

# **INJUSTICE THE REGIME**

**Documentary Evidence  
of the Systematic Violation of Legal Rights  
in the Soviet Zone of Germany**

**1954 — 1958**

**Verlag für Internationalen Kulturaustausch  
Berlin-Zehlendorf-West**

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The present English edition of "Injustice The Regime", is an extract of the document collection "Unrecht als System", III. Part, which contains 408 documents. The document numbers used in the German edition have been added (in brackets) to each document in order to facilitate reference to further relevant documents in the German edition.

"Unrecht als System", Teil III, will be supplied on substantiated request for scientific and official use, by

Büro Bonner Berichte,  
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The first two volumes of the Document Collection "Injustice The Regime", compiled by the Investigating Committee of Free Jurists in West Berlin and published by the German Federal Ministry for All-German Problems in the years 1952 and 1954, are now followed by the third collection of documents which the Investigating Committee of Free Jurists submits to the public, and especially to the jurists in the whole world, in order to call their attention again to the abuse of law and violations of fundamental rights perpetrated by administrative and judicial authorities of the Soviet Zone of Germany under directives of those possessing the political power in Middle Germany.

After the III. Conference of the Socialist Unit Party (SED) of the Soviet Zone in the spring of 1956, we had hoped in the interest of the Middle German population that there would be no more reason to publish another volume of documents to give evidence of the methods by which, and the manner how the Soviet Zone regime trespasses the principles of the rule of law in order to achieve their political aims.

Competent functionaries of the party, state, and jurisdiction of the Soviet Zone had admitted, during and immediately after the III. Party Conference, the illegal measures and violations of fundamental rights proved by the documents in the first two parts of this Collection. Although the inhabitants of the Soviet Zone hesitated to believe in the promises made to them that more attention should be paid to civilian rights, they still fostered the hope that these promises would be carried into effect.

These hopes were thoroughly destroyed by the resolutions taken at the 30th and 33rd plenary sessions of the Central Committee of the SED. The party then ordered all "tendencies of liberalisation" to be done away with; and in compliance with this order all suggestions which might have resulted in the principles of the rule of law being observed, were sharply rejected.

The 35th plenary session of the SED then led to the application of considerably sharper methods aimed at the "building of socialism" which culminated in the demands set up at the V. Party Rally of the SED in July, 1958.

The consequences of this policy which was carried out strictly without regard to law and justice, expressed themselves in the terrific increase in the number of refugees from the Soviet Zone. It is with great concern and deep sympathy that this development is witnessed not only by the Federal Republic of Germany, but by the entire free world.

The Document Collection "Injustice The Regime" reveals the causes of this stream of refugees constantly flowing to the west. It makes it clear especially to the jurists, what almost unimaginable consequences result from the abuse of law as a means for the achievement of political aims.

Statements made by administrative offices, courts, and leading personalities of the Soviet Zone are reproduced herein to deliver an objective report on the judicial and administrative practice of the Soviet Zone, and to help the reader in gaining a true impression of a system of law, whose representatives assiduously ignore the violations of law and arbitrary actions committed in the name of "socialist justice" which they so eagerly propagate.

*Walther Rosenthal*

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### List of Abbreviations

ABV	Section commissioner of the People's Police
AZKW	Office for Customs and Control of Merchandise Transports
BDVP	District Administration of the German People's Police
BGL	Trade Union Works Management
BPA	District Post Office
CDU	Christian Democratic Party
DEB	Democratic Peasants' Party of Germany
DEFA	Deutsche Film-Aktiengesellschaft (German Film Corporation)
DFD	Democratic Women's League of Germany
DHZ	Deutsche Handels-Zentrale (German Trade Central Office)
DIA	Deutscher Innen- und Aussenhandel (German Interzonal and Foreign Trade)
DN, DNB	Deutsche Notenbank
DP	German Post
DSF	German-Soviet Friendship League
DVP	German People's Police
FDGB	Free German Trade Unions' League
FDJ	Free German Youth
GBL	Law Gazette
HO	Trade Organisation
HPA	Main Post Office
HPS	Police High School
HVDVP	Main Administration of the German People's Police
KPdSU	Communist Party of the Soviet Union
KRD, KD	Control Council Directive
LDPD	Liberal Democratic Party
LPG	Agricultural Production Collective (kolkhoze)
MfS	Ministry for State Security
MPF	Ministry for Post and Tele-Communication
MTS	Motor and Tractor Station
NDPD	National Democratic Party of Germany
NF	National Front



PA .....	Post Office
PKA .....	Parcel Control Office
RAW .....	Railway Repair Works
RIAS .....	Radio in the American Sector
SED .....	Socialist Unit Party of Germany
SSD .....	State Security Service
STA .....	Public Prosecutor
STEG .....	Act Amending the Criminal Code
StGB .....	Criminal Code
StPO .....	Criminal Procedure Act
VdgB .....	Peasants' Mutual Relief Association
VE .....	People's Property
VEB .....	People-owned enterprise
VO .....	Order
VP .....	People's Police
VPKA .....	People's Police Circuit Office
VVB .....	Association of People-owned Enterprises
WStVO .....	Economic Penal Order
ZK .....	Central Committee
ZKK .....	Central Control Commission
ZSdVP .....	Central School of the People's Police

**I.**  
**CONSTITUTIONAL LAW**  
**AND**  
**ADMINISTRATIVE LAW**

# The Rule of the SED

## SED claims Leadership

*Article 3 of the Soviet Zone constitution stipulates: All public power issues from the people. It is in accordance with this principle that under article 51, paragraph 2 of the constitution, the members of the Volkskammer (People's Chamber) shall be elected by general, equal, direct, and secret elections according to the principles of proportional representation. The same principles apply, under articles 109 and 140 of the constitution, to the creating of all local governments in the Soviet Zone of Germany, e. g., in the districts and communities. The members of the People's Chamber — and accordingly the members of all local level government organs — are representatives of the whole people. They are subject to their conscience only and are not bound by any orders (art. 51, par. 3). Therefore, according to the stipulations of the soviet zonal constitution, the will of the whole people is to be determined by free elections and represented by independent people's representatives. It is in contradiction to these constitutional principles that a single layer or class is considered to be the sole holder of the State's power.*

*The Socialist Unit Party (SED), the communist party of the Soviet Zone, according to the doctrine of Marxism-Leninism, conceives the State as an instrument of the ruling class. The so-called German Democratic Republic is considered to be "the first German State in history", in which the working class, in confederation with the working farmers, exercises the political power, and in which the dictatorship of the proletariat was established. As a result of these concepts, the people's representatives of the Soviet Zone are not democratic representative bodies, but are organs, in which the most active political powers under the leadership of the SED put into effect the will of the ruling class. For this reason, the local level government organs are not created by true elections, but are composed by means of unit lists made up according to class principles. By this method, and in contradiction to the constitutional law in force, a limited section of the population becomes the sole holder of the State power. At the same time, the SED as the "conscious vanguard" of the ruling class, lays claim to absolute leadership in all political, economic, and cultural questions. The resolutions of the party allegedly carry into effect the doctrines of Marxism-Leninism with a view to the actual situation in the Soviet Zone of Germany. They form the basis for all activities of the people's representatives and of the other State organs. This state of affairs is expressly emphasized in the preambles to the Law on the Local Organs of the State Power, dated January 18, 1957 (Document 1), and the Law on the Perfection and Simplification of the Work of the State Machinery, dated February 11, 1958 (Document 2):*

## DOCUMENT I (1)

### Law on the Local Organs of the State Power of January 18, 1957

(Law Gazette I, p. 65)

In the German Democratic Republic, the people's democratic order is developing, **in which the worker's class, in confederation with the working peasantry and other working classes, exercises the political power and builds up socialism.**

The State of Workers and Farmers, the German Democratic Republic, was formed in the struggle for the political and economic freedom of the people by abolishing the power of monopolists and junkers. It was created on the basis of the unit of the workers' class and its firm alliance to the working peasantry, as well as in close cooperation with all democratic and national powers of the people. It was tested and strengthened by the struggle for the transfer of the most important means of production into people's property, for the carrying out of the land reform, and for breaking the monopoly of education by the possessing classes.

The road was cleared to a thorough revolutionary reformation of all aspects of social life. It was for the first time in the history of the German people for the talents and capabilities of the broad masses to develop freely. A huge upheaval of consciousness, of initiative, activity, and of the working discipline of workers, farmers, and the whole working population took place. They learned to lead their State and to turn it into an effective instrument of economic and cultural construction.

The working masses were made the masters of the country and directed the political and economic development according to the will and interest of the majority of the people. This is an expression of socialist democracy which is superior to bourgeois democracy. Socialist democracy is an expression of the people's sovereignty. It also forms the basis for the sovereignty of the State, the German Democratic Republic.

The building of socialism leads to a more and more conscious and active participation of the working masses in the solving of political, economic, and cultural tasks.

In the German Democratic Republic, the will of the people is carried into effect by its parliaments and their organs which are elected by general, equal, direct, and secret elections. Through the parliaments, the whole population participates in the management of the State. **The parliaments are basing their work on the National Front of democratic Germany, within which the democratic parties and mass organisations as well all democratic forces are cooperating.**

The people's representatives in the German Democratic Republic and the organs of the state machinery, being the resolving and executive organs, form the homogenous system of the power of workers and farmers. The

people's representatives constituting the supreme institutions of the power of state, direct the entire political, economic, and cultural constructive effort. It is therefore important to further strengthen the power of state as the most important instrument for building socialism.

The power of workers and farmers has paved the road on which the German Democratic Republic can proceed into the family of the states of the socialist camp. The close cooperation with the liberated peoples of the socialist camp is one of the sources of the indestructible power of the workers and farmers.

The growing strength and development of the power of workers and farmers in the German Democratic Republic enables the German people to build the socialist order of society which means peace and freedom, prosperity and happiness for all working men.

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## DOCUMENT 2 (2)

### Law

#### on the Perfection and Simplification of the Work of the State Machinery in the German Democratic Republic

of February 11, 1958  
(Law Gazette I, p. 117)

Considerable successes have been achieved in all spheres of social and economic life in the German Democratic Republic, the first German state of workers and peasants. These successes have been made possible by the abolition of the political and economic power of the monopolists and junkers; they are the result of the thorough revolutionary reformation of society carried out under the leadership of the labouring class. The labouring class of the German Democratic Republic, in confederation with the working farmers and in close cooperation with all other working classes, removed the roots of German imperialism and created the people's democratic order, and hence the basis for the peaceful and democratic development in the whole of Germany. The workers and peasants consciously shaped their own lives by taking into their hands the power of the state and by developing it into an instrument of socialist construction. ....

As a fundamental task, the development of the new social order called for the forming and continual strengthening of the rule of the workers' class in confederation with the working farmers and the other working classes. It is for the first time in the history of Germany that the conscious control of social development is warranted by the rule of the class of workers. The strengthening of the power of workers and farmers makes it necessary to establish closer relations between the power of State and the population, to further develop the new socialist democracy, and to increase its effectiveness against imperialist enemies and for the protection of socialist achievements. ....

The great economic and cultural elevation achieved in the German Democratic Republic demonstrates the superiority of the socialist order of society over capitalism, its huge power and stability, which are based on the increasing socialist property and the strengthening of the socialist system of economy as the economic basis of the State. In the German Democratic Republic, 88.8 per cent of the gross production of industry are produced in socialist enterprises; 92.7 per cent of transports in traffic are carried out by people-owned enterprises. The socialist sector of agriculture already comprises 33.7 per cent of the agricultural area; in agriculture, too, the superiority of the socialist method of production stands out more and more clearly and is expressed especially by the strengthening of existing and the forming of new agricultural collectives. The advancing socialist reformation of society continually makes higher demands on the organs of the state of workers and farmers, calls for a continual development and perfection of the state machinery, its organisation, and working method. The present state of the political and economic development in the German Democratic Republic and the tasks of further socialist construction therefore require a thorough and comprehensive improvement and simplification of the work of the state machinery. The growing demands made on the state organs, call for a high consciousness and better working style of all co-operators; they require socialist methods to be developed and the people and their political ideological education to be directed by the State. **The organs of the state of workers and peasants are confronted with the great task, under the leadership of the workers' class and in cooperation with the social organisations to conduct the struggle for the vanquishing of old bourgeois capitalist relations between men and for the development of new socialist relations.**

The unity of strict central planning and management on the one hand, and maximum participation of the workers in directing the State and economy on the other hand, has to be improved by the perfection and simplification of the work of the state machinery. The quality of planning work has to be decisively improved, and the strict carrying out of the uniform state plan has to be secured. The trade unions, the other mass organisations as well as the committees of the National Front of Democratic Germany should be given greater possibilities to cooperate more intensively in the preparation and carrying out of the plans. They are requested to make use of these possibilities. ....

It is necessary for all state organs to apply the results of the science of Marxism-Leninism according to the actual conditions of social structure. ....

The growing perfection and simplification of the work of the state machinery leads to a steady increase of material production and to the strengthening of the power of workers and farmers in the German Democratic Republic. This in conformity with the interests of the socialist camp and serves in redeeming the high obligation which the German Democratic Republic has to meet as a member of the community of socialist states.

**The fortification of the people's democratic order on German territory, the growing superiority of the state of workers and farmers in comparison to the imperialist regime in West Germany will make it even more evident that the victory of the grand ideas of peace, democracy and socialism as realized in the German Democratic Republic, is inevitable in the whole of Germany.**

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### **Justification of the SED Regime**

*For years past, by word of mouth and in writing, in innumerable lectures and articles in newspapers and periodicals, in pamphlets and books, the SED has repeated its claim to rule the governing class, and hence the State. The communist political science in the Soviet Zone also deals with this problem and attempts to justify this claim of the SED by stating that the party alone, "based on the science of Marxism-Leninism", is in a position in every situation and in all questions to make the correct decisions and to order the appropriate measures to be taken. Furthermore it is emphasized that the "science of Marxism-Leninism" orders the entire political life and the state to be conducted by a revolutionary party in order to arrive at "socialist democracy". In doing so it is presumed that the will of those subjected to such leadership, i. e. the working classes, will always be identical with the will of the party. Any deviation from the will of the party is allegedly due to the influence of class-inimical and reactionary tendencies opposed to the "true interests of the working classes". Neither the working classes nor the other strata of the population are given an opportunity to bring their will freely to bear.*

### **DOCUMENT 3 (3)**

**Quoted from:** "The building of Socialism is impossible without the marxist-leninist Party."

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The whole work of the Party is based on Marxism-Leninism which is the most advanced science. It is therefore an unsubvertible law for the existence of the power of workers and farmers and for the successful solving of the historical tasks of the workers' class that the State of workers and farmers be led by a marxist-leninist party. The principal instrument in building socialism is the state power of the workers and farmers. The marxist-leninist party whose work is dedicated to building a socialist order of society, therefore has the supreme task to continually work at the fortification and development of this state power. It thereby serves its socialist aim, the social interests of the German workers' class and of the other working classes, as well as the national interests of the German people.

