of Berlin of 30 March 1931, Berlin receives the following:

C O N S T I T U T I O NChapter I: GENERAL PROVISIONSArticle 1

- (1) Greater Berlin is the exclusively established Public Territorial Corporation for the Territory of the Municipality of Berlin.
- (2) Greater Berlin has to fulfil all the public duties, in its district in accordance with this Constitution,
- (3) Greater Berlin bears the Arms and Flag with the Bear. Particulars hereof will be laid down in a special order.

Article 2

- (1) The whole of the German citizens of Greater Berlin express their will through their elected representative bodies,
- (2) All citizens of Greater Berlin are, within the framework of the effective laws, of equal status independent of Race, Sex, Confession and extent of property owned.
- (3) The representative bodies are the Stadtverordnetenversammlung and the Magistrat.

Article 3

- (1) The Stadtverordnetenversammlung is constituted on ground of general, equal, direct, and secret election by the inhabitants of Berlin, who are entitled to vote according to the principles of proportional representation.

- (2) The Members of the Magistrat will be elected by the Stadtverordnetenversammlung for the period of the election term. All political parties composing the Stadtverordnetenversammlung must be represented in the Magistrat if such parties demand it. The Members of the Magistrat must also be competent to fulfil their duties.
- (3) The elected Members will remain in office until the newly elected representatives and members of the Magistrat have been obligated.
- (4) The election of the Members of the Stadtverordnetenversammlung and details for this election will be given in the election regulations.

Chapter II: THE STADTVERORDNETENVERSAMMLUNG

Article 4

The Stadtverordnetenversammlung consists of 130 members (Stadtverordnete). They will be elected for two years.

Article 5

The Stadtverordnetenversammlung has the following duties:

- (1) The election of the members of the Magistrat.
- (2) The resolution on
 - (i) the Constitution of Berlin and its alterations,
 - (ii) all legal regulations (Verordnungen und Satzungen),
 - (iii) the settlement of the Budget, grants, and reimbursements for extraordinary expenditures,
 - (iv) the determination of the taxes,
 - (v) the discharge of the Annual Accounts after checking audit,
 - (vi) the taking up of loans,
 - (vii) the establishment of new, and the closing down of obsolete or unprofitable institutions and establishments,
 - (viii) the participation in new undertakings working as institutions of private or public right,
 - (ix) bestowing and renouncing the Freedom of the City.
- (3) The supervision of the execution of the Legal regulations resolved by the representatives as well as of the entire administration.

Article 6

- (1) Within two weeks after the publication of the final result of the elections to the Stadtverordnetenversammlung the Magistrat must summon those elected for the purpose of constituting the Stadtverordnetenversammlung, and to obligate them by handclasp at the beginning of the first meeting to conscientiously fulfil their duties.
- (2) In the first meeting the Stadtverordnetenversammlung elects from their midst for their term of office the Managing Committee, consisting of a Chairman and a secretary, and their deputies.
- (3) The Stadtverordnetenversammlung is to be summoned at least once a month. The meeting has to be called by the Chairman, with notice of the subjects to be discussed. Notice must be given at least two clear days before the meeting direct to every representative.

Extraordinary meetings of the Stadtverordnetenversammlung may be convened also by

- (i) the Chairman
- (ii) on demand of at least one fourth of the members, or
- (iii) on demand of the Magistrat,

and, except in cases of utmost urgency, warning must also be given at least two clear days before the meeting direct to each of the members, with notice of the subject to be discussed.

- (4) On deliberation and voting on subjects touching the special private interests of a representative, this representative may not be present. His opinion can be expressed in writing, and must be heard.
- (5) Should a member lose his right to vote, he will be excluded from the Stadtverordnetenversammlung, and will lose his rights as a member of this body.
- (6) The Stadtverordnetenversammlung establishes its own order or procedure regulations.

Article 7

- (1) The sittings of the Stadtverordnetenversammlung are public. On application of the Magistrat or the Chairman or of a fifth of the representatives, the public may be **excluded** in the case of certain matters. A resolution on this point is passed in a secret sitting.
- (2) The Stadtverordnetenversammlung can establish committees in order to discuss certain general as well as individual problems. These elect from their midst a Chairman and a secretary for summoning meetings and presiding at these.
- (3) The Stadtverordnetenversammlung and its committees are competent to pass resolutions if at least one half of the members are present. The resolutions are, if not otherwise stipulated, passed with simple majority. In case of equal votes, the casting vote of the Chairman will decide. Resolutions upon alterations of the Constitution require a majority of two thirds,
- (4) Minutes are to be kept of the meetings. These have to contain the discussed motions, as well as the manner and result of the voting. Resolutions, as passed, are to be entered in a special book. The Minutes of the meeting, as well as the entry of the resolutions are to be signed by the Chairman who presided at the meeting, and by the secretary.

Article 8

The members of the Stadtverordnetenversammlung have the right of traveling free of charge on the public means of transportation within Berlin, and to receive a remuneration for each sitting and compensation for the loss of earnings accruing owing to the sitting.

Chapter 111: THE MAGISTRAT

Article 9

- (1) The Magistrat consists of the Oberbuergermeister, three Buergermeisters, and a maximum of sixteen additional full time, salaried, members.

- (2) The members of the Magistrat take an oath in the presence of the Stadtverordnetenversammlung on taking up office, that they will impartially discharge their duties for the good of the Community and in accordance with the law. If a member of the Magistrat breaks his oath or shows himself as completely unsuited for his office, he may be relieved of it, following upon a hearing before a Committee specially called by the Stadtverordnetenversammlung for this purpose. A decision to dismiss requires a two-third majority of the members of the Stadtverordnetenversammlung.

Article 10

- (I) The Magistrat is to be invited to all sittings of the Stadtverordnetenversammlung, and of its committees, with notice of the Agenda.
- (2) The Stadtverordnetenversammlung can demand the participation of a certain member of the Magistrat for the purpose of giving a report to the sitting. The members of the Magistrat are allowed at any time during the discussion to express their opinion.
- (3) The Magistrat is to be informed of all resolutions of the Stadtverordnetenversammlung.

Article 11

- (1) The Magistrat is the supreme, guiding, and executive organ of Greater Berlin, and represents Greater Berlin externally. The Magistrat is entirely responsible to the Stadtverordnetenversammlung, and subordinate to its instructions.

The Magistrat issues Ordinances and Statutes on the basis of, and for the purpose of the execution of the existing legislative provisions which have been adopted by the Allied Kommandatura and the Stadtverordnetenversammlung.

The Magistrat supervises the execution of these legislative provisions and ordinances,

The ordinances and directions of the Magistrat will be executed throughout the whole area of Greater Berlin.

Upon a two-third vote of the total membership of the Stadtverordnetenversammlung, a resolution may be forwarded to the Allied Kommandatura requesting dismissal of the Magistrat and stating reasons. If the Allied Kommandatura agrees, the Magistrat must immediately resign.

- (2) The Magistrat is authorized to bring up questions for the agenda of the Stadtverordnetenversammlung meetings, and to prepare proposals in an appropriate form for discussion at these meetings.
- (3) The Magistrat decides on the directives according to which the public tasks are to be carried through, and supervises the Bezirksamter.
- (4) The Magistrat appoints, transfers, and dismisses all persons in the service of Greater Berlin; and supervises management, unless a member of the Magistrat, or the Bezirksamt, or a member of the latter has been charged therewith,
- (5) The Magistrat takes its decisions by simple majority of votes! In the case of equality of votes the casting vote of the Chairman will decide. The Magistrat is able to take decisions, if more than one half of its members are present.
- (6) While deliberating and voting on subjects touching the private interest of a member of the Magistrat, this member may not be present. His written explanation must be heard.
- (7) The Magistrat draws up its own order of procedure.

Article 12

- (1) The Oberbuergermeister is the Chairman of the Magistrat. He represents the Magistrat externally, conducts the sessions of the Magistrat, and directs the service supervision of the remaining members of the Magistrat.
- (2) The three Buergermeister are the permanent deputies of the Oberbuergermeister.
- (3) The Oberbuergermeister, or, in case of his incapacity, his Deputy, can temporarily act on his own initiative in cases belonging to the Magistrat's competency, which admit of no delay. The matter must be laid before the Magistrat at its next session for confirmation by way of resolution, or in cases of particular importance, at an extraordinary meeting. These decisions must not contradict the constitution and the principles of democracy.
- (4) The Magistrat, as leading and executive authority, conducts its business through departments, the number of which must not exceed 13. Each department has at its head a member of the Magistrat.

- (5) Each Member of the Magistrat performs independently, on its own responsibility, and in accordance with the directives obtained in Article 11, the duties entrusted to him by the representative bodies (Vertretungskörper).

Article 13

The resolutions of the representative bodies (Vertretungskörper) (Article 5 (2) and Article 11, para 1) are binding for the District bodies only, if they have been passed by the Stadtverordnetenversammlung and Magistrat in agreement. Where agreement is not reached, a joint discussion between the Magistrat and the Stadtverordnetenversammlung is held, with the object of reaching an agreement. If an agreement is not attained through this joint discussion, the Stadtverordnetenversammlung will decide with a two thirds majority of its members,

Chapter IV: THE BEZIRKSVERORDNETENVERSAMMLUNG

Article 14

- (1) For the purpose of local administration, Greater Berlin is divided into twenty Verwaltungsbezirke (Administrative Districts).
- (2) In each Verwaltungsbezirk, a Bezirksverordnetenversammlung (District Council), and a Bezirksamt (District Office) will be formed to look after local interests, and to carry on the work of the Bezirk.
- (3) Upon a unanimous resolution of the Bezirksverordnetenversammlung, and the Bezirksamt, an Administrative District; can be divided into (Ortsbezirke (Local Districts)).

Article 15

- (1) The Bezirksverordnetenversammlung is established on the basis of a general, equal, direct, and secret election, by all persons entitled to vote, living in the Administrative District, according to the principles of proportional representation, and for the maximum period of two years.
- (2) For the Administrative Districts of up to 100,000 inhabitants, 30 District Representatives, for those of 100,000 up to 200,000 inhabitants, 40 District Representatives, and for those of 200,000 and more inhabitants, 45 District Representatives are to be elected.