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**The Party realises its leading role in the political and state life of the German Democratic Republic as well as in the struggle for securing peace**

and for the establishment of the national unity of Germany on a peaceful and democratic basis **with the aid of the organs of the State also.** It was stated at the II. Party Conference that the Power of State is the main instrument in the building of socialism. **Accordingly, the directives and fundamental problems of the workers of the State organs are settled by the Party.** There is no question of any importance and significance in the work of the State organs which is not deliberated upon and resolved by the Party. **The laws and orders of the Government therefore are always the opinion of the Party also.** Here are some examples to demonstrate this.

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Directives for the further fortification of the power of workers and farmers in the German Democratic Republic were issued at the 3rd Party Conference. .... The result of these multifarious discussions was summarized in the draft law on the local organs of the State power, **passed by the Central Committee, and submitted to the Government and People's Chamber for resolution.** This law on the local organs of the State power, whose preamble contains a characteristic of the power of workers and peasants, which is determinative for all state organs and for the National Front of Democratic Germany, states explicitly that the whole population participates in the management of the State through the people's representatives.

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However, the statement of the leading role of the Party in carrying out our political tasks does not imply that the Party and the power of State are identical. The Party does not exercise directly any function of the State power, *nor will it do so in the future*; however it makes its leadership effective through the organs and organisations of the State and society. **Therefore, the Party lays down the direction of the entire activity of the organs of State and economy and provides them with directives;** it controls the work of the State organs and helps to overcome difficulties.

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The resolutions of the Party, which are based upon a careful analysis of the conditions of our life and work, and on the creative application of marxism-leninism, provide all organs and organisations as well as the population of the GDR with information and directives for the further development of the building of socialism, for the fortification and strengthening of the German Democratic Republic.

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**Soucre:** "The leading role of the SED in the building of Socialism in the GDR." Circle for the study of some fundamental questions of the policy of the Party; edited by the Central Committee of the SED, Dietz Verlag, Berlin, 1957, pp. 77.



## DOCUMENT 4 (4)

**Quoted from:** "The creative Role of the broad Masses and the State",  
a contribution to the dialectics of political sciences, by  
Professor Dr. Polak, Berlin.

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We have removed the economic and political power of bourgeoisie in the German Democratic Republic. Our Power of Workers and Peasants performs the **historical task of the distatorship of the proletariat**. We lead the masses to where they have to go, to the knowledge of their true role in historical development, in the history of the nation. We thereby make them conscious of what is socially necessary. Up to now, the immeasurable creative powers of our people were usurped by the worst enemies of the nation, the monopolists, junkers, and militarists, who continue to do so where they are still in power, and were directed in war and senseless destruction against the people, the creator of immeasurable wealth. This, too, led us to the recognition that the masses, if they intended to build their lives on a firm foundation, had to do away with these usurpers. To do this, political power is required, which enables the masses to grow with the growth of their creative powers and thus to become the generator of social progress.

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To provide forms of organisation which are suited to the development of society, is the task of our socialist state, whose leading power, whose political core is to be seen in the class of workers and their marxist-leninist party.

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If our next tasks consist in increasing the power of our State as the force organising social development, the first prerequisite is the **closest connection between the State and the party of the workers' class**. It is not superfluous in this connection to repeat the truth that there is no State and no Law "per se". Every state is a class state, and this applies to Law also — not only as regards the "contents", but the "form" also. For the form is the realisation of the contents. The traditional ideas and forms are bourgeois, and unless we use all our energy in breaking them down and elaborating the proletarian forms necessary for establishing Society, the bourgeois forms will govern, for they are more elaborated, older, they have a tradition, they have penetrated into the consciousness of people and have subjected their thoughts and actions which spontaneously run along these old trails. Only the whole consciousness and energy of the proletariat can lift them out of these tracks and lead them into the new, socialist paths.

**The highest organisation of the class, the Party**, is the political power which creates the socialist State. The workers' class cannot fulfil its supreme task, if it fails to develop the State as the organisation of

political power to be the instrument for the performance of this task, and the socialist State will be unable to carry out its historical mission unless it is closely connected with the class and its supreme organisation, the Party.

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Source: "State and Law in the light of the Great October", anniversary publication for the 40th anniversary of the October Revolution. VEB Deutscher Zentralverlag Berlin, 1957, pp. 72.

## DOCUMENT 5 (6)

Quoted from: "The Role of the Party in the State of Workers and Farmers."

All successes hitherto obtained in the political, economical, and cultural spheres could be achieved only because our party, the SED, developed into a marxist-leninist party, a party of a new type; they could be achieved only because our party, directed by the doctrines of marxism-leninism, has carried into effect the unity of the workers' class and the alliance with the working farmers. ....

In order that the power of workers and farmers may perform its tasks in the period of transition from capitalism to socialism, the existence of a steering, directing force, of organisations, "gears" or "levers" is necessary which unite the workers' class and all other workers in the building of socialism.

These levers or gears are to be seen in the mass organisations, the trade unions, the councils of the districts and circuits with their commissions, the cooperative societies, the FDJ (Free German Youth), and the National Front of democratic Germany.

The steering force is embodied by the most advanced division of the proletariat, its vanguard, the marxist-leninist party, which coordinates the work of all these organisations and directs them to one aim, to the fortification and strengthening of the power of workers and farmers.

This means that our Party, the Socialist Unit Party of Germany, is the leading force in our State of workers and farmers.

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The Socialist Unit Party is the most important party, the leading force in our society. Without the leadership of the SED, the power of workers and farmers in the German Democratic Republic could not exist, the enemies of the workers and farmers, the monopolists, junkers, and militarists would achieve victory. ....

The enemies of the power of our workers and farmers say that the German Democratic Republic is a "dictatorship of the SED, that the government is under the control of the SED". This lie is not new. It was used already against the first State of workers and farmers, the Socialist Soviet Union, and its party, the Communist Party of the Soviet Union. J. W. Stalin has given the right answer. He said:

"All depends on what is understood by control. In the capitalist country, one has a somewhat strange opinion of control. I know that quite a number of capitalist governments are controlled by large banks, in spite of the existence of "democratic" parliaments. . . . . Who should not know that there is not a single capitalist "big power", in which a cabinet could be formed against the will of the large financial magnates; they only have to exercise financial pressure- and the ministers tumble from their seats lie puppets. This is real control, the control of governments by banks, in contrast to the alleged control by the parliaments. If there is a question of any such control, I must declare that a control of government by money-bags is unthinkable and quite impossible with us, for the reason that the banks here were nationalised a long time ago, and that the money-bags have been thrown out of the USSR" (Stalin, Works, vol. 10, p. 88).

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The Party, which counts some hundreds of thousands of members, is the leading power in the State and its institutions, the councils of the districts and circuits, the people's representatives from the People's Chamber to the community representatives; it is the leading power in economy and in the mass organisations, but it cannot and must not replace them. Its role as a leader of the masses is based upon the confidence of the majority of the workers and working population in general. **It is in the name of this majority that it leads the government organs also.** Its leadership is expressed by the fact that the Party selects and nominates its best functionaries who are most devoted to the cause of the workers' class, to hold positions of the State and society; it is further expressed by the fact that the Party directs and examines the work of administrative organs and of the organs of the State power, removes faults and deficiencies in their work, and renders active help in carrying out resolutions of the government. The Party concentrates all its efforts on securing the support of the masses for the organs of the power of workers and farmers and to employ the masses actively in the work of the State organs. **Not a single decision is made without the steering directives of our Party.** Thus, for instance, the Central Committee of the SED, at its 25th session, has set a number of tasks in order to overcome essential shortcomings in the work of the state machinery.

The leading role of the Party is further expressed by the fact that in all spheres of industry and agriculture, commerce, cultural development, the Party issues directives which determine the character and direction of work to be done in this or that field.

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**Source:** "The German Democratic Republic — the first State of Workers and Farmers in the History of Germany — the Basis in the Struggle for the National Reunification of Germany". Instruction Material for the Annual Party Courses. Edited by the Central Committee of the SED, Dietz Verlag, Berlin, 1956, VII, pp.107.

## State Organs subordinated under the Party

*The various treatises already show that the will of the party is determinative in all questions. However, an investigation of the methods and forms chosen for the purpose of enforcing the will of the SED will reveal that this party of the so-called German Democratic Republic has established an unrestricted dictatorship. Although no mention is made of a "unity of the Party and State", such a dependency has been established by the party with the result that no state officials or institution can take any decision without or against the will of the SED. The statutes of the SED stipulate indeed that the SED gives directives to and controls all State organisations. Under the party statutes, the members of the SED have to carry out their work in the organs of the State and economy in accordance with the resolutions of the party. "Party discipline" is compared to "State discipline". The activities of the people's representatives are bound to the so-called "National Front", which in turn is led by the SED. Even official text books admit that the work of the State administration and of all institutions of the State is ruled by the will of the party as the supreme principle. All State organs are executors of the will of the party.*

## DOCUMENT 6 (7)

### Statutes

#### of the Socialist Unit Party of Germany passed by the IV. Party Rally of the Socialist Unit Party of Germany Berlin, March 30, to April 6, 1954

The Socialist Unit Party of Germany is the party of the German workers' class, its conscious and organised vanguard. It unites in its ranks members of the workers' class, of the working peasantry and working intelligentsia. The Party is guided by Marxism-Leninism in all its activities. The Party is the leading force of all organisations of the workers' class and the working population, of the social and State organisations, and conducts the building of socialism successfully. It works steadily at the fortification and development of the State power of workers and farmers.

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2. The party member is obliged:

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g) to carry out his work in the organisation of the State and economy as well as in the mass organisations according to the resolutions of the Party and in the interest of the working population; to observe the party and state discipline which is equally binding upon all party members. Any person violating the party and state discipline, shall be made responsible for such violation independent of his merits and the position he occupies.

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## DOCUMENT 7 (8)

**Quoted from:** "The Political Science of Marxism-Leninism and its Application in Germany." By Walter Ulbricht. The Political Science and Experiences of the Practice.

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The People's Chamber is the concentration of all political forces of the people under the leadership of the worker's class which, in closest confederation with the working peasantry, **exercises the political power under the control of the party of the workers' class**, with the aim to achieve the transition from capitalism to socialism, shaping the production and social conditions to become a power consciously propelling the social development and thereby allowing the productive elements and talents and capabilities of the people to be fully developed. The People's Chamber is based upon the National Front of Democratic Germany which, comprising all parties and mass organisations **under the leadership of the Socialist Unit Party of Germany**, embodies the great social force leading the whole people forward on the road towards peace, democracy, and socialism.

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The People's Chamber steers all organs of the State, **which are organs of the rule of the workers' class**, to employ the masses in building socialism and hence in building society; to conduct the struggle for persuading the masses to abandon the old bourgeois capitalist tradition of spontaneity, of old usages of thought and life and to accept the new socialist principles of social consciousness, of adjusting their thoughts and actions in relation to society and its development.

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### V.

The creative application of the marxist-leninist political science to problems of the people's democratic State and of the building of socialism in the GDR

What are the tasks in regard to the development of the political science and jurisprudence in the service of the socialist development in the GDR and against the residual positions of bourgeois ideologies in political sciences and jurisprudence?

1. The decisive power to make changes results in providing the party organisations at the institutes for jurisprudence and political sciences with absolutely clear ideas for the creative application of the marxist-leninist state doctrine for the building of socialism in the GDR.

The party organisations should see to it that the comrades lawyers and political scientists study accurately the **resolutions of the Party, of the People's Chamber and Government of the GDR**. They should be aware of the fact that **the line of our policy of building socialism is definitely worked out in the resolutions of the Party and will be carried into effect**

step by step. This of the most eminent importance for the whole activity of the state machinery. Political sciences should help to direct the State organs in this sense. ....

The party organisations should develop a systematic fight for a deep, thorough, and controlled study of marxism-leninism by every comrade lawyer and political scientist. They should enable the comrades by systematic party education to conduct this study of marxism-leninism in direct connection with the daily political struggle for the enforcement of the party line. They should develop the feeling of responsibility to the party among the comrades lawyers and political scientists.

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**Source:** Speech of the First Secretary of the Central Committee of the SED, held at the conference for jurisprudence and political sciences in Babelsberg on April 2, and 3, 1958, Supplement to the periodical "Socialist Democracy", organ of the permanent representations. p.152.

#### DOCUMENT 8 (10)

**Quoted from:** "The State Administration in the German Democratic Republic — an Activity of our State of Workers and Farmers."

§ 1 c. 1: Definition of State Administration in the German Democratic Republic.

The state administration in the German Democratic Republic is the executive and directs the work of the organs constitutionally entrusted therewith by our State of workers and farmers. It is carried out under the direction of the party of the workers' class, the Socialist Unit Party of Germany, on the basis of and in accordance with the law. It is a directing, creative, organising activity of the State, aimed at serving the people to pave the road towards a new social, economic, and cultural life, to suppress the enemies of peace and of democracy, to destroy the spies and diversants of the imperialist powers and their Bonn government.

As the state administration fulfils these tasks, it serves above all the maintenance of peace in Europe, it furthers actively the democratic reunification of Germany, supports the struggle of all patriots in the East and West of our German country striving to establish a united democratic and peaceful State.

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**Source:** "Fundamental Problems of Administrative Law in the GDR", Education Program for Studies at the German Academy for Political Sciences and Jurisprudence "Walter Ulbricht", Babelsberg, VEB Deutscher Zentralverlag, Berlin 1955, Theme 1, p. 7.

## Principal Forms of the Party Rule

*Apart from numerous individual methods, the SED uses four principal forms of carrying its rule into effect. These principal forms alone provide for a complete supervision and control, so that the enforcement of the will of the party appears to be ensured at any time. The party not only determines the direction to be followed and not only decides upon all principal questions, but it also intervenes with the work of all State organs and institutions directly. For this purpose it was necessary to form party organs in all people's representative bodies, in the State administration as well as in all public institutions, such party organs consisting of SED members who insure that the directives of the party are enforced. Supervising organs of the party have to be instituted even at short congresses, sessions, or conferences. All spheres of social life are penetrated so completely (resulting in far-reaching consequences for the private life of the citizens) that no decisions of any importance can be made without or against the will of the party. The so-called people's democratic order therefore manifests itself as a dictatorship of the SED in contradiction to the constitutional law formally in force.*

### DOCUMENT 9 (11)

**Quoted from:** "The Party in the State Machinery, especially in the Plan Commissions of the Councils of districts and circuits."

Conference Material, uncorrected!

(For service use only)

Report of comrade Jahn, cooperator of the Central Committee, held at the Working Conference of the Chairmen of the Local Plan Commissions, from February 10, to 16, 1956.

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The close connection between the party and State results in the obligation of each State functionary to enforce the party policy in the State machinery. This means that **the Party organs direct the State organs without subjecting them.**

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Which are the principal forms in which our Party directs the State organs? There are four principal forms.

1st Principal Form:

Identity of the heads of the party organs with the heads of the State organs.

Lenin said in this connection that "the heads of the party organs and Soviet organs are, and will be identical with us".