- (3) The elections of the *Bezirksverordnetenversammlung* and the elections of the *Stadtverordnetenversammlung* take place on the same day. The elections of the Members of the *Bezirksverordnetenversammlung* and details for these elections will be given in the election regulations.

Article 16

- (1) The *Bezirksverordnetenversammlung* is to resolve on all affairs concerning the District, within the limits of the directives issued by the *Stadtverordnetenversammlung*, and the Magistrat.
- (2) The *Bezirksverordnetenversammlung* elects the members of the *Bezirksamt* according to the stipulations valid for the election of the Magistrat,
- (3) The *Bezirksverordnetenversammlung* annually prepares a survey on the requirements of the establishments and institutions administered by the district, as well as of the other District Administrations; this survey serves as a basis for the total Budget.
- (4) The *Bezirksverordnetenversammlung* supervises the execution of its resolutions, and the utilization of the means which are placed at the disposal of the focal establishments and institutions of the Administrative District.

Article 17

- (1) Within a period of two weeks after the publication of the final result of the election of the *Bezirksverordnetenversammlung*, the *Bezirksamt*, in order to create the *Bezirksverordnetenversammlung* must summon the elected members and, at the beginning of the first meeting, must obligate the members by hand-clasp to perform conscientiously their duties.
- (2) During its first meeting, the *Bezirksverordnetenversammlung* elects from its midst the managing Committee, composed of a Chairman, a secretary, and their Deputies, who preside for the period of the election term.
- (3) The *Bezirksverordnetenversammlung* must be convened once a month. The convocation must be made by the Chairman, with notice of the Agenda. The notice must be transmitted to each District Representative at least 2 whole days before the day of the meeting.

Extraordinary meetings of the Bezirksverordnetenversammlung may be convened.

- (i) on the part of the Chairman,
- (ii) on demand of at least 1/4 of the District Representatives,
or
- (iii) on demand of the Bezirksamt.

Apart from cases of the utmost urgency, the notice must enumerate the questions to be discussed, and must be transmitted to each District Representative at least 2 clear days before the day of the meeting.

- (4) The Bezirksverordnetenversammlung meets in public. On the application of the Bezirksamt, or the Chairman, or a fifth of the Representatives, the public may be excluded in the case of certain matters. The resolution on this is passed in a secret sitting.

The members of the Magistrat may take part in the meetings of the Bezirksverordnetenversammlung. The members of the Bezirksamt are to be invited, with notice of the agenda, to take part in all meetings of the Bezirksverordnetenversammlung and its Committees.

The Bezirksverordnetenversammlung can demand the presence of a certain member of the Bezirksamt as reporter. The members of the Magistrat and the Bezirksamt must be heard at any time during the deliberation.

- (5) While deliberating and voting on subjects touching the special private interest of a member of the Bezirksverordnetenversammlung, this member may not be present. His written declaration must, however, be heard.
- (6) If a member of the Bezirksverordnetenversammlung loses his right to vote, he will be excluded from the Bezirksverordnetenversammlung and lose his rights due to him as a member.
- (7) The Bezirksamt must be informed on all resolutions of the Bezirksverordnetenversammlung.
- (8) The Members of the Bezirksverordnetenversammlung have the right of traveling free of charge on the public means of transportation within Berlin, and they receive a remuneration for each sitting, and compensation for the loss of earnings accruing owing to the sittings.
- (9) The Bezirksverordnetenversammlung draws up its own order of procedure.

Chapter V: THE BEZIRKSAMT

Article 18

- (1) The **Bezirksamt** consists of the District Buergermeister as Chairman, one Deputy, and not more than 9 salaried official members,
- (2) Every **Bezirksamt** member conducts independently, and under personal responsibility, the duties transferred to him by the election of the **Bezirksverordnetenversammlung** and according to the directives given in Article 11.
- (3) The members of the **Bezirksamt** take an oath before the **Bezirksverordnetenversammlung** on entering their office, that they will fulfil their duties unbiased, for the welfare of all, and in accordance with the law. If a member of the **Bezirksamt** breaks his oath, or shows himself as completely unsuited for his office, he may be relieved of it, following upon a hearing before a Committee specially called by the **Bezirksverordnetenversammlung** for this purpose. A decision to dismiss requires a two-thirds majority of the **Bezirksverordnetenversammlung**.
- (4) Upon a two-thirds vote of the total membership of **Bezirksverordnetenversammlung** a resolution may be forwarded to the Military Commandant of the Sector requesting dismissal of the **Bezirksamt** and stating reasons. If the Military Commandant of the Sector agrees, the **Bezirksamt** must immediately resign,

Article 19

- (1) The **Bezirksamt** is the executive subordinate authority in the affairs of the Administrative District. The **Bezirksamt** is absolutely responsible to the **Bezirksverordnetenversammlung**.
- (2) The **Bezirksamt** is also the executive organ of the **Magistrat**, and its duty is to fulfil the directives of the **Magistrat**. It is under the supervision of the **Magistrat**.
- (3) The **Bezirksamt** has to
 - i execute the resolutions of the **Bezirksverordnetenversammlung**,
 - ii administer the institutions and establishments of the District,
 - iii engage, transfer, and dismiss all persons who are in the service of the Administration of the District,
 - iv act as intermediary between the **Bezirksverordnetenversammlung** and the representative bodies of Greater Berlin,
 - v represent Berlin externally in matters concerning the District.