The Statutes of our Party stipulate under item 40:

"The Central Committee sends representatives into the highest leading organs of the State machinery and economy, confirms its candidates for the People's National Chamber and State Chambers."

The leading comrades of the Central Committee thus are members of the

People's Chamber and of the government; they exercise responsible functions as State functionaries and as party functionaries at the same time. Similarly, the heads of the party are merged in the district and circuit. This merger of the party and State is the most important prerequisite for the implementation of the party policy by State organs. This, of course, is based upon the presumed unlimited confidence of the masses in the party. For it is with the aid of the masses that the best functionaries of the party are elected or installed in the most important positions of the State machinery.

2nd Principal Form:

No important question arising in the State machinery is decided without directives of the party organs.

These directives of the party organs are based upon the rich experience of the best workers in industry, agriculture, science, culture, etc. **The resolutions of the party are the highest scientific generalization of the political and state practice;** they are the expression of the will and interests of the workers' class. They are the expression of the interests of the other working people also; finally, they are the expression of the interests of all levels of the working population.

**Hence, our laws enacted on the basis of the resolutions of our party, according to their contents, are nothing but the will of the working people provided with the authority of the State.**

The party of the workers' class is appointed and able to orientate itself accurately in every situation, to foresee the course of events, to determine the political line and the tasks of the period being. It possesses this capability thanks to its science, the Marxism-Leninism which supplies it with the knowledge of the laws of social development and of political struggle, with the great experiences of the revolutionary struggle of the proletariat in all countries. Thus, its resolutions and directives are at the same time the guiding instructions to the organs of our State power, to the mass organisations, and other social institutions.

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The utilisation of party resolutions, especially of resolutions of the plenaries of the Central Committee, by the Minister Council and other state institutions, such as our planning organs, demonstrates the direct connection between these resolutions of the party and their execution by the State machinery, illustrates the direct connection between the will and the actions of the party, and the fast carrying into effect of party resolutions by the State.

The party organs also give directives to the State organs elaborating the working plans, stating the objects and aims of the work to be done in the working sphere of the state organ concerned.

3rd Principal Form:

Realization of the leading role of the parts through the party groups in elected state organs.

The Statutes provide under Section IV:

**"The Central Committee steers the work of the elected social and state organs and organisations through the medium of party groups existing within them."**



In Section XI of the Party Statutes, the object of the work of the party groups is specified as follows:

**"Party groups shall be organised at all congresses, conferences, and in the elected organs of the State and mass organisations, the groups to consist of at least three members. It is the task of these party groups to strengthen the influence of the party on all sides, to carry out its policy in respect of the partyless, to fortify the party and state discipline, to conduct the fight against bureaucratism, and to supervise the carrying out of party and government resolutions."**

There is no doubt that the activities of the party groups are of great importance for the enforcement of the party policy in the elected organs of the State. How much work still lies before us in order to improve the quality of the work of our elected State organs (the people's representations), has become apparent from the discussions held during the visit of the delegation of the Supreme Soviet of the USSR.

4th Principal Form:

Realization of the leading role of the party through its basic organisations in the State machinery.

This is the decisive form for your party work.

The work of the party members in the State machinery is controlled by the basic organisations of which they are members. All party members, regardless of their position in the State, are subject to the control by the party, i. e., both by the leading party organs and the basic organisations. The basic organisations particularly secure the necessary party and State discipline of all their members and candidates.

**The party controls the activity of the State organs.** It corrects mistakes made and helps to remove existing faults. The party renders its aid in carrying out the laws, decrees, and resolutions especially by securing the cooperation and support of the masses. The control of the work of the State organs is carried out by the corresponding leading party organs.

The working method of the party organisations in the State machinery should be such that it mobilises all party members and through them all other workers in the State machinery, enabling them to carry out the party policy successfully. Accordingly, the party organisations have to occupy themselves with the decisive questions of the work in the respective State organs. Without knowledge of the conditions in their machinery, without mastering their working field thoroughly, they will not be able to perform their principal task of mobilising all members for the quick, unbureaucratic and consequential execution of measures to be taken by the State.

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## DOCUMENT 10 (12)

Berlin, May 6, 1958

The clerk P. E., born in ..... on ....., now residing in Berlin-Marienfelde, Marienfelder Allee, appears and declares:

For several years, up to the time of my flight, I was working as a Kreistag delegate and member of the Circuit Council of a circuit administration in the Soviet Zone. All important decisions made by the Circuit

Council or the Kreistag during this period, were previously deliberated and resolved by the so-called delegate groups of the SED in the Kreistag or Circuit Council. These delegate groups or party groups (in the special divisions) are organisational forms of the Socialist Unit Party or of the people's representation. The delegate group of the Council as well as the delegate groups of the Kreistag is comprised of all members of the SED, no matter whether they have been nominated by the SED itself or by the so-called mass organisations (FDGB = Trade union, DFD = Democratic Women's League, FDJ = Free German Youth, Konsum = Cooperative Society, VdGB = Formers' Mutual Relief Association). **It is important that there is no legal basis for the forming of such delegate groups of the SED.** The members of the other parties are not allowed to form such groups. Besides, there are no fractions apart from the delegate group of the SED either in the district parliaments and district councils or in the circuit parliaments or circuit councils.

At the meetings of the delegate groups of the SED within the Council it was decided exactly how the various council members had to argue on the bills presented. There is no voting at the council meetings. Resolutions have to be voted unanimously. If such unanimity cannot be reached at once, the SED members speak in constantly sharper tones. As long as I was present, it never happened that a council member insisted upon his opinion in opposition to the opinion of the SED members.

Voting does take place at the Kreistag. Here, at a meeting previously held by the SED delegate group it is declared how each member of the SED is to vote.

Apart from the above mentioned delegate groups, there exist similar groups for the special divisions of the Council. Several special divisions are combined for this purpose. However, the groups formed in the special divisions are called party groups rather than delegate groups, although they have the same function and are also forms of the party organisation. At the discussions of these party groups, all special problems of any political importance, are previously deliberated. The party groups of the special divisions are composed of all members of the SED. Only after the party group has passed its resolution, does the division head issue his orders to the other members of his division.

I assure that my above depositions are the truth in every respect, and I am prepared to swear to it before a court if necessary.

read — approved — signed

Signature

Signature

# **Violation of Fundamental Rights**

## **A. Free Elections Prevented**

*Fundamental rights are certain public rights protecting the freedom of the citizen from interference by the State. As far as certain fundamental rights are not, by their nature, exempt from interference in principle, they can be restricted only by general laws which may not, however, impair the essence of these laws. Within the limits resulting from this guarantee, from ethical principles, and from the necessity of maintaining the constitutional order, the individual is entitled to protection from interference with such fundamental rights. Hence it would be inconsistent with the essence of these rights if the citizen were allowed to exercise them only in the interest of a party governing the state.*

### **Single List of Candidates to Eliminate Opposition**

*Article 51, par. 1 of the Soviet Zone constitution provides that the deputies of the People's Chamber are elected proportionally by general, equal, direct, and secret elections. Under article 140, these principles are applicable also to the elections to local bodies of government. This means evidently that under the constitution in force in the Soviet Zone, the citizens shall have the right to elect the delegates for all people's representations by lists of candidates for whom they can vote. If these clear regulations are violated and the voter is given no possibility to choose the candidates for whom he wishes to vote, there cannot be any question of true elections.*

*When on June 23, 1957 in the Soviet Zone and in East Berlin the local parliaments were elected, the voters were denied the possibility of making a real choice. They were not even allowed to accept or refuse the single lists submitted. The electoral laws for the Soviet Zone of April 3, 1957, and for East Berlin of April 11, 1957 — in contrast to former electoral laws — did not even mention the principle of proportional elections. This fact alone shows that no true elections were to be admitted. On the other hand, paragraph 1, sect. 1 of the electoral law provides that the work of the various parliaments "should be based on the National Front of Democratic Germany". This provision, too, is contradictory to the constitution under which the delegates are representatives of the whole people, subject to their conscience only and not bound to carry out instructions.*

## **DOCUMENT 11 (13)**

**Constitution of the GDR**  
of October 7, 1949  
(Law Gazette, p. 4)

### **Article 51**

The People's Chamber consists of delegates of the German people. The delegates shall be elected for a period of four years by general, equal, direct, and secret elections according to the principle of proportional suffrage.

The delegates are representatives of the whole people. They are subject to their conscience only and are not bound by instructions.

.....  
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Article 140

The communities and unions of communities shall have representations formed according to democratic principles ..... The electoral law and method shall correspond to the regulations applicable to the elections to the people's chamber and state parliaments .....

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**DOCUMENT 12 (14)**

**Law  
on the Election of Local People's Representations  
in the German Democratic Republic  
of April 3, 1957**

(Law Gazette I No. 27/1957, page 221)

§ 1

**Electoral Principles**

1. In the German Democratic Republic, the will of the people is carried into effect by the people's representatives elected by general, equal, direct, and secret elections, and by their organs. By means of the elections for the local government bodies, the population of the German Democratic Republic sends its best representatives as delegates into the parliaments of the districts, circuits towns, town districts, and communities. The people's representatives constitute the supreme organs of the State power within their competence and, according to the Law on the Local Organs of the State Power of January 17, 1957, direct the building of socialism politically, economically, and culturally within their jurisdiction. **They shall base their work on the National Front of Democratic Germany, in which the democratic parties and mass organisations as well as all democratic forces shall cooperate.**
2. The delegates for the parliaments of districts, circuits, towns, town districts, and communities shall be elected for a period of four years.
3. The date of elections shall be fixed by the Minister Council.

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§ 30

**Polling Booth**

1. The election board shall be responsible for one or several polling booths being in the polling place, which shall be arranged so that each voter can prepare his ballot unobserved.
2. **Except the cases provided for in § 41, s. 4, only one voter shall be present in the polling booth at a time.**

§ 31

1. The election committees of the circuits, districts, town, town districts, and communities shall, by public invitation to be made not later than on the 35th day before the date of election, require lists of proposed candidates to be submitted.

2. The lists of candidates for the parliaments of districts, circuits, towns, town districts, and communities shall be prepared by the democratic parties and mass organisations.

They shall have the right to combine their proposals to form a common proposal of the National Front of Democratic Germany.

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Berlin, April 8, 1957

The President  
of the German Democratic Republic

W. Pieck

*Although it is provided in § 31 of the electoral law of April 3, 1957 that the "democratic parties and mass organisations" are entitled to submit proposals or lists of candidates, it is emphasized in the following sentence that these organisations have the right to combine their proposals to form the "common proposal of the National Front", whereby opposition in parliament is eliminated. This is confirmed by the following document.*

**DOCUMENT 13 (16)**

**Quoted from:** "Do We Require Opposition?"

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What should an opposition be opposed to here? Should it say "no" when we call up for further constructional work. Should it deny our successes. Should it be opposed to peace and to growing prosperity.

**But he who is against peace, is for war, and has no place in parliament; as an enemy of the people and of peace he will be kept where he can do no harm.**

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**Source:** "Neues Deutschland", paper of the Central Committee of the SED, dated April 24, 1957.

**Elections are Supervised and their Results Corrected**

*The ballot papers issued on June 23, 1957 merely contained the names of the candidates appearing on the single list. Not even the party affiliations were stated. The voters were given no opportunity to make their choice among candidates, nor was there a possibility of marking the ballots so as to accept or decline the unit list in toto. Thus the voters had no option to receiving the ballots and throwing them into the ballot box.*

*As in the previous elections in the years 1950 and 1954, there could not be any question of a true voting in 1958 either. Although the desired result was assured by these measures in advance, falsifications were committed as in the elections of the years 1950 and 1954. In numerous cases, voters had used the polling booths in order to invalidate their ballot papers by crossing them out. Nevertheless, in accordance with directives by the election board, these votes were counted as valid in favour of the unit list.*

## DOCUMENT 14 (22)

### Ballot Paper

for the

Election of Candidates and Substitutes  
of Electoral Circuit VIII  
of the Parliament of the Town of Dresden

#### List of the National Front of Democratic Germany

##### Candidates

**Schading, Paul**, joiner, 5th town district  
**Huhn, Johannes**, decorator, 6th town district  
**Breithaupt, Gerhard**, dipl. forester, Oberwartha  
**Hanke, Hildegard**, clerk, 6th town district  
**Haufe, Gottfried**, implement dispatcher, 6th town district  
**Hickmann, Rudolf**, merchant, 6th town district  
**Hörger, Charlotte**, clerk, 5th town district  
**Ranziger, Rudolf**, glass worker, 6th town district  
**Weichold, Manfred**, tool maker, 6th town district

##### Substitutes

**Kottner, Lieselotte**, shop assistant, 5th town district  
**Lange, Rudolf**, bricklayer, 9th town district  
**Mammitzsch, Helmut**, clerk, 1st town district

## DOCUMENT 15 (24)

Berlin, June 25, 1957

Mr. P. A. .... appears and deposits what follows:

I was employed as an assistant to the election board of an electoral district at the elections for the local people's representations on June 23, 1957. My employment there allows me to state the following details:

Two polling booths were set up in the polling place where I was employed. However, it was not permissible to lay out pencils there. In order to reach the polling booth, it was necessary to walk along all tables and the ballot box. Whoever wanted to use the polling booth, made himself conspicuous.

Voters entering the polling place, first had to produce their notification card and passport at one table. Then they were given the two ballot

papers and were directed to a table where their names were marked on a list. The tables were arranged to form a rectangle. At the end, there stood the ballot box. The polling booths were somewhat behind the box. Voters who wanted to enter the booth, had to walk behind the box. Nevertheless a number of voters tried to go into the booth. However, a member of the election committee stood in front of the polling booth and talked to each voter who wanted to enter the booth. He explained to them that they could deposit their ballots into the box immediately if they wanted to vote in favour of the National Front. Only such voters as wanted to make any change should make use of the booth. There upon, some of the voters returned to the ballot box at once and deposited their ballots.

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At the end of the voting, the votes were counted. Some voters were present, but they could not see how the ballots were judged. The evaluation was made in accordance with the directives of the returning offices, as follows:

Ballot papers which were simply crossed out, were counted as valid and positive because the names of candidates at the upper and lower end of the list were not crossed out. Papers with one oblique stroke were also counted as valid and positive because again some names were not crossed out. Only those papers were counted as invalid, in which each individual candidate was struck out, or which contained negative remarks. However, where any candidate's name was not canceled, the ballot paper was counted as valid and positive.

Most of the voters who had used the booth, had changed or canceled or crossed out the ballot papers in order to make them invalid. The evaluation of these papers falsifying the will of the voters led to a completely incorrect result of this election because under the electoral law every voter had the right to change his ballot paper.