- (4) In other respects the provisions of Article 11(5) and (6) are decisive. Representatives of the magistrat must be heard at any time during the discussion of the Bezirksamt.
- (5) The Bezirksbuergermeister is under the supervision of the Oberbuergermeister, and the other Bezirksamt members are under the supervision of the Beairksbuergermeister,

Chapter VI: RELATIONSHIP BETWEEN ORGANS OF THE CENTRAL
ADMINISTRATION, AND THE BEZIRKS ADMINISTRATIONS

Article 20

- (1) The competency of the Local Administration, in the Administrative Districts, in relation to the Central Administration is to be regulated in the Main Statutes. In these, the sphere of affairs to be managed by the Central Administration is to be designated. All other administration affairs are to be attended to by the Administrative Districts.
- (2) The spheres of work are to be stated in such form that
- (i) affairs which require uniform administration on account of their importance for the whole of Berlin, are left to the management of the Central Administration of the Magistrat;
 - (ii) all other affairs concerning the District itself are to be managed by the Bezirksamt, and the Bezirksamt must be allowed discretion in managing these affairs,
- (3) The spheres of the duties of the Districts may be different in the various Districts.

Article 21

The chief Statutes will regulate the Meetings and powers of the Buergermeisters' Council and define the methods considered necessary for the co-operation of the local and central Administrations. The chief Statutes have to be submitted to the Allied Kommandatura for approval,

Article 22

It is the privilege of the Magistrat in all cases, to prevent the execution of resolutions of the Bezirksverordnetenversammlung, and the Bezirksamt, if the interests of the Community make it necessary, or if the resolutions of the Bezirks authorities exceed their competence, or violate the law. In the resolutions of the Magistrat preventing the execution

of Bezirksverordnetenversammlung and Bezirksamt resolutions, the grounds for the objection must be given.

Article 23

- (1) If no agreement is reached in the case of Article 22, every Corporation concerned may apply for a decision, within 2 weeks, from the date of the announcement of the objection.
- (2) This decision will be made by a Committee appointed by the Stadtverordnetenversammlung.

Chapter VII: BUDGET AND FINANCE

Article 24

- (1) The property of the territorial corporation is to be administered economically and carefully. It is to be maintained out of the means of the regular budget.
- (2) To provide for articles needing replacement, because they are too old, or have been worn out, or otherwise have depreciated in value, or because of increased requirements due to increasing demand, funds must be placed in reserve out of the ordinary Budget (Renewal and Extension Reserve),

Article 25

- (1) Public Undertakings must show a profit .
- (2) Statutes must be framed for undertakings without legal representation (City owned undertakings) .
- (3) Budget management, administration of property, and the accounting for each undertaking must be effected in a manner permitting specific inquiry into their administration and financial results.

Article 26

- (1) Loans (annuities, bonds, and other credits, except Cash credits) may only be raised within the extraordinary budget plan.
- (2) Loans may be taken up only for covering extraordinary and indisputable demands so far as other means for covering these demands are not available.

- (3) For each loan a redemption scheme must be set up. Loans which serve to satisfy recurring demands are to be redeemed before these arise anew,

Article 27

- (1) The entire income and expenditure of Greater Berlin are to be calculated for each fiscal year, and inserted in the budget plan. The budget plan is the basis for administering all revenues and expenses. As a rule, the expenses are sanctioned for one year,
- (2) In calculating the budget plan for Greater Berlin, special plans are to be made for the demands of the various Districts. For carrying them through, due discretion is left to each district.
- (3) If by the end of the fiscal year the budget plan for the next year has not yet been compiled, up to the time of application the Magistrat authorized to pay all expenses necessary, for maintaining legally based institutions, to enforce measures which are taken on a legal basis, to fulfil all legally valid obligations of Greater Berlin, and to proceed with work on buildings, supply, and other services for which in the budget plan of the preceding year, expenditure was already sanctioned.

Article 28

- (1) Surplus and extra expenses may only be paid with the approval of the Magistrat. Approval may only be given for indisputable requirements.
- (2) All excessive and extraordinary expenditure requires the subsequent consent of the Representative Bodies.
- (3) Extraordinary expenditure may be paid only if cover payment is assured.

Article 29

Persons in the service of Greater Berlin who are guilty of violating the regulations of Article 28, are responsible to the Corporation for the damage involved. The liability to render such compensation does not arise, if the action was taken in order to avoid a pressing danger to the Corporation which could not be foreseen, and if the contravention of the regulations was not excessive in view of the measures demanded by the emergency.

Article 30

- (1) The **Treasurer** must give the Representative bodies of Greater Berlin an **account** of the utilization of all revenues of the **fiscal** year, in the first **six** months of the following **fiscal** year, and **must submit** a **summary** on the entire assets and liabilities,
- (2) The accounts are to be **examined and** passed by the **Hauptpruefungsamt** on the basis of the budget **plan** and budget calculations, Details **will be** given in **an** Ordinance.
- (3) On the basis of the **examination** and statement of **items** carried through by the **Hauptpruefungsamt**, the Representative **Bodies** decide to **pass** the accounts.

Chapter VIII: PROVISIONS CONCERNING PUBLIC OFFICIALS

Article 31

- (1) All **persons fulfilling** superior duties in the Central Administration, and all **employees** in lead — positions of the Central Administration are appointed, transferred, and dismissed by the Magistrat.
- (2) All persons who have to perform superior duties in the Administrative District, and all **employees** in leading positions of the District are appointed, transferred and dismissed by the **Bezirksamt**,
- (3) The transfer of persons who have to perform superior duties in the service of Berlin from an Administrative District to **the Central Administration**, or from one District to another, is decided **upon** by the Magistrat after hearing the respective **Bezirksamt**.

Article 32

All persons who have to exercise superior duties in the *service* of **Berlin**, in taking over their work, have to swear an oath that they **will** fulfil them **impartially** for the welfare of **all**, and according to the law. They **receive** fixed official remunerations for their work.

Chapter IX: EFFECTIVE LEGAL PROVISIONS

Article 33

- (1) A matter can **only** be regulated by an ordinance, if it is to be generally Legal, **This** ordinance must be framed according to this Constitution, and announced *in* writing and publicly.
- (2) All ordinances are to be published within a term of one month after final resolution, They come into effect, failing other directions, on the seventh day after they are published.

Article 34

The organs which have been appointed or approved by the municipality of Berlin, when this Constitution comes into force, in the Central Administration, as in the District Administration, will exercise the constitutional privileges until new organs are appointed,

Article 35

- (1) This Constitution comes into force on the day of its publication in Greater Berlin. All former directives, which are contrary to this Constitution, become void on the same day, The necessary directives for its execution will be issued by the Magistrat,
- (2) The Stadtverordnetenversammlung will deliberate in public meetings on the Draft of a new Constitution for Greater Berlin. This Draft is to be submitted to the Allied Powers for approval before 1 May 1948. As soon as this approval has been given, elections must be held according to the new Constitution.

Article 36

Except as may be specifically provided by the Allied Control Authority, the independent administration of Greater Berlin is subordinate to the Allied Kommandatura, and that of the Bezirks Administrations to the Military Governments in the respective sectors. All legal enactments which are accepted by the Stadtverordnetenversammlung, as well as ordinances and instructions issued by the Magistrat, must conform to the laws and ordinances of the Allied Powers in Germany and the Allied Kommandatura Berlin, and be sanctioned by the latter.

Alterations in the Constitution, resignation of the Magistrat or of any of its members, as well as the appointment and discharge of **leading** officials of the city administration can only take effect with the sanction of the Allied Kommandatura Berlin,

The Bezirks Administrations are subordinate in their activities to the Military Government in the respective sectors.

This Draft of a Temporary Constitution for Greater Berlin has been elaborated by the Local Government Committee of the Allied Kommandatura,

FELDMAN	GLASER	HAYES	ZIEGELMEYER
Garde Major	Lt. Col.	Major	Capitaine
USSR	U.S.	G.B.	FR.

CORC/P(46)252

3 August 1946

CORC/M(46)39

COORDINATING COMMITTEE

MINUTES

(Meeting of 2 August 1946)

431. PROVISIONAL CONSTITUTION OF GREATER BERLIN.

The Meeting considered CORC/P(46)252.

THE MEETING:

- (431) (a) approved the proposed constitution in principle;
- (b) amended Articles 4, 12, and 36 as shown above;*)
- (c) returned the proposed constitution to the Kommandatura,
- (i) inviting its attention to the foregoing discussion;

*) Articles 4, 12 and 36 are here published in their amended form.

- (ii) requesting it to consider the desirability of amending the constitution to give the Stadtverordnetenversammlung and Bezirksverordnetenversammlungen the right to demand, after due hearing, the dismissal of employees of the Magistrat and Bezirksamter who violate the constitution; and
- (iii) authorizing it to *take* final action on the constitution without further reference to the Coordinating Committee, after having considered the necessity for the amendment referred to in (ii) above.

COORDINATING COMMITTEECoastal Shipping Tonnage left to Germany

(Note by the Allied Secretariat)

The Coordinating Committee, at its Sixty-fifth meeting on 18 July 1946, considered the paper CORC/P(46)233 on the above subject.

In the course of discussion a divergence of opinion became apparent.

The Soviet Member accepted the paper in its entirety,

The American Member stated that the object of the paper was not clear to him, as, according to the Potsdam agreement, Germany must be treated as an economic whole, which principle was reaffirmed at the Council of Foreign Ministers in Paris. This proposal suggested the division of the German coastal shipping among the zones, as though the zones were different countries. The U.S. Member could not agree to this, but was prepared to make available the transport facilities in its zone for use throughout Germany and to combine them with those of any other zone, as soon as a Central German Transport Department was formed. The U.S. Member could not however agree to divide the capital assets of Germany among the four zones.