The above statements agree with the facts. I am prepared on request to make affidavit of their correctness.

red, approved, signed

Signature

Signature

## **B. Violation of the Right to Freedom and Personal Safety Recruiting and Activities of Secret Informers**

*A totalitarian regime not backed by the will of the population will always attempt to secure its existence by any means which it deems fit. This is true of the Soviet Zone also. Free from moral self-restriction, the omnipotents grossly disregard the fundamental rights of the citizens guaranteed in the constitution. In obvious contradiction to elementary concepts of the rule of law the population is denied the right to individual life and to freedom of expression in every form, in order to prevent oppositional movement. For this purpose, a comprehensive secret supervising machinery is required. Mercenary informers alone are not by far sufficient. People are therefore forced to render services as secret informers against their will by trickery and threat.*

*The Ministry for State Security — hereafter referred to as SSD — following the Soviet example of MVD, had built up a machinery of 50 000 informers under its head Zaisser. After the uprising of June 17, 1953, this number was doubled under the new chief Wollweber.*

*However, a fundamental change in the informer system was made under him, in so far as a division of tasks was introduced. In addition to the SSD, the so-called sectional commissioners and the criminal investigating departments of the "people's police" in the districts and circuits had to build up their own informer systems. This division of tasks not only made the supervision of the zone population more complete, but it also helped to increase the SSD agents work in the western world. It remains to be seen whether the State Security Service under Mielke, Wollweber's successor, will retain the usual method of recruiting military and economic spies. No essential change has been detected to-date.*

#### **Organisation of additional Informer Systems**

*By order No. 45/55 the Minister for Interior Affairs and Chief of the People's Police, Maron, ordered a system of "confidential persons of the sectional commissioners" to be organised.*

### **DOCUMENT 16 (28)**

Top Secret  
SVS 0-65/55

#### **Order**

of the Chief of the German People's Police

No. 45/55

August 3, 1955

Berlin

Contents: Introduction of the system of confidential persons for sectional commissioners.

In order to discover criminal intentions of elements inimical to the state, to recognise early and to prevent planned crimes, to clear up quickly any crimes committed, the cooperation of the sectional commissioners with the population has to be improved.

I therefore order that

1. The system of confidential persons for the sectional commissioners of the German People's Police will be introduced according to Instruction 1 to this Order.
2. The following quarters will be informed of Instruction 1 to this order regarding the organising of the system of confidential persons
  - a) the heads of the S divisions of BDVP and the officers of the Ordinary Police Main Department, by the chief of such department, by September 1, 1955.
  - b) the deputy chiefs of BDVP and the chiefs of the departments S, K, U, VE, P, as well as the chiefs of the people's police circuit offices, by the chiefs of BDVP, by September 10, 1955.
  - c) the chiefs of the departments S, K, U, VE, P of the people's police circuit offices as well as the sectional commissioners, by groups, who according to the Instruction may be made acquainted with the system, by the chiefs of the people's police circuit offices, by October 10, 1955.



- d) the teaching staff of the Kaulsdorf Police High School by September 1, 1955, the students of the said school at the end of each course, by the head of the said school or the seminary teachers.
- e) the teaching staff for the -S- course at the ZSdVP Aschersleben, by October 10, 1955, the scholars of the officers' training courses S at the ZSdVP or the seminary teachers.
- f) the teaching staff of ZSdVP Arnisdorf and Weimar by October 1, 1955, the scholars of the courses at the end of each course, by the director of the ZSdVP or the seminary teacher.

3. Permission to inform the above mentioned quarters on Instruction 1 to this Order is hereby granted as an exception to DV 125/VI/5.

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9. The heads of BDVP, the heads of the police sections of BDVP, the heads of the VPKA, the heads of the police sections of VPKA, as well as the heads of the independent sections will supervise the execution of this order and instruction, and will be kept informed by their subordinate services or the section chiefs of the state of development and functioning of this system.

This information will only be given orally. Any kind of information in writing is forbidden.

The reports of the chief of BDVP to the Chief of the DVP, or through the heads of the BDVP police section heads to the Police Main Department will also be made orally only.

The Minister for Interior Affairs  
and  
Chief of the German People's Police  
(sgd) Maron

*Instruction No. 1 reveals in detail the nature and superstructure of this institution.*

## DOCUMENT 17 (29)

### Top Secret

#### Instruction No. 1

of the Chief of the German People's Police

to the Order No. 45/55 of the Chief of the German People's Police

August 3, 1955

Berlin

Contents: Appointment of confidential persons of the section chiefs.

In accomplishing the tasks of the German People's Police, the section chief plays a particularly important part. In the eyes of the population, he is the visible representative of the people's police. The population calls upon him in all questions of the police service.

In order to be able to discharge his great duties, the section chief must always be informed of the political and police situation in his section;

he must recognise quickly the activity of inimical and criminal elements and must prevent crimes. For this purpose, the section chief must organise support by the working population and must have assistants from their midst.

The voluntary aids of the people's police are such active assistants. However, these forces are not sufficient in the present situation.

In order to enable the section chief to deepen and widen his insight into his section, he requires confidential persons.

#### I. Who is a confidential person of a section chief?

1. Confidential persons are citizens who deserve the special confidence of the section chief and who supply him with confidential information which is of interest to the people's police.
2. Only such citizen can be regarded as a confidential person who has by his deeds already shown his willingness to assist the people's police honestly and wholeheartedly in its struggle against the enemies of our republic and against criminals by hints, confidential communications and procured informations.
3. The section chief will select as confidential persons only progressive-minded citizens of the GDR who live a blameless life. As a rule, confidential persons should not be comrades of the SED. Members of the party have the duty to cooperate well with their sections chief also without being confidential persons.

#### II. Aim of the Introduction of a System of Confidential Persons of the Section Chiefs.

1. The employment of confidential persons shall enable the section chief better than before to cooperate with the population, in order that he may have at all times and from all sides information on adversaries of our democratic order and other criminal elements and become acquainted with the general feeling in his section.
2. The employment of confidential persons serves the section chief in the secret supervising of inimical and criminal or suspect elements. The section chief must, through the aid of his confidential persons, always be well and thoroughly informed of their modes of living, conditions, and associations.
3. Without establishing a system of confidential persons distributed all over his section, no section chief will succeed in gaining at all times a clear insight into the political and police situation in his section. It is necessary for the section chiefs to attend to even the smallest hint indicating the suspicious conduct of persons and observations in daily life, and to utilise them for their further work.
4. The section chief must not forget that the principal object of his work consists in the uncovering of inimical and criminal intentions of the enemy, in recognising planned crimes and quickly clearing up committed crimes.

#### III. Principles for Selecting Confidential Persons.

1. Each section chief will select personally the confidential persons necessary for his work.

Particularly suitable for employment as confidential persons are such citizens as have, for instance, many relatives in the section, have a large circle of friends, and meet many persons in their professions, sports, etc. They may be pensioners, housewives, porters, servants, doctor's assistants, employees in restaurants, bars, of insurances, hairdressers, artisans, inn-keepers, gas and water supply employees, postmen, chimney sweeps, and the like. The citizens concerned should have good contacts to the population and should live within the section of the section chief concerned.

2. If a section chief wishes to employ a citizen as confidential person, he should examine carefully over the course of a certain time whether this citizen meets with the conditions set up in this Instruction. No information on this confidential person should be obtained from other citizens. In no case is it permissible to demand or lay down in writing characteristics, questionnaires, life histories, commitments etc. of these persons. The section chief should by his own observations be convinced that the citizen in question is a suitable confidential person.
3. The citizens chosen for employment as confidential persons may not be informed of the fact that they are confidential persons of the section chief.
4. When the section chief has thoroughly studied the candidate provided for, he reports orally to his direct superior, obtains his consent, and enters the confidential person's name in his list.

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*The system of secret informers of the criminal police in the Soviet Zone was organised under Order No. 49/66 by Maron.*

*The Soviet zone criminal police employs as secret informers criminals who in consideration of their services, are withdrawn from penal prosecution. No comments need be made on the text of the commitment as secret informer referred to in the above mentioned order (See Document 30).*

## DOCUMENT 18 (30)

G., May 4, 1958

### Protocol

Mr. N. N., now residing in G., states:

From 1950 up to the time of my flight in the year 1956, I was a member of the so-called "people's police". At the end, I was a chief commissioner and head of a criminal police department.

In the time from January 1, to 15, 1956, I attended a course of the "training unit of the people's police" in Berlin-Rahnsdorf. As far as I know, seven such courses had taken place already up to that time, four of them in Rahnsdorf, and three at the "Central School for Criminalistics" in Arnsdorf near Dresden. Head of the courses was Commander Wacker-

nagel of the People's Police Main Administration. Lecturers were, among others, Commander Rhode, Inspector Weidlich, and Chief Instructor Dombrowski.

At the beginning of the course, Wackernagel explained that a large part of the tasks hitherto taken care of by the SSD had to be handled at once by the criminal police with its departments "General Criminality", "People's Property", and "Investigation". The criminal police thus had to deal with certain political delicts. Parallel thereto, a system of "secret informers" would be formed for the criminal police. The courses would be held for the purpose of making the police employees acquainted with the nature of this matter. I shall restrict myself to the most important items in the following. I have reported special details to the Investigating Committee of Free Jurists already. In contrast to the SSD which recruits its informers from all circles of the population, the criminal police is ordered to employ criminals as secret informers in the first place. It is strictly forbidden to employ SED members. Secret informers may be recruited upon the approval by the local State Security Service only. A certain text has been drafted for the obligation, which I recollect almost literally. According to my recollection it runs as follows:

"Inspired by the desire of expiating my guilt to the "GDR", I undertake to work for the organs of the "people's police" and to carry out conscientiously all orders and directives. I am aware of the fact that I have not been punished for my crime. I further know that I can be punished if I fail to carry out this obligation. I further undertake to observe the strictest secrecy against everybody including my next of kin, I shall sign my future reports with the cover name ..... I have assumed this obligation towards the people's police on .....

This text was provided for in Order No. 49/55 of the "Chief of the People's Police". This order exclusively obtained directives for the organising of the informers' service of the criminal police. The essential feature of the employment of criminals as secret informers is to be seen in the fact that the criminals willing to cooperate with the criminal police are exempt from penal prosecution. Only the local district prosecutor is informed of such exemption by the head of the criminal police.

Secret informers are used to supervise the population in every respect. Orders have to be given to them specifically for this purpose.

Meetings between the criminal police and their informers take place in what is called "conspirative rooms" hired from private tenants. The tenants have to be recruited in the same way as secret informers in each case.

Apart from "conspirative rooms", so-called decoy quarters have to be obtained which serve the supervising of travelers.

I assure that my above statements are the full truth in every respect, and I am prepared to swear to them before a court if necessary.

read, approved, signed

N. N.

(Signature)

## DOCUMENT 19 (31)

B. March 21, 1958

The room-letter N. N., now residing in B., appears and states:

I lived in the soviet sector of Berlin and earned my livelihood by letting rooms. On February 12, 1958, one of my friends was arrested on the charge of having committed an economic offence. Although I had nothing to do with the matter in any way, my flat was raided on 21 February, 1958, however, without any success for the purposes of the criminal police. Still I was arrested provisionally and taken to the police station in Berlin-Mitte, Magazinstraße, K Department. There I was interrogated by a civilian regarding my contacts with the arrested person.

At the end of the interrogation I was taken to another room in the same building. There I was confronted with another civilian, doubtlessly a police officer who had previously checked my activities as a room letter.

At first I was charged of having been a partner to the economic offences of my friend. The the officer declared to me in rather a friendly tone that I would be released again if an "agreement" with me could be reached. This "agreement" proved to be a commitment to serve as secret informer in the further course of the conversation. The officer explained that guests would be sent to me whom I would have to supervise. I was to get definite orders on February 21, 1958. On that day I was to go to Friedrichstraße Station and wait in front of the Mitropa Restaurant.

A conversation took place at the "Franziskaner" restaurant. The police officer explained to me that certain persons would be sent to me as guests. In contradiction to existing regulations I was not to report them to the registrar's office. On my objection that I would thereby make myself liable to punishment, I was told that I would be "protected by the Police". Whenever such a guest arrived, I was to telephone No. 42 53 61, extension 2713. During the absence of such a guest I was to search his luggage and clothing in order to find out what kind of papers and documents he had with him. All technical details were to be explained to me by the officer at another meeting on February 27, 1958.

I preferred to go to West Berlin before the said date, and to apply for a permit to stay.

I assure that my above statements are the full truth in every respect, and I am prepared to swear to them before a court if necessary.

read, approved, signed

N. N.

(Signature)

### Recruiting and Employment of Secret Informers

*There cannot be any doubt that the employment of criminals serves to intensify the supervising of the population. A criminal, being a person of a labile character will be grateful, instead of being imprisoned, to render services for which he is even paid. On the other hand, the State Security Service, thus freeing itself of an essential part of its task of supervising the*

*population, can devote itself more specifically to its agents' work in the western world. The approved methods of recruiting secret informers and agents have been retained.*

*The agents, once recruited, are entrusted with the most diverse espionage orders as will appear from the following documents.*

## DOCUMENT 20 (32)

B., March 20, 1958

The electro-welder N. N., now residing in B., appears and states:

On July 1, 1953, I was sentenced to eight years penal servitude by the 1st penal chamber of the district court of Frankfurt/Oder on the charge of having committed a crime under article 6, Control Council Directive 38, Art. III A III (incitement to boycott, spreading of malicious rumours). The balance of the sentence was canceled by an act of mercy on May 24, 1957.

In the end of August, 1957, I was summoned to the local police station in Rostock to check my personal data. At the police station, I was not however received by the people's police, but by a commissioner of the State Security Service.

Making reference to the act of mercy, he explained to me that I had to make good what I had done by rendering my cooperation. As I felt to be endangered again in case I refused, I accepted the commissioner's wish and signed a commitment to serve as secret informer, using the cover name "Erich".

The first order of the SSD commissioner was that I was to sneak about listening to inimical utterances of my colleagues at my employers', and report them to the police.

In the course of time, meetings with the said SSD commissioners took place almost regularly every two weeks. At these meetings I was neither able nor willing to give the SSD any useful information.

By the middle of October, I was ordered to call upon a so-called conspirative flat of the SSD-address: Rostock, Lenin-Allee 21 or 46. The name plate of this flat showed the name "Treckel". In the flat, where nobody else was present, the SSD commissioner explained to me that I was to enter into contact with my twin brother who was living in Hamburg and working with the police. The travel permit would be obtained by the SSD. I was to think the matter over and inform him of my decision at a date which we agreed upon.

Having discussed the matter with my wife, I decided to accept the order formally and then to stay in the Federal Republic.

Some days after informing the commissioner of my decision, he handed to me, the travel permit as well as an amount of 30 DM (West). I had to read the detailed order which the SSD commissioner had drafted, had to stamp it in my mind, and sign it with my cover name. The order was to strengthen the contact to my brother; to try "in the course of personal discussions" to find out details concerning the strength, armament, and organisation of the Hamburg police. In order to prove that I had carried out this instruction, I was to bring with me from Hamburg

a certain town map which was commercially obtainable. Owing to a casualty in my brother's family, my intention to stay in Hamburg was frustrated, and I was compelled to return for these personal reasons.

In order to avoid suspicion, I telephoned the number 2007 after my arrival in Rostock as I was ordered to do, and announced my return to the SSD. I was then summoned to appear in the above mentioned conspirative flat on the following evening.