The British Member pointed out that the proper course was to set up a Central German Transport Organisation to operate this small mercantile fleet in the interests of Germany as a whole. The British Member would not agree to divide up the fleet if this was not agreed by his colleagues,

The British Member proposed as a basis for future discussion the following draft reply to the Tripartite Merchant Marine Commission:

a) The Control Council had provisionally fixed the figure of 175,000 tons carrying capacity, i.e. 200,000 tons d.w.t., as the limit of tonnage to be left for the peace-time needs of Germany.

b) Of the ships allocated to Germany by the Commission in accordance with para (a) of the letter, the effective tonnage available to Germany amounts only to 427 ships totalling 165,526 d.w.t.

c) In view of the **age** and condition of the serviceable and repairable vessels contained in this figure, the Control Council **considers it** to be impossible, without further experience of **six months'** operation, to decide **now whether this figure will** be adequate or not.

d) The Control Council agrees that the Tripartite Merchant Marine Commission can allocate all ships already listed by the Commission in **excess** of the 427. Should additional **ships** be traced, which **have not** already been listed by the Commission, **such ships will not be declared as** available without the consent of the Control Council.

e) With reference to the request of the Tripartite Merchant Marine Commission that **it** should be provided with a list of ships of **less** than 100 **gross registered** tons the Control Council understands that **this matter has received further consideration** by the Commission and, **therefore,** awaits a further communication.

The Coordinating Committee decided to postpone **discussion** of **this paper to a future meeting.**

This paper is submitted for consideration by the Coordinating Committee at its Sixty-eighth meeting.*)

A. A. KUDRIAVTSEV, Major

H. A. GERHARDT, Colonel

K. G. EXHAM, Brigadier

L. J. CALVY

Allied Secretariat

*) see page 51

3 August 1946

CORC/M(46)39

COORDINATING COMMITTEE

MINUTES

(Meeting of 2 August 1946)

434.. COASTAL SHIPPING TONNAGE LEFT TO GERMANY

The Meeting considered CORC/P(46)254.

THE MEETING:

- (434) agreed (a) to instruct the Secretariat to transmit to the Tripartite Merchant Marine Commission the draft letter proposed by the British Delegation,
- (b) to instruct the Transport Directorate to expedite **its** study on the operations of German coastal shipping.

CONTROL COUNCILAmendment to ORDER NO. 4Confiscation of Literature and Material of a Nazi
and Militarist Nature

THE CONTROL COUNCIL ORDERS AS FOLLOWS:

Control Council Order No. 4 is hereby amended by the addition of the following paragraph:

"6. In the interests of research and scholarship, the Zone Commanders (in Berlin the Kommandatura) may preserve a limited number of copies of documents prohibited in paragraph 1. These documents will be kept in special accommodation where they may be used by German scholars and other German persons who have received permission to do so from the Allies, only under strict supervision by the Allied Control Authority.

The Zone Commanders will inform one another through Control Council channels concerning the quantity and titles of those documents, the place where they are preserved and the purposes for which they are being used."

Done at Berlin, the 10th day of August 1946.

/s/ Joseph T. McNarney
/t/ JOSEPH T. MCNARNEY, General

/s/ Sholto Douglas
SHOLTO DOUGLAS
Marshal of the Royal Air Force

/s/ P. Koenig
/t/ P. KOENIG
General d' Armee

/s/ V. Sokolovsky
V. SOKOLOVSKY
Marshal of the Soviet Union

"1800 hours, 15 August 1946, was agreed to as the date of promulgation of Amendment to Control Council Order No. 4." CONL/P(46)55(Final)
10 August 1946

COORDINATING COMMITTEE

Report on the Advantages and Disadvantages of Holding
Joint Meetings of the Military, Naval and Air Directorates

(Note by the Allied Secretariat)

1. The Coordinating Committee at its 59th Meeting on 14 June, 1946 considered the above question.

2. The three Service Directorates were instructed to report on the advantages and disadvantages in meeting as a joint body while awaiting their merger into an Armed Forces Directorate. Joint meetings were held on 10 July, 1946 and 31 July, 1946, the former for the purpose of considering the reports required by Control Council Directives Nos. 22 and 28, the latter for the purpose of considering the question of the establishment of an Armed Forces Directorate.

3. From experience gathered from the above two meetings, the Military, Naval and Air Directorates have arrived at the following conclusions:

(a) Advantages :

More rapid action would be obtained on certain questions of equal and mutual concern where coordination of the three Service Directorates is required.

(b) Disadvantages :

(1) A joint gathering of the three Service Directorates becomes unwieldy and is apt to result in impeding the accomplishment of beneficial results, (i. e. The three Service Directorates from each of the four powers present the problem of twelve representatives who may have separate and distinct opinions).

(2) There are many administrative, secretarial and clerical disadvantages due mainly to the fact that there is no legal basis for joint meetings and no permanent staffs or files provided for. It is not considered advisable to establish separate special staffs and special files for joint meetings since this is at best a temporary expedient.