In the course of the conversation with the SSD commissioner I represented to him that my mission had failed because of the said casualty. The answer was that I would be sent to Hamburg again in the summer of the next year.

After this conversation the SSD did not approach me again until December, 1957. Only at that time it was explained to me that I could improve my financial situation by accepting a position with a certain firm. At the same time, I was shown greater possibilities for my cooperation with the SSD. I was to begin to work at that firm on February 1, 1958.

Before that date I fled to West Berlin. I did not dare to flee at an earlier date, because I believed to be closely supervised as a released convict.

I assure that my above statements are the full truth in every respect, and I am prepared to swear to them before a court if necessary.

read, signed, approved

N. N.

(Signature)

\*

*The following document will show that the State Security Service does not refrain from employing persons of an unblemished character to prepare abductions.*

## DOCUMENT 21 (37)

B., February 27, 1958

### Protocol

The shop assistant N. N., now residing in B., appears and states:

On January 20, 1958, two men pretending to be members of the criminal police, appeared in my flat. They asked me to call with them at the police station, Berlin-Friedrichshain, Wedekindstraße 10, for the purpose of an interrogation. On the way I was told that the interrogation was to take place at the police station Berlin O 112, Proskauer Straße, to which they took me. In a separate room at the police station, an interrogation was made, which first concerned the flight of my parents. The interrogator then revealed to me that he was a member of the Ministry for State Security. He asked me whether I knew one Mrs. B. I had to answer this question truly in the affirmative. He asked me "in my own interest" to call upon the said Mrs. B. who is now living in the West sector, and to invite her to meet a member of the Ministry for State Security for a

discussion in the East sector. As I felt rather uneasy I formally agreed to do this. Having done this, I had to write down 'upon dictation' a commitment to cooperate with the Ministry for State Security and to keep this commitment secret.

I was to carry out this order not later than on January 21, 1958, and to report by telephone, under No. 55 53 61, extension 2729, on January 22, 1958.

On January 21, 1958, I called upon Mrs. B. and revealed to her the demand of the SSD. Of course she was not inclined to comply with this request.

On January 22, 1958, I called the said telephone number and reported my "failure". I was asked to meet the commissioner of the SSD at the station Frankfurter Allee (Stalin Allee), at 13 hours of the same day. The two SSD members whom I already knew, appeared there and took me to an HO restaurant in the vicinity.

After they had heard the uncommitting behaviour of Mrs. B., they sent me away, announcing that they would call me again.

On January 24, 1958, the SSD members appeared again at my flat and asked me to accompany them to the waiting room at Alexander Platz. There, one of the two men asked me openly whether I would be prepared to "fetch Mrs. B. over" into the East sector. For this purpose they gave me the following instructions:

On February 2, 1958, I was to visit, together with Mrs. B., a restaurant near Schilling Bridge, situated in West Berlin close to the boundary. In order to induce Mrs. B. to accompany me, I was to tell her that we would meet there common friends. In the restaurant I was to seduce Mrs. B. to take plenty of alcohol. When she had reached a certain condition, a third person, of whom no closer description was given, would approach me, unobtrusively giving me further instructions.

To carry out this scheme I was given 50 DM (West) against receipt.

Before the date provided for I informed Mrs. B. in West Berlin of the plans of the SSD.

As I was not willing to become a party to a crime, I left the East sector before the date agreed upon, and asked for permit to stay in West Berlin.

I assure that my above statements are the full truth in every respect, and I am prepared to swear to them before a court if necessary.

read, approved, signed

N. N.

(Signature)

### **C. Removal of the Freedom of Press and Information, and of the Postal Secret**

*The constitution of the Soviet Zone guarantees the right to freedom of expression and opinion within the limits of the law. It further stipulates that the citizens have the right of peaceful assembly. It further forbids press censure and guarantees the observation of the postal secret. These provisions include the right to freedom of expression by any means, espe-*



cially by radio. Accordingly, the citizens of the Soviet Zone are entitled to form and express their opinions freely and to represent them in peaceful assembly. The prohibition of press censure includes the prohibition of any other kind of curtailing the freedom of press. The guarantee of the postal secret implies that the mail is not supervised and that nobody may be prosecuted for any utterances made in letters.

### Controlled Press

*The right to freedom of opinion and expression as well as the freedom of press are essential prerequisites for the formation of independent political convictions. Whether a government can be regarded as democratic, essentially depends upon the enforcement of these rights and of the rights to peaceful association and assembly, which are also guaranteed by the constitution of the Soviet Zone. In point of fact, however, the citizens of the Soviet Zone are denied these rights. We have reported hereon already in volumes I and II of this Document Collection. The liquidation of independent associations is shown there also. New associations, apart from the communist mass organisations, are not admitted.*

*But also the freedom of expression is suppressed. As appears from various sentences published in this Collection, any utterance diverging from the opinion of the ruling party, may result in penal prosecution. Curtailed are in particular the right to freedom of information, and the freedom of press. Newspapers published in the Soviet Zone of Germany, unless they are SED-owned papers, have to adjust their contents and outer appearance in accordance with the wishes of the SED.*

### DOCUMENT 22 (38)

Berlin, May 11, 1956

Mr. N. N., now residing in West Berlin, appears and having, been admonished to tell the truth, states:

From January 1953 to April 1956 I was employed as an editor of the organ of the "Democratic Peasants' Party of Germany" (Demokratische Bauernpartei Deutschlands — hereafter referred to as DBD) called "Bauernecho". This paper claims to be an independent paper representing the policy of the DBD only. In reality, the "Bauernecho", like the DBD itself, has to follow the general line of the SED. This appears from the fact that its chief editor, Leonhardt Helmschrott, is responsible to the Agricultural Department of the Central Committee of the SED. He or other leading editors have to call upon the Agricultural Department of the Central Committee of the SED from time to time in order to receive directives for their editorial work. They also have to inform the Central Committee of the SED regularly of their weekly working plans. It goes without saying that also the Press Office of the Minister President as well as the Ministry for Agriculture and Forestry exercise great influence on the line of its editorial work. Conferences are held at the Press Office almost daily, where the editors receive orders. Besides, the chief

editor or another member of the editorial staff have to call upon the Press Office once a week. At these conferences, which are frequently attended also by the agricultural secretary of the Central Committee of the SED, Mr. Mückenberger, the contents of this and other papers are criticized, and directives are issued as to the problems to be dealt with in the next numbers and the way in which this has to be done.

read, approved, signed

(Signature)

(Signature)

### DOCUMENT 23 (39)

Berlin, May 8, 1956

Mr. N.N., now residing in West Berlin, appears, and having been admonished to tell the truth, he states:

From September 1952 to April 1956 I was employed as an editor of the CDU paper "Der Demokrat" appearing in Rostock. On April 28 I ceased to work under protest, because instead of my true report on a plenary session of the so-called district peace council in Neubrandenburg, which was attended by a number of clergymen also, a report of the official news agency ADN was used which entirely misrepresented the facts. I considered this to be a particularly gross falsification for political purposes. As I felt to be personally endangered by this step, I fled to West Berlin.

Having been asked about the methods used in acquiring subscribers and in handling the sales of newspapers by official quarters, I can state the following: The post offices have undertaken voluntarily to propagate the socialist press, with the aim of acquiring a certain number of new readers of the SED press. For this purpose, certain post officials (postmen, counter-clerks), approach the population, trying to acquire subscribers. Very often, attempts are made to win readers of other papers over to the communist press. The publishers of newspapers not belonging to the SED have no defence against these methods.

.....  
.....

read, approved, signed

(Signature)

(Signature)

*The sales of SED press products are pushed in the Soviet Zone in a manner not only disadvantageous to other papers, but showing also the role, to which such other papers are limited. Their task consists in exercising influence on certain parts of the population in a communist sense in order to amplify the effect of the SED press. All so-called state functionaries, especially those employed in public offices and in economy, teachers and employees of "people-owned" enterprises, are required to subscribe to*

*"Neues Deutschland", the central organ of the SED, the argument being that the study of this paper is necessary for professional reasons, as it enables the reader to recognise the political line followed. All other papers could be regarded as "supplemental" only. The Soviet Zone newspapers and periodicals are sold through the post exclusively. Here, too, newspapers not published by the SED are severely prejudiced.*

\*

## DOCUMENT 24 (40)

### Press Propaganda and Socialist Education

Our circuit party organisation has achieved certain successes in acquiring subscribers to our central organ "Neues Deutschland" last month. This explains why we moved from the last to the 10th place in our district. However pleasant this development may be, the efforts made hitherto do not suffice to reach the first ranks. We are lagging far behind in the competition with the Senftenberg circuit.

More than ever before, all possibilities have to be utilised now in order to achieve greater successes. There are many such possibilities.

The circuit management has been checking recently the press subscriptions to "Neues Deutschland" by the comrades teachers. It was found that not all comrades teachers are subscribers to "Neues Deutschland". They particularly are expected to have a clear opinion of the importance which our central organ has for their work. How do they propose to solve their tasks as socialist educators unless they are perfectly clear about this question? We request the below-mentioned comrades teachers to make a change in this unwarrantable condition at once:

2nd school: Hanna Hinze, Heinz Ende;

3rd school: Alfred Härchen, Günter Liebscher;

6th school: Heinz Abraham (party secretary), Liselotte Herbst, Marga Homilius, Günter Kalz, Irene Niemer, Herta Pein, Margot Schmidt, Franz Rasper;

7th school: Ingeborg Goschin;

8th school: Herta Fischer, Franz Schmidt;

9th school: Dieter Barsch;

10th school: Rudi Derno, Helmut Soldan (party secretary), Wilhelm Kulke;

12th school: Hans Kaloff (vice director), Thea Molzahn, Johanna Preusser, Paul Schmidt;

2nd grammar school: Karl-Heinz Holzheimer, Erich Janke, Hein Kittelmann;

Medical school: Käte Krause;

House of Pioneers: Karin Wehle (directress), Hans Tudyka.

We only mentioned the comrades teachers today. This does not mean that they alone require "Neues Deutschland" as a basis for their work. However, we expect that they will understand this quickly and without many words, and that they draw the corresponding consequences. Any other newspaper, including the "Teacher's Paper", can only be supplemental to the central organ of our party. He who, being a teacher, does not read "Neues Deutschland", deprives himself of the basis of his work.

We only have one school, which is a socialist school. There can only be socialist educators at our socialist school. Every teacher working wholeheartedly to achieve our aims of education, will notice soon that he can solve his tasks only if he evaluates the contents of "Neues Deutschland". We expect our comrades teachers that they are clear about these basic questions. It is up to the school managements to start discussions at their schools at once with the aim to acquire all teachers as subscribers to "Neues Deutschland".

Besides, there is quite a number of teachers who read no socialist newspaper at all. They probably believe that their expert knowledge suffices for exercising their profession.

Among these, there are the colleagues Guttke and John of the 1st school, as well as the colleagues Fritz and Lieber of the 6th school. We have to state clearly and unambiguously that these colleagues are not able to do real socialist educative work on the basis of their special knowledge only.

To be an educator requires clear allegiance to our state. It further requires this clear allegiance to be impressed on our children and to educate them to be socialists. Our state supports the teachers in any way, which is also expressed by the fact that they get a 20 per cent tax reduction. In turn, we can expect them to make the study of the socialist press the basis of their daily work. The Education Department of the Town Council and the directors of the schools should think over the methods to be taken in order to help all teachers in forming this conviction.

In future, there should not be any doubt about "Neues Deutschland" belonging into the hands of every teacher. At the next meeting of directors already, the first results of the work should be evaluated in order to enable them to draft further measures. If we are dealing today especially with press subscriptions by teachers, this does not mean that we concentrate propaganda for "Neues Deutschland" on this circle of persons. In a number of enterprises and institutions it is necessary as well to carry on the propaganda for the press more energetically. We ask the comrades of Cottbus Wool how they explain that they have brought only one subscriber to "Neues Deutschland" to-date.

It will be necessary in this firm also to make a change in their working method at once. In a future article we will quote more of these examples. Only if we make all efforts will we be able to achieve our aim to be the best circuit management in the district.

Source: "Lausitzer Rundschau", organ of the district management of SED, Cottbus, March 18, 1958.

DOCUMENT 25 (41)

Berlin, March 5, 1953

Mr. N. N., now residing in West Berlin, appears and states:

From 1953 up to my flight I was employed by the sales organisation of "Sächsisches Tageblatt", the newspaper of the Liberal Democratic Party (LPD) appearing in Dresden. It was then when I acquired my knowledge of the systematic prejudicing of non-socialist papers in favour of SED papers regarding the sale and the acquisition of subscribers. I could make the following experiences in my district: On resolution of the Ministers' Council, all publishers of newspapers and periodicals had to discontinue their own sales on January 1, 1956, and have their products sold through the post office. As regards the "Sächsische Tageblatt" and other non-socialist newspapers, this measure led to inconveniences and losses at once as I know. While the SED newspapers and periodicals were delivered to their subscribers by full-time employees of the "German Post", our newspapers were delivered by messengers employed by the post office on an hourly basis only. This resulted in gross irregularities in the service, and hence in cancellations.

..... Other inconveniences which the SED members in the postal sales organisation were suspicious of having caused intentionally, consisted in that the records of new subscribers, which had to be handed over to the post office, were "lost" very frequently or turned up again after a longer time only. The consequence of course was that many of the new subscribers canceled their orders. ....

I assure that my above statements are the full truth in every respect, and I am willing to swear to them before a court if necessary.

read, approved, signed

(Signature)

(Signature)

\*

*Information through press and radio in the Soviet Zone is determined by political points of view. There is no independent information. Where the actual facts do not allow the public to be influenced politically in the desired manner, they are misrepresented as required.*

*There is not a question of supplying the reader or listener with correct information; instead he is to be influenced politically in the prescribed manner. All publications and statements apt to weaken the desired impression, are prohibited. This goes so far that even radio speakers and conferenciers have to be discharged if their comments or points are not suitable to influence the population in the desired manner.*

DOCUMENT 26 (42)

Government of the  
German Democratic Republic  
1st Deputy Chairman of the  
Minister Council  
Secretariat Ulbricht

Berlin C 2, the 16th July 1957  
Klosterstraße 47  
Tel. 2207 3653  
Ext.  
Ref. G/Wst 78087/Bö

Mr.  
Günter Böhm  
Magdeburg  
Gagerstr. 10

With reference to your letter of 18-6-1957, directed to the Central Committee of the SED, Ulbricht Office, we informed you already by telegraph on July 8 that the whole affair is being considered. In order to gain clearness about the reasons which induced the Deutsche Konzert- und Gastspiieldirektion to lock you out, we have requested the general manager to send us a report. The report submitted under date of July 11 contains a number of statements showing that you very often displayed an absolutely negative attitude in connection with your activities as conferencier. The political points of your program and of your parodies are close to the limit of what is tolerable, and have been considered as unwarrantable by many.