4. The three Service Directorates recommend to the Coordinating Committee in view of the disadvantages of holding joint meetings that no action be taken prescribing such joint meetings and that the holding of such meetings, pending the formation of an Armed Forces Directorate, be left to the discretion of the Service Directorates,

5. This paper is submitted for the consideration of the Coordinating Committee at its 70th Meeting, to be held on 12th August, 1946,

H. A. GERHARDT, Colonel

R. G. RAW, Lieutenant Colonel

L. J. CALVY

A. A. KUDRIAVTSEV, Major

Allied Secretariat

Approved at BERLIN 12 August 1946

CORC/P(46)262

COORDINATING COMMITTEERadio Frequency Allocation ProcedureEXTENT OF AUTHORITY

It is clearly a responsibility of the Radio Working Party to insure that interference to the radio services of the four occupying nations and any other authorized services in Germany is minimized. At the same time it is a responsibility of the Radio Working Party to insure that radio services in Germany occasion a minimum of interference to radio stations external to Germany.

1. PROCEDURE

All new requests for radio frequencies for the four occupying nations and other authorized Services in Germany will be submitted to the Radio Working Party for the necessary frequency clearance. The four occupying nations should continue with their present allocations and submit only new requirements likely to occasion interference to any of the four occupying nations. All requests should contain the information indicated in the attached "Form for Frequency Allocation Requests".

2. PROCEDURE FOR INTERNAL TRANSMISSIONS

When technical considerations indicate that only services within Germany will be affected, frequencies suitable to the four occupying powers will be selected and allocated for Germany.

As a guide, it is considered that:

- (1) Frequencies for stations employing powers less than 50 watts need not be coordinated between zones.
- (2) Stations employing powers less than 500 watts, non-directional antennas, and frequencies less than 7000 kilocycles also may not be coordinated between zones if they do not interfere with the work of other stations of the Allied Powers.
- (3) Particulars as to the power, frequency, and location of all stations and purpose of civil stations operating within each zone of occupation shall be communicated by the Zone concerned to the Secretariat of the Allied Communications and Posts Committee for information purposes.

3. PROCEDURE FOR EXTERNAL TRANSMISSIONS

When technical considerations indicate that services outside Germany will be affected, frequencies suitable to the four occupying powers will be selected and then external frequency boards in areas likely to be affected will be requested to comment on the proposals of the Radio Working Party,

All correspondence will be conducted through the Secretariat of the Allied Communications and Posts Committee and each secretary will secure the approval of his respective member (or his deputy) prior to the dispatch of any letter,

4. PROCEDURE FOR THE ELIMINATION OF INTERFERENCE

All cases of interference, which may arise between radio services of the four Allied Powers located on the territory of occupied Germany, should be settled by the Radio Working Party. In case of interference among the four occupying nations, this will necessitate a check to determine whether the properly assigned frequencies are being used in conformance with good operation procedure, and to determine remedial action which may involve the reassignment of frequencies. If a station outside Germany is involved negotiations will then be undertaken to obtain a technical solution on questions of interference of German Radio Stations with stations of other countries as well as on questions of interference of radio stations of other countries with German radio stations.

All correspondence will be conducted through the Secretariat of the Allied Communications and Posts Committee and each secretary will secure the approval of his respective member (or his deputy) prior to the dispatch of any letter.

5. GENERAL PRINCIPLES

In conformity with a decision reached at the London Conference concerning civil radio frequencies in liberated countries of Europe/COFILE/ held in September 1945:

- (a) Allocation of the frequencies between the services to be arrived at to be in strict accordance with the Regulations accepted at the Cairo Conference in 1938.

(b) Frequencies allocated to individual countries according to the Lucerne Plan should only be utilized elsewhere subject to the agreement of the country to which these frequencies had been allotted and subject to consideration of the frequencies actually in use in 1939.

Approved at BERLIN 12 Aug 1946

CORC/P(46)265

FORM FOR FREQUENCY ALLOCATION REQUESTS

1. Frequency Desired _____
(Listing Alternates)
2. Location of Transmitter _____
3. Description of Antenna _____
(Characteristics and Orientation if appropriate)
4. Frequency Tolerance of carrier _____
5. Bandwidth of Emission _____
6. Power of Emission (in Antenna) _____
7. Type of Emission _____
8. Type of Service _____
9. Period of Emission if not continuous _____
10. Location of Receiver _____
11. Proposed date of Introduction of Service _____
12. Date of previous registration in Berne _____
13. Any other Remarks _____

CONTROL COUNCIL

Directive No.33

Limitation of Characteristics of Ships Loft at the Disposal of Germany

The Control Council directs as follows:

It is essential for the proper control of the Maritime waters of GERMANY that a few craft should be available to prevent smuggling, illegal fishing and for such other duties as the arrest of vessels which have illegally left harbour.

In anticipation of restrictions which are likely to be imposed on ships and craft allowed to GERMANY and in view of the urgency of establishing adequate Frontier Protection, Customs and Fishery Protection Services, the Control Council authorizes the following:

- (1) (a) The Zonal Authority of each of the three Zones having a seaboard will be permitted to employ not more than 24 vessels of a tonnage not in excess of 100 gross registered tons and a speed not in excess of 20 knots. These craft may be obtained from the nation concerned's share of the ex-German Navy and will be used for Frontier Protection, Customs and Fishery Protection duties,
 - (b) The above craft will be on loan and will never revert to German ownership.
 - (c) The above craft will be commanded by Officers of the nationality of the occupying Power.
- (2) Craft of German status which may be employed by the Frontier Protection, Police, Custom or Fishery Protection Services may have a speed not in excess of 18 knots and a tonnage not in excess of 15 gross registered tons.
 - (3) The craft mentioned in paragraphs (1) and (2) above will be manned by personnel of the frontier Protection, Police, Customs or Fishery Protection Services. Service in the above-mentioned craft will be subject to the same regulations regarding exclusion of personnel of the former German Armed Forces as are applicable in the case of the German police,

- (4) Personnel, in so far as possible, must not be changed.
- (5) All craft will fly the Allied Control Authority flag.
- (6) The Naval Directorate shall have the right to assure itself that the above regulations are being enforced in each Zone,

Done at BERLIN, on the 16th day of August 1946.

LUCIUS D. CLAY
Lieutenant General

B. H. ROBERTSON
Lieutenant General

R. NOIRET
General de Division

F. A. KUROCHKIN
Colonel General

CORC/P(16)264 (Final)

COORDINATING COMMITTEETerms of Reference of the Combined Services Directorate1. TERMS OF REFERENCE OR BASIC RESPONSIBILITIES:

- (a) The Combined Services Directorate will assume all authority, responsibilities, and functions previously vested in or charged to the three Service Directcrates in accordance with the decisions of the Tripartite Conference of Berlin, and as directed in CORC/P(45)2 Final, CORC/P(45)65, CORC/P(46)12, CORC/P(45)190, and the Third Corrigendum to CONL/P(45)69.

In any of the above-mentioned documents where the Military, Naval, or Air Directcrates are named individually or collectively as the responsible agent, the term "Combined Services Directorate": will be substituted.

- (b) To include as additional terms of reference or basic responsibilities the following:
- (i) Authority to deal with all problems of civil aviation pertaining to Germany in accordance with instructions of the Control Council.
 - (ii) The responsibility for keeping a watching brief in all matters affecting the liquidation and possible regrowth of the German war potential and for bringing to the notice of the directorate concerned any facts or tendencies which in the opinion of the Combined Services Directorate might lead to a German military revival, and to watch the execution of all laws, directives, and quadripartite decisions which bear on questions of militarism and propose amendments to these laws as they consider necessary,
 - (iii) Authority to deal with all problem concerning hydrographic services in Germany and control of the German Hydrographic Institute, in accordance with instructions of the Control Council.
 - (iv) Authority to deal with all meteorological problems pertaining to Germany and the responsibility for control of German meteorological organizations in accordance with the instructions of the Control Council.

2. ORGANIZATION

(a) Director

Each member of the Control Council will designate a representative to act as one of the four heads of the Combined Services Directorate with authority to appoint such deputies and staff as necessary.

(b) Committees

(i) It is initially proposed to have the following standing Committees:

Military
Naval
Air

(ii) Additional committees and sub-committees will be appointed as required.

(c) Secretariat

The Secretariat will consist of the necessary staff to perform all functions and provide all facilities necessary for the efficient functioning of the Combined Services Directorate and its committees and sub-committees.

CONTROL COUNCILLAW NO. 34Dissolution of the Wehrmacht

The Control Council: in accordance with Proclamation No. 2, Section I, paragraph 1, of 20th September 1945, enacts as follows:

Article I

The German War Ministries: Oberkommando der Wehrmacht (OKW), Oberkommando des Heeres (OKH) Reichsluftfahrtministerium (RLM), and Oberkommando der Kriegsmarine (OKM), all German land, naval and air forces, with all their organizations, staffs, and institutions, including the general staff, the officers corps, reserve corps, military schools, war veterans organizations, and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, are hereby considered disbanded, completely dissolved and declared illegal.

Article II

The maintenance, formation and reconstitution of any of the agencies or organizations enumerated in Article I under any name or form whatsoever, and the taking over of all or any of the functions of such agencies or organizations in the future by other agencies is prohibited and declared illegal.

Article III

All legislation is hereby repealed concerning the organization of the armed forces and quasi-military organizations, and also all laws, orders, instructions, decrees, regulations, ordinances, military criminal and military criminal procedure codes and other legislative measures which concern military service, the registration of those liable thereto, training, administration, disciplinary rights, property, uniforms, decorations, the legal status and privileges of military and ex-military personnel and members of quasi-military organizations and their families,

Article IV

All property of whatever nature owned by the organizations enumerated in Article I of this Law is subject to confiscation by order of the Zone Commander.

Article V

Any person violating or attempting to violate any of the provisions of this Law shall be liable to criminal prosecution before a Military Government Court and such punishment, including the death penalty, as the court may direct,

Article VI

This Law becomes effective on the day of publication.

Done at BERLIN the 20th day of August 1946.

JOSEPH T. McMERNEY
General

SHOLTO DOUGLAS
Marshal of the Royal Air Force

R. NOIRET
General de Division
for P. KOENIG, General d'Armee

V. SOKOLOVSKY
Marshal of the Soviet Union

"The date of publication is 26 August 1946 at 1800 hours".

CONL/P(46)56(Final)
20 August 1946