Although it has been pointed out to you repeatedly that you should alter the form of your conference, give up the negative line and make your points positive, you have made no change in the contents of the program. We now have some extracts from your conference. We find indeed that it trespasses the limits of positive criticism and turns inimical to the Republic. Under these circumstances we have to agree with the measures taken by the central office of the Deutsche Konzert- und Gastspiieldirektion. Both the managements and organisations of trade unions, and party groups and visitors have requested the Deutsche Konzert- und Gastspiieldirektion repeatedly to prohibit such negative entertainments. We, too, are of the opinion that our public manifestations and our cultural programs should be of such a character that they rather serve the building of socialism than hindering it.

We are therefore unable to intervene in your case. The original papers handed us are enclosed herewith.

(signed) Gotsche  
Personal Secretary

ENCL.

## Jammers

*The restrictions imposed upon the press make it impossible for the inhabitants of the Soviet Zone to form an independent political opinion, and to obtain unbiased information. The reports given by the press and radio of the Soviet Zone do not allow the citizens to make themselves acquainted with actual facts, but only to learn the interpretations and opinions of those in power, which are frequently broadcast under complete misrepresentation of the facts. In order to prevent the population from obtaining information from other sources, the Soviet Zone potentates try to hinder radio receptions from the western part of Germany and from western countries. For this purpose, the post has set up a network of jammers in order to disturb the reception of transmitters not situated in the territory of the Soviet Zone.*

### DOCUMENT 27 (43)

#### Protocol

Mr. N.N. now in West Berlin as a refugee, appears and, having been admonished to tell the truth, he states:

.....  
.....

A short time after I had taken up work I learned that I had been ordered to take care of the technical attendance of two jammers. These transmitters serve to make it impossible or difficult for the population to receive broadcasts of the RIAS transmitting station in West Berlin. At my new place of work I found two such transmitters of an output of 7 kilowatt each, relayed by cable to East Berlin and, upon suitable amplification, broadcasting the program of the GDR radio on the frequency of the RIAS transmitting station. One of the two transmitters worked continuously, while the other one made a three hour's pause at night.

Other jammers stationed in the district transmit no program as far as I know, but limit themselves to disturb the reception of RIAS by ceaselessly growing and fading howling noises.

In order to control the working of the jammer under my attendance, a monitoring set was installed in the cellar of ..... about 10 to 12 kilometers away from our own station, which was connected by cable to our office, whereby the frequency of our jammer could be examined for correctness.

The door of our office bore a name-plate with the inscription "Deutsche Post — Funksendestelle". We were paid by the Post Administration according to the tariff of the German Post.

Berlin, March 4, 1957.

read, approved, signed

(Signature)

(Signature)

## Control of Letters and Parcels

*Article 8 of the constitution of the Soviet Zone guarantees, among other things, the observance of the postal secret. Every one is thereby assured to be protected against violations of this right which are not warranted by a general law. When the postal censorship was abolished by the Soviet forces of occupation, the State Security Service (SSD) of the Soviet Zone continued to organise mail control points at numerous post offices. With the aid of these control points the zonal government attempts to detect and find out the opinions of citizens stated in letters, in order to prosecute the writers where this is deemed fit. However, the existence of such mail control points is to be kept secret. For this reason, the control points at the various post offices have been carefully separated from other rooms of the post.*

*The network of these control points, which are now generally referred to as "Office 12" or "Department 12", has been greatly amplified in recent times. There is now practically no larger town or traffic center in the Soviet Zone where not at least one such control point exists. The men employed there are members of the SSD. They are not allowed to entertain any contact to employees of the post office.*

### DOCUMENT 28 (44)

February 21, 1958

#### Statement on Mail Control Points by N. N., post employee

Mail control points of the State Security Service (SSD) have been organised after abolition of the post censorship by the Soviet forces of occupation. I cannot state the accurate date when these points took up work, but I know that this was not later than in 1950.

The mail control points are offices of the SSD. They bear the internal designation "Point or Department 12" (previously also "AFAS"). They are accommodated in rooms of post offices, but are strictly separated from the ordinary postal service so that they remain unobtrusive. No post employee is allowed to enter these rooms. The employees are members of the SSD without exception. Mail subject to control is received at the door and returned there also. The post office is not allowed to inquire about missing mail. The network of "points 12" has been amplified so greatly in recent years that there is practically no larger town in the Soviet Zone today whose mail cannot be supervised. In Middle Germany, points 12 exist in Jüterbog, Bitterfeld, Dessau, Halberstadt, Halle (Saale), Merseburg, Nordhausen, Weimar, Jena, Saalfeld, Erfurt, Gotha, Eisenach, Meiningen and Suhl. This list is not complete, but it shows that points 12 were organised in larger towns, traffic centers, or in important industrial areas.

The working methods of these points are not uniform, but are determined by certain considerations. Thus, at some points, certain kinds of consignments have to be submitted, while at others this is not required. In principle, however, all points 12 insist on checking letters to and from West Germany, West Berlin and foreign countries. The postal transport



communications have been fixed by the zonal post ministry or the postal district administrations for post and tele-communication in order to secure the censoring of all mail.

The consignments subject to control are generally checked in the following way:

First of all, letters are sorted out which are presumed to contain printed matter. "Suspicious consignments" further include consignments without statement of the sender, consignments to be called for, and type-written letters. Letters in lined envelopes are also sorted out at once. The letters are then passed over a plate of dull glass which is lit from underneath. Letters containing enclosures or printed matter are thereby recognised at once. All other letters are compared with lists of names of citizens living in this district and subjected to control or special observation. The persons concerned are especially the members of the technical and scientific intelligentsia who are suspect of being incited to leave the East zone. These specialists who are important for the zone, are to be isolated thereby. All letters thus separated are then forwarded to letter openers and evaluators. Closed letters are opened by means of water steam. The steam is guided through hoses into small apparatuses shaped in the way of Bunsen burners. The apparatuses eject thin jets of steam which enable the letters to be opened quickly and unobtrusively. The opened letters are handed to the evaluator. If the contents are suspicious, the letter is kept back and submitted to the head of Office 12. Occasionally, such letters are forwarded after a few days. I cannot state, however, whether photostats are prepared of these consignments. But I know that the censoring offices, when choosing their rooms, attach importance to having an exit which does not lead through other office rooms, presumably in order to be able to remove seized mail.

The existence of offices 12 may not be mentioned in reports and letters even of an internal nature. All transporting directives have to be given orally — under no circumstances by telephone. If written communications are inevitable, no reference may be made to the fact that the change of transport channels is due to the consignments being censored. The change in the transport channels is to be described as "due to technical reasons".

This fact alone shows that the responsible parties are aware of the illegality of the censurement. Still it is attempted to disguise this open breach of the constitution with the following argument:

The employees of Office 12 have sworn an oath that they keep secret all knowledge obtained in exercising their duty. The work of the Offices 12 protects the honest citizen of the GDR from inimical propaganda and from scruples. He has nothing to fear even if his letters are censored, because he limits his communications to private statements in a positive sense as regards the State. It is another task of the Offices 12 to unmask the enemies of the GDR.

It is, however, contradictory to this theory that these activities are kept strictly secret.

I assure that my above statements are the full truth in every respect, and I am prepared to swear to them before a court if necessary.

(Signature)

# DOCUMENT 29 (46)

## List of mail censoring offices of the State Security Service in the Soviet Zone of Germany

As of January, 1958

<b>East Berlin</b>	1. Central Office	Berlin
<b>Rostock district</b>	2. " "	Rostock
	3. " "	Stralsund
	4. " "	Wismar
<b>Schwerin district</b>	5. " "	Schwerin
	6. " "	Güstrow
	7. " "	Ludwigslust
	8. " "	Perleberg
<b>Neubrandenburg district</b>	9. " "	Neubrandenburg
	10. " "	Prenzlau
<b>Frankfurt/Oder district</b>	11. " "	Frankfurt/Oder
	12. " "	Eberswalde
<b>Potsdam district</b>	13. " "	Potsdam
	14. " "	Neuruppin
	15. " "	Oranienburg
	16. " "	Rathenow
	17. " "	Brandenburg
	18. " "	Zossen
	19. " "	Jüterbog
<b>Magdeburg district</b>	20. " "	Magdeburg
	21. " "	Stendal
	22. " "	Halberstadt
<b>Halle district</b>	23. " "	Halle
	24. " "	Bitterfeld
	25. " "	Dessau
<b>Leipzig district</b>	26. " "	Leipzig
<b>Cottbus district</b>	27. " "	Cottbus
	28. " "	Senftenberg
	29. " "	Falkenberg
<b>Dresden district</b>	30. " "	Dresden
	31. " "	Bautzen
	32. " "	Görlitz
	33. " "	Riesa
<b>Chemnitz district</b>	34. " "	Chemnitz
	35. " "	Annaberg-Buchholz
	36. " "	Zwickau
	37. " "	Plauen

Gera district	38.	„	„	Gera
	39.	„	„	Jena
	40.	„	„	Saalfeld
Suhl district	41.	„	„	Suhl
	42.	„	„	Meiningen
Erfurt district	43.	„	„	Erfurt
	44.	„	„	Weimar
	45.	„	„	Gotha
	46.	„	„	Eisenach
	47.	„	„	Nordhausen
	48.	„	„	Merseburg

\*

*Not only letters, but also parcels are censured by the post in the so-called German Democratic Republic. These control points are situated at certain traffic centers, such as in Berlin O 17, Erfurt, Leipzig, Magdeburg, Dresden, Schwerin, and Halle. The postal secret guaranteed in the constitution is violated here also constantly.*

*According to an agreement in force since March 15, 1956 between the German Post and the Office for Customs and Control of Merchandise Transports (AZKW), the soviet-zonal post is obliged to submit to the AZKW for control of contents all parcels transported between East and West Germany and between the Soviet Zone and East Berlin. To carry out the control, all parcels are opened by post employees, and their contents are submitted to controllers of AZKW for closer examination. Details of the control system used will be seen from the above mentioned agreement, of which an extract is reprinted below as Document 47.*

## DOCUMENT 30 (47)

**Specification of the Responsibilities of the Office for Customs and Control of Merchandise Transports (AZKW) and the Ministry for Post and Tele-Communication (MPF) in combating the smuggle of merchandise and means of payment in post consignments**

### I. Duties of the German Post regarding the control of parcels

#### 1. Principal tasks

- a) The German Post is obliged to take measures to make sure that only such consignments are accepted for transportation as can be presumed to be compatible with legal regulations.
- b) The German Post is obliged to submit to the AZKW for control, in addition to the postal consignments specified in the Order Regulating the Transport of Gift Parcels, all other postal consignments suspicious of serving smuggle or speculation. The

German Post, while carrying out its tasks, shall inform the AZKW without undue delay of any violations it may detect of the legal regulations for the combating of black market operations or racketeering, and of any facts justifying the suspicion of such violations.

- c) The Ministry for Post and Tele-Communications (MPF) will assist the Central Committee of the Trade Union for Post and Tele-Communication in its efforts to win colleagues of the German Post as controllers, in order that comprehensive control measures may be carried out.

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.....

- f) The MPF, in agreement with the AZK, has organized, in accordance with legal regulations, control offices at the traffic centers for the control of postal merchandise transports. New control offices shall be organized, existing ones shall be increased or reduced or liquidated upon consultation with the AZKW according to the traffic situation and changes in the smuggle centers. The offices of the German Post at the control points shall be referred to as "S" departments (intra-German mail) and Customs post offices (foreign mail).

- g) Consignments subject to control shall be submitted to the control offices in quantities specified by AZKW and separated as follows:\*

West Germany	— GDR
West Berlin	— GDR
West Germany	— Democratic Sector of Berlin and vice versa
West Berlin	— Democratic Sector of Berlin
Democratic Sector of Berlin	— GDR
GDR	— Democratic Sector of Berlin
GDR	— West Berlin
GDR	— West Germany
GDR	— GDR only upon request of AZKW

.....  
.....

- i) The term "to submit consignments" shall include the following operations:

.....  
.....

To open the consignments and demonstrate the complete contents according to directives given by the controlling forces (including opening original packings, without foodstuffs being directly touched by packers).

To repack the consignments. Necessary services shall be rendered for carrying out special control measures (such as X-ray apparatuses).

\* referring to post transports goods = mail of all kind

k) Retained consignments which cannot be seized at once and in regard to which investigations had to be commenced, shall not be disposed of before investigations have been concluded. The head of the "S" department or head of the customs post office shall be informed accordingly, in order that measures may be taken to prevent undue claims for damages, without hindering the investigations.

.....  
.....

## II. Duties of AZKW

### 1. Principal tasks

a)

.....  
.....

b) The AZKW shall examine whether consignments subject to control are duly submitted as requested through all postal channels.

c) In order to assure comprehensive control of gift parcels, the controllers won by the Trade Union for Post and Tele-Communication shall be trained by co-workers of AZKW, and shall be employed under the guidance of the postal control offices.

.....  
.....

e) The offices of AZKW at the control points shall be referred to as postal control offices (PKA).

f) The PKA shall be in charge of the control of consignments subject to control. The co-workers of AZKW shall decide upon the complete seizure, the returning to the sender, the transport to the address, as well as on the partial removal of the contents of postal consignments submitted according to legal regulations. The PKA shall be responsible for any measure taken in such cases.

.....  
.....

### Exceptions

A.

.....  
.....

B. When containing subversive material, arms and the like, the whole consignment shall be seized. No protocol shall be made hereon. In such cases, the whole consignment shall be handed to the competent organs against receipt in the diary. The PKA shall inform the head of the "S" department or the customs post office and allow him to inspect the diary.

C. Literature, military toys and merchandise of an antidemocratic character or detrimental to culture, which are removed from the consignments, shall be marked with the numbering stamp of the controller.

.....  
.....

The observance of this agreement shall be examined four times annually by the head of the Main Department for Post and Newspapers of the MPF.

This agreement shall enter into force on the 15th of March, 1956.

On behalf of the MPF  
(sgd) Grützmacher

On behalf of AZKW  
(sgd) Ruh, office head

### D. Violation of the Right to Freedom of Movement and Residence

#### Settling over made practically impossible

*The fundamental rights of decisive importance for the personal lives of the citizens also include the right to emigrate and to take residence at any desired place. The constitution of the Soviet Zone guarantees this right also, specifying that it can be restricted only by a law applicable to everybody. However, there are no laws in the Soviet Zone stipulating the conditions under which a citizen is entitled to make use of the right to freedom of movement and residence, especially, when he may change over to the Federal Republic. The East Zone authorities make all efforts not only to prevent Soviet Zone citizens from moving "legally" to the Federal Republic or to West Berlin, but also to throttle traffic to these places. However, in contradiction to the stipulations of the constitution, no general laws have been enacted in this respect; the administrations and police offices are rather instructed by confidential directives to refuse permits to leave the zone and to cut down the number of journeys for visiting purposes considerably. Most of the confidential directives have been issued by the Ministry for Interior Affairs of the Soviet Zone. They are based on a statement made by Walter Ulbricht, the First Secretary of the Central Committee of the SED, at the 33rd plenary session of the Central Committee. The confidential directives are binding also upon the "Administrative Commissions for Intra-German Traffic", whose principal task consists in preventing applicants from changing over to the Federal Republic or to West Berlin.*

#### DOCUMENT 31 (49)

**Quoted from:** "On the Work of the Commissions for Intra-German Traffic when examining Applications for Changing Over to West Germany"  
by Otto Schaefer

The 33rd plenary of the Central Committee of the SED has stated emphatically that the settling over to West Germany means support to the West German military basis of NATO, and a loss of labour to the German Democratic Republic. It is therefore important to convince each

individual worker, member of the intelligentsia, or peasant of the fact that he must not settle over to West Germany for smallish economic or personal reasons.

.....  
.....  
The applicant must gain the conviction that the dismissal of his application does not only serve the interest of our people, but that we are interested in his person. The Commission for Intra-German Traffic of the Council of the District of Wismar, for instance, understands excellently to make it clear to aged citizens that we feel ourselves obliged to take care of them at their old age when they have worked for decades at the building of our Republic. Referring to the personal example of the applicant, the successes we have achieved are shown individually, and he is caused to consider that he has a safe existence here which he should not change for an uncertain fate.

The aim of the Commission's work to make the citizens abandon their plans of settling over, will be reached the sooner, the better the whole activities of the commissions are organised. This applies to the preparatory work particularly. First of all, an attempt will have to be made to cause the citizen to withdraw his application. Discussions with the trade union organisations of the works, with the National Front etc. often show good results. Use may also be made of the Committees for the Support of Persons Returning from West Germany, most of which have experience in dealing with such problems.

Before the applications are forwarded to the Commission, the council of the community should formulate an opinion. Care should be taken, however, that the decision is not anticipated; it should be stated above all, in what sense discussions with the applicants have been carried through. The same method should be used when opinions have to be formulated on the request of other offices.

In most cases it is not advisable to insist upon the application being accompanied by certificates on the freedom from debts and transport papers. The obtaining of these papers requires much time, may cause the applicant to liquidate his household partially, and creates a certain mood of leaving.

At all events the applicant has to be invited to attend the meeting of the commission.

.....  
.....  
**Source:** "Demokratischer Aufbau", periodical for co-workers of the organs of the State power, first number, January 1958, p. 11. Deutscher Zentralverlag, Berlin.

\*

*Applications for permits to settle over to the Federal Republic or to West Berlin are dealt with at present by the "Internal Affairs" departments of the district councils. Each application must state in detail the reasons why the applicant wants to leave the Soviet Zone. The applications are then forwarded to the Administrative Commissions for Intra-German Traffic.*

*The applicant should be heard by the Commission personally. Chairman of the commission is the head of the "Internal Affairs" department who also informs the applicant orally of the Commission's decision. At present, almost all applications are dismissed by the commissions. Exceptions shall be made only in the case of single older persons incapable of work, it being a condition, however, that no close relative of the applicant has "fled from the Republic". All applications received have to be submitted to the competent district council, which can dismiss them even if the commission has agreed to issue the permit in exceptional cases. Complaints against the decisions of the circuits can be directed to the "Internal Affairs" department of the district council. There is however little hope for success. The complaint is usually rejected with the remark, that the decision taken is upheld. Similar answers are given to further complaints to the Ministry for Interior Affairs or the office of the president of the zone, Pieck.*

### DOCUMENT 32 (50)

The Council of the Circuit of Fürstenwalde/Spree  
District of Frankfurt/Oder  
"Interior Affairs Department"

March 1, 1958

Mr. and Mrs.  
Otto Hentschel,  
Fürstenwalde  
Lindenstr. 32

Dear Mr. and Mrs. Hentschel,

Your application for a permit to move to West Berlin cannot be accepted for the reasons discussed in detail with the Commission.

(sgd.) Bradtke  
Deputy Department Head

### DOCUMENT 33 (51)

Council of the District of Frankfurt/Oder  
Land Brandenburg  
Department: Interior Affairs  
Ref. 18-30/69/58

—Li.

Frankfurt/Oder, April 25, 1958  
Wilhelm-Pieck-Str.

To Mr.  
Otto Hentschel  
Fürstenwalde  
Lindenstr. 32  
Dear Mr. Hentschel,

We beg to refer to your letter of April 14, 1958, and have to inform you upon examination that we join the Council of the Circuit of Fürstenwalde in his decision of your matter.



In this connection we beg to call your attention to the fact that nobody in our German Democratic Republic considers you as "expelled from your home".

If you mention "reparation of the injustice done to you" in your letter, we recommend that you examine accurately who those responsible for what you call "injustice done to you" actually were. In no case they were workers and peasants.

The necessary care and assistance is granted to you and your wife by the Health Service of our State.

We beg you to consider this decision as definite.

Yours faithfully,  
(sgd.) Muhlack  
(Muhlack)  
Department Head

**DOCUMENT 34 (52)**

Council of the District of .....

"Interior Affairs" Department

....., May ....., 1958

To  
Mrs. N. N.

.....  
Dear Mrs. N. N.,

We have received your letter dated ....., and I have to reply to you what follows:

The decision of the Council of the Circuit of ..... agrees with the opinion of the State. The statements which the members of the Commission for Intra-German Traffic have made with reference to your settling over, have shown to you why it is wrong to settle over into the country whose aggressive government carries on the preparations for a terrible war with all energy.

You cannot speak of our State causing a family to be separated; it is rather necessary to realise that ..... according to his own statements belongs to ....., that you have a home here, and surely you will be of the opinion yourself that it is possible in the German Democratic Republic to find a suitable and satisfactory place of work.

It is a fact that there is a safe future for you and your family in the German Democratic Republic.

Upon a clear appraisal of the present conditions in West Germany you will realise that the decision of the circuit of ..... is correct.

(Signature)  
Department Head

DOCUMENT 35 (59)

People's Chamber  
of the  
German Democratic Republic  
Secretariat

Berlin N 4, June . . . ., 1958

To  
Mrs. N. N.  
Settling over to West Berlin

Dear Madam,

First of all we have to inform you that such applications are decided upon by the councils of the circuits under their own responsibility. The transfer to them of this responsibility corresponds to our democratic development, because these organs, due to their close contact with the working population, are in a much better position to form an opinion on individual cases and can therefore take proper decisions also. If the Council of the Circuit of . . . . . pointed out to you that your husband has the possibility to move to . . . . ., we join this opinion also. Our State of labourers and peasants holds the opinion that settling over to West Berlin means support to the Adenauer system, and **betrayal of socialism**. Especially in recent times the Bonn state tries by all means to further the preparations for atomic warfare, which would result in indescribable sufferings of mankind. For this purpose they conduct a war-mongering policy against all peace-loving states, and in particular, against the German Democratic Republic. They desire to injure our Republic in all spheres and in doing so, do not shrink from any means or methods. In pursuing their purposes they employ the militarist and fascist organisations and especially the various espionage and agents' organisations which try, under the pretext of establishing human contacts, to incite citizens of our Republic to leave our State, and to win them for agents' services.

This is not in the interest of our State, nor does it serve the interest of maintaining and strengthening peace. Our State actively backs up peace, and has proved this by its proposals and opinions expressed on the policy of the camp of peace. It is therefore important that our German Democratic Republic is more and more fortified.

Yours faithfully,  
by order: (Signature)

DOCUMENT 36 (60)

**Quoted from:** "Incompatible with out Interests"

In March of this year (1958), Mrs. Gerda W., of Dresden, filed an application with the Town Council for herself and her two children asking that a permit be issued for their settling over to West Germany. The reason given for her application was that their family was to be joined again. The husband had fled from the Republic some months ago simply deserting his wife and children.

The application of Mrs. W. was rejected by our authorities. Is this not a case of inequitable hardness? Some one or other will ask himself. No. This is a correct and responsible decision which corresponds both with the interests of the State and the interests of the W. family.

What reasons were decisive for the negative answer? It is an open secret that the aggressive imperialist circles of West Germany prepare for atomic warfare against the peace-loving socialist camp and especially against the German Democratic Republic. Everything is made to serve the carrying into effect of these devilish plans.

**Every citizen leaving our Republic and going to the Bonn NATO state — whether legally or illegally — automatically strengthens the West German imperialism, be it as a worker today or as food for powder tomorrow. Leaving the Republic is directed against the interests of our state in view of the Bonn war course.**

However, it is not only the interest of the State which justifies a refusal, but it is also in the personal interest of this woman and her children not to leave her home. She has to be protected from making the said experiences of those who would not believe us and ran into an uncertain future without hesitation.

A few lines from a letter written by Mrs. Novotny from West Germany, will stand for all those cases in which persons, having fled from the Republic, repented their disastrous step and announced their return.

“..... It would be my greatest desire to get away from here soon. A hundred times, no, a thousand times I repented of having allowed myself to be persuaded to stay here. My brains did really fail. If you knew what is really going on here! I have certainly had a better life in the GDR. How could I allow myself to be persuaded? I hope that everything will work out well soon, otherwise I shall perish here.” Mrs. Novotny has returned to our Republic in the meantime and is now living in Radebeul.

But what is to become now of the W. family? Shall they continue to be separated for ever? Certainly not! If Mr. W. would appreciate the welfare of his family as well as the organs of our State do, he would have returned a long time ago. But we do not only favorise regulated family conditions and support them any time, but we also create the social prerequisites for a regular family life, in so far as everyone in our Republic has his place of work and can earn his living.

Is it not most irresponsible even for this reason to put a life in peace and welfare at stake for nothing? I. R.

**Source:** “Sächsische Zeitung”, organ of the Dresden district office of the Socialist Unit Party, May 21, 1958, p. 5.

*After refusal of the permits to leave, the applicants are observed intensively for a longer period. The supervision is in the hands of the section officer of the people's police (ABV). The registering offices are informed of the names of persons, whose applications for permits to leave have been rejected. The supervision is carried out also by confidential persons of the section officers. Frequently, the section officers instruct neighbours or inmates of the house to report at once if the persons concerned*

*sell or dispose of household utensils, or if bags or parcels are carried away indicating the intention to flee from the zone. The sections of the police largely coincide with the district organisations of the so-called National Front and of the SED. These organisations, too, are engaged in the supervision of citizens.*

## DOCUMENT 37 (61)

People's Police Circuit Office ..... , May .., 1958

Through the  
Police Department  
to the competent Section Officer

### Re Supervision of Persons in your Section

Applications for permits to settle over to West Germany or West Berlin filed by the persons mentioned below have been rejected:

Name: ..... Christian name: .....  
born: ..... Residence: .....

You are requested to supervise these persons and to instruct your confidential men to do so also in order to ascertain whether household utensils or furniture are sold or disposed of, or if linen or clothing are carried away in bags in order to prepare for fleeing from the Republic. Any such ascertainties will be reported here in writing at once.

Head of the PM Department  
(Signature)

Lieutenant of the People's Police

### Handwritten note on the reverse side:

On May .., 1958, Mrs. N.N., residing in the same house, was called upon. N.N. was instructed to report to the undersigned any suspicion of leaving the Republic.

Signature  
..... of the People's Police

\*

## Expulsions

*As will be seen from the foregoing documents, almost all applications for permits to leave the Soviet Zone for West Berlin or the Federal Republic are rejected. On the other hand, the East Zone authorities have, in recent months, banished a growing number of people not intending to go to the West, from the Soviet Zone of occupation. Most of them are former refugees and their families who returned into the Soviet Zone. Banished were also such persons with their families who went from West Germany to the so-called G.D.R. In some cases, wives were concerned, whose husbands lived in the West without having fled from the Soviet Zone. In most cases, no reasons for such expulsions can be ascertained. The expulsion orders are issued by the local people's police circuit offices. The persons concerned are merely informed orally of their expulsions, and no reason or legal basis for this measure is given. There is no possibility of complaint against the expulsion. The expelled persons are not allowed to take household utensils or furniture with them.*

**DOCUMENT 38 (62)**

Berlin, March 12, 1958

Mr. N. N., now residing in Berlin-Marienfelde, Refugees Camp, appears and states:

I have been living in the Soviet Zone of occupation since 1946. In the end of 1952 I fled from the zone and stayed in West Berlin till the middle of 1953. Then I returned to my former residence and stayed there. I am properly registered as returned and recorded by the police. When the new passes were issued in the end of 1953, I also received the new passport of the GDR which is still valid. In any case I was a citizen of the so-called GDR.

In the middle of 1957 I had to give up my work. Since then, I lived on occasional orders which I received from friends, or on odd jobs. After the flight of a friend of mine I was summoned to the police. Here I was interrogated about this friend and her flight. Following the interrogation, my passport was taken away, and I was ordered to reappear for another interrogation some days later. During this interrogation the interrogator asked me whether I knew the international usage in regard to expulsions. I answered that persons could be expelled who are not citizens of the State concerned. He replied almost literally: "We have new laws, and we check all persons who have ever fled from the territory of the GDR. Any person who does not appear to fight for the building of socialism, is intolerable."

He then informed me that I was banished from the GDR and that I would never be allowed again to enter the territory of the GDR, not even for a visit. I asked for the reasons for this measure and pointed out that I still have relatives in the zone. However, I received no answer.

I had to go to my flat with a policeman, was allowed to pack the things most urgently required, and was then taken by a policeman to a border police station. The policemen there acknowledged on a form sheet to have taken me over, and moved me across the frontier a short time thereafter. None of these orders were given to me in writing.

I assure that my above statements are the truth in every respect and I am prepared to swear to them before a court if necessary.

read, approved, signed

(Signature)

(Signature)

**Hindrances to Intra-German Traffic**

*The issue of passports for visits in the Federal Republic has also been reduced in recent times. Here, too, no general law applicable to all citizens has been enacted, but the corresponding directives are communicated to the local people's police circuit offices confidentially, and in most cases orally only. Only one visit to near relatives shall be allowed annually. The appli-*

*cation for a travel permit will be rejected in each case, if a close relative had to flee from the Soviet Zone. State employees are in no case allowed to visit the Federal Republic. According to a directive by the Ministry for Interior Affairs of the Soviet Zone, a short travel may be allowed if a close relative has deceased, or in cases of severe illness. However, the office heads have been instructed to refuse their consent in personal discussions with applicants employed by them. Students, too, are not allowed to travel into the Federal Republic. The above mentioned exceptions may be made, provided that the director of the school or university raises no objections. However, no permit is granted even in exceptional cases, if a close relative of the applicant has fled from the Soviet Zone.*

## **DOCUMENT 39 (64)**

### **Announcement of the People's Police**

Applications for travel permits for West Germany may be filed with the local police stations only from 13 to 16 hours on Mondays and Fridays.

The Bonn government, according to resolutions of the Bonn parliament on the atomic armament of the Federal Army, is using means of diffamation and chicanry against citizens of the GDR at a growing rate. Just recently, the Leipzig inhabitants Gerhard Reinhold Krause and Heinz Schenk have been incarcerated illegally in the Adenauer state.

According to this political situation in West Germany, permits can be issued in the interest of the safety of our citizens only for most urgent travels to close relatives who were not separated from their next of kin voluntarily. The people's police requests to make no unnecessary inquiries. Source: "Leipziger Volkszeitung", May 13, 1958.

## **DOCUMENT 40 (65)**

### **Order**

**on private journeys of co-workers of the State machinery  
of the GDR into the territory of NATO states  
dated September 25, 1957**

#### **§ 1**

(1) Co-workers of the State machinery of the GDR are in principle not allowed to make private journeys into the territory of NATO states (USA, Great Britain, France, Belgium, Holland, Luxemburg, Norway, Iceland, Portugal, Italy, German Federal Republic, Greece, Denmark, Turkey, and Canada).

(2) Exceptions are provided for in paragraph 3.

§ 2

Co-workers in the meaning of § 1 are all persons employed against remuneration by all central and local organs of the state administration of the German Democratic Republic, except such persons as predominantly perform manual labour (e. g. firemen, cleaning personnel, craftsmen, kitchen staff, and the like).

§ 3

Exceptions referred to in § 1, section 2, may be made:

- a) in casualties or cases of dangerous illness of parents, children, brothers, and sisters.
- b) for journeys arranged by social organisations or state organs and institutions of the German Democratic Republic in the service of a peaceful approach between the German Democratic Republic and the state in question.

(Signed:) Maron  
Minister for Interior Affairs

**DOCUMENT 41 (67)**

**Order**

**of the State Secretariat for Universities regarding journeys into member states of NATO by students of universities, high schools and professional schools**

Dated May 24, 1957

1. Journeys into NATO states by students of the universities, high schools and professional schools of the German Democratic Republic require special recommendation. This order is applicable to journeys into NATO states without exception.

.....  
.....

5. On violations against the provisions of this order, the violator shall be denied the support of the state organs for carrying out his studies; this includes the withdrawal of scholarships, withdrawal of the permit to study for a limited or unlimited time.

The rector or director orders these measures to be taken through administrative channels; at universities and high schools on suggestion by the pro-rector for educational affairs.

.....  
.....

7. This order enters into force on June 1, 1957.

(Signed:) Dr. Wilhelm Girnus  
State Secretary

Soucre: Supplement to "Das Hochschulwesen", appendix to No. 6/57, p. 48  
"High School Regulations".

DOCUMENT 42 (69)

Berlin-Zehlendorf, March 5, 1958

Mr. N. N. appears and states:

On February 15, 1958, the members of the Post Department of the District Direction for Post and Tele-Communication in East Berlin were informed by the head of the Post Department Mr. Paul Schodlok, SED, in the course of the political indoctrination course that on February 12 or 13, 1958, the Minister for Post and Tele-Communication had instructed orally all offices of the German Post that from then on the office heads should in principle consent in no case to journeys to West Germany or other NATO states by persons employed by the German Post. Exceptions could be made only in cases of deaths or serious illnesses of close relatives. However, the travel permit should not exceed a period of six days in such cases. Originally, the Ministry for Interior Affairs of the so-called GDR had instructed the German Post orally that the defence of journeys to the West should be applicable only to such persons as fall under the "Order on Rights and Duties of Co-Workers of the State Administration" — Disciplinary Order of March 10, 1955 — (Law gazette of the GDR No. 24, p. 227), i. e. to leading employees of the German Post. The amplification of this circle of persons was explained as being due to the shortage of labour. The further emigration of labour was to be prevented. The order of the Minister for Post and Tele-Communication further says that journeys into countries not belonging to the NATO, such as Austria, Switzerland, etc. as well as into the so-called people's democracies would be permissible.

When this order was made known, strong agitation appeared among those present. Counter arguments were heard. It was impossible on that day to continue the political indoctrination course and the following conference.

I assure that my above statements are the truth in every respect, and I am ready to swear to them before a court if necessary.

read, approved, signed

(Signature)

(Signature)

\*

*No permit is required for journeys from the Soviet Zone to Berlin. The members of the Soviet-zonal "state machinery" had to undertake, however, not to enter or to pass through the West sectors of the town when travelling to Berlin.*

*Apart from the restrictions on travels to the West, difficulties are now being made also for inhabitants of the Federal Republic requiring permits to stay in the Soviet Zone for visits. Such permits now have to be applied for on a form sheet containing data as to when the inhabitant of the Soviet Zone has already received visitors from the West, and since when the coming visitor has been residing in the Federal Republic. No permits may be issued to persons who have fled from the Soviet Zone.*



## DOCUMENT 43 (70)

Berlin, April 15, 1958

The clerk N. N., at present residing in Berlin SW 11, Askanischer Platz 3, Camp, appears and states:

Up to the date of my flight I was employed by a town administration in the district of Dresden. In the second half of the month of December, all employees of the town council were submitted statements for signature confirming that they have been informed of the defence of entering or passing through West Berlin. The text of these statements ran approximately as follows:

"I have been informed of the fact that the members of the State machinery are not allowed to enter or pass through the West sectors of Berlin."

A legal basis herefor was not stated. When the employees were required to give their signatures, they were informed that contraventions would be punished by disciplinary measures. Questions were answered to the effect that a corresponding defence had been issued by the Ministry for Interior Affairs. I wish to mention that a similar statement had to be signed already several years ago.

I assure that my above statements are the truth in every respect and I am prepared to swear to them before a court if necessary.

(Signature)

(Signature)

## DOCUMENT 44 (71)

**Quoted from:** "Können Republikflüchtige zurückkehren?"

Why are no permits to visit the GDR issued to persons who have left our Republic illegally? This question is now frequently asked by our citizens. They uphold the opinion that the illegal moving to West Germany, or putting it more clearly, a flight from the Republic, is in no way different from moving, for instance, from Schwerin to Dresden or Karl-Marx-Stadt. These citizens do not visualise the existence of two German states, of which one, the Federal Republic, is governed by a handful of millionaires, while the power in the GDR is in the hands of the labourers and peasants. These citizens also have forgotten that the division was brought about by monopolists, fascists, and militarists who deepen it systematically. Every citizen of the German Democratic Republic must realise that every person leaving our Republic illegally (this includes people remaining in West Germany with a travel permit) directly or indirectly helps the Bonn state to deepen the division.

Safety Measures in the Interest of our Citizens.

It is to be welcomed if many citizens residing in and originating from the Federal Republic, come to visit our Republic. We will gladly make use of any opportunity to discuss with them questions of common interest. Special measures are however necessary in the case of people who have left our state illegally and in many cases diffamed it. Why?

Since the Federal Government has rejected all proposal of our government



## DOCUMENT 45 (73)

172/55

### Directive for the Admission of Pupils to Grammar Schools and High Schools

of December 12, 1955

Version of December 1, 1956

The labouring class and the class of working peasants are the unshakable carriers of our workers' and peasants' power which serves the whole German people. It is for this reason that in selecting the future pupils of grammar schools and high schools the children of labourers and peasants have to be preferred. Furthermore, the children of such workers shall be taken into special consideration as exercise functions of the power of labourers and peasants' and of such citizens as play a positive part in the building and strengthening of our Republic.

It is the duty of the directors and teachers of the elementary school to make sure that the recruiting and selecting of pupils for the grammar schools and high schools correspond to the social structure of the German Democratic Republic.

In order to facilitate the selection the following rules are given:

#### A.

##### Labouring Class

Members of the labouring class are deemed to be:

1. Persons who have been employed for at least five years as workers in industry and agriculture, in trade, craft, traffic and similar institutions;
2. Persons who, having been workers, now exercise functions of the party of the labouring class and of the democratic mass organisations, the armed forces, the state administration, or the people-owned and collective economy.

#### II. Working Peasants

Working peasants are deemed to be:

1. Persons who are members of agricultural productive collectives (kolkhozes);
2. Individual peasants who perform their work with manpower belonging to their families or who employ labour only during the annual peak load periods, and hence do not exploit outside labour, and whose estates do not exceed the size of 20 hectares of a medium quality class of soil.

.....

III. Workers — within the meaning of this directive — whose children have to be taken into special consideration in making the selection for grammar schools and high schools:

1. Holders of an individual contract.
2. Persons who according to the "Order on the old age assistance to members of the intelligentsia at scientific, artistic, pedagogic, and

medical institutions of the German Democratic Republic", dated July 12, 1951, belong to the circle of persons entitled to such assistance (Law Gazette No. 85, July 17, 1951, page 675).

3. Persons who according to § 1 of the second order of May 24, 1951, for the execution of the order on additional old age assistance to members of the technical intelligentsia, are employed by people-owned and similar enterprises (law gazette No. 62, May 28, 1951, page 687).
4. Members of the armed forces.
5. Members of free-lance intelligentsia whose attitude towards the German Democratic Republic is positive.
6. Persons who after the year 1945 in the German Democratic Republic, are working as employees of the democratic parties and mass organisations, in the state administration, in the people-owned and collective economy, in cultural, scientific, medical, and similar institutions.
7. Members of productive trade collectives.
8. For admission to grammar schools and high schools, the children of those persons shall be taken into special consideration, who have acquired merits and received distinctions.

#### B.

1. The councils of the districts, public education departments, shall supply the elementary schools with general figures, based on the economic plan, for the admission of pupils to the ninth class of grammar schools and high schools.
2. a) .....
- b) Conditions for admission to high schools regularly include:
  - good performance,
  - active social work,
  - and
  - blameless conduct.
3. The directors of the grammar schools and high schools will decide on the admission to further generally educative schools together with the heads of the elementary schools in consultation with the democratic public, especially the people's representatives and parents' councils.

.....

**Source:** "Verfügungen und Mitteilungen des Ministeriums für Volksbildung", No. 32/55, p. 257, and No. 32/56, p. 209.

\*

*More distinctly than from the admission rules it is evident from the refusals sent to parents that it is not the performance of the children at school, but their social and political activity as well as the political attitude of the parents which are decisive for the admission to a higher school.*

**DOCUMENT 46 (74)**

Council of the Town .....  
Public Education Department  
Circuit Commission dealing with  
applications for admission to high schools

J., January 14, 1958

Dear Mrs. R.,

We regret to have to inform you that the commission for the admission of pupils to higher schools was unable to accept your application. The limited possibilities allow only such pupils to be admitted as fully meet with the three fundamental conditions and who offer a guarantee that they, as the future socialist intelligentsia of our state of workers and peasants, actively contribute their share towards the strengthening of our social order. Although the performances of your child were comparatively good, the social and political conduct offers no guarantee that it will meet with the requirements made by the higher school.

You are entitled to file a written complaint against this resolution with the circuit commission of N.

The Chairman of the Commission  
(Signature)  
Director

**DOCUMENT 47 (76)**

Council of the Town .....  
Public Education Department

March 24, 1958

Mrs. H. R.

.....

Re Admission of your daughter to a high school.

Your complaint of January 22, 1958, against the decision of the Commission for the Admission to High Schools dated January 14, 1958, was examined at the last meeting and dealt with together with the other documents relating to the admission. The fact that our letter of January 14, 1958, was multiplied, is merely a question of the technical aspect of communications. In no way does it allow the conclusion to be drawn that your application has been dealt with superficially only. You may be sure that the Commission made its decision after days of serious work and on most careful examination of the papers. The "form sheet" which we sent you, does not indicate that your application was dealt with schematically only.

It is true that the performance of your daughter was very good and that she has participated in social work also. But we must expect a future pupil of a high school additionally to deliver a special socio-political avowal, which can be expressed only by cooperation with the youth organisation. The requirements made at high schools in this respect are very high and will not be fulfilled by him who comes under unfavourable circumstances. Only if this avowal to the youth organisation exists, may all conditions of the admission rules be considered as met.

We further emphasize that in future the medium school will be the starting point of every further development of our youth, and we are convinced that your daughter will reach her professional aim in this way also.

Finally we beg to inform you that this decision is definite according to the rules for the admission for pupils to medium and high schools of December 12, 1955, Section B, par. 4.

(Signature)  
Municipal Counsel

(Signature)  
Chairman of the Admission  
Committee

**DOCUMENT 48 (77)**

Council of the Town .....  
Public Education Department  
Circuit Commission for the  
Admission of Pupils to  
Medium and High Schools  
Mrs. B. M.  
.....

December 27, 1957

**Re Admission of your son to the High School**

Your written complaint of December 10, 1957

In accordance with the Directives of the Ministry for Public Education for the admission of pupils to medium and high schools of December 12, 1955, and December 1, 1956, the Circuit Commission has examined your complaint against the negative reply of the Admission Commission of the High School, and deliberated on it in your presence on December 23, 1957.

Upon careful examination of your application as well as of the arguments put forward in your complaint, the Circuit Commission had to support the decision of the Admission Commission of the High School and refuse to admit your son to a high school. In your complaint as well as at the personal discussion you stated that both you and your son had been of the opinion that the suitability of your son from the standpoint of his character and future profession alone is decisive for his admission to a high school. This is only partly correct. The directive of the Ministry for Public Education of December 1, 1956, provides expressly that in addition to a good average performance and blameless behaviour, the admission of a pupil to a high school also depends upon his active social work. This requirement is necessary, as the future intelligentsia of our socialist states comes from the ranks of students. However, the Commission found that there cannot be any question of any active social work of your son.

On the contrary! The opinion of the elementary school states that your son, with one single exception, did not participate in any useful social work outside the school, and that he did not show any willingness to cooperate whenever allegiance to our state of workers and peasants had to be expressed. However, just this willingness to express allegiance to our social order is indispensable for a student.

Unfortunately, our discussion also revealed that you have done little — for reasons of conscience as you said — to create such willingness in your son.

In view of the multitude of applications, which greatly exceed the number of admissions to high schools provided for in the economic plan, the Commission could grant an admission only if on the application of strict rules it appeared that all prerequisites were really fulfilled. The Commission was forced to reject your application in spite of the very good performance (1.1) and the blameless behaviour of your son, for the reasons pointed out above.

We suggest to send your son to a medium school and beg you to communicate with the Public Education Department of the Town Council for this purpose.

At the same time we call your attention to the fact that the decision of the Circuit Commission as the last instance is definite.

(Signature)

Chairman of the Circuit Commission  
for Admissions to Medium and High Schools

\*

*Mr. Sch., too, received a confirmation of the good performance of his son at school, but the Circuit Commission pointed out at the same time that the "social and political conduct of his parents offers no guarantee for the principles of socialist education by the school being sufficiently complemented by his parents". The negative political opinion on the parents was due to the fact that they had energetically opposed to their child's participation in the "Jugendweihe" (Youth Dedication). Before writing the negative answer, the school authorities had hinted to the father that he could obtain his son's admission to a high school if he nominated him subsequently for the "Jugendweihe".*

#### DOCUMENT 49 (78)

Council of the Town .....

January 20, 1958

Public Education Department

To Mr.

F. Sch.

.....

At the session of the Circuit Commission held on January 13, 1958, your complaint of December 15, 1957, was dealt with. Upon examination of your complaint the Circuit Commission confirmed the resolution of the School Commission of the High School and also refused to admit your son to a high school.

#### Reasons:

As the number of applicants for admission to high schools was high this year, the selection had to be very strict. All considerations had to be made in order to make sure that the education of our high school students, and hence of our future socialist intelligentsia, may be carried

out in the sense of our state of workers and peasants. Your son could not come up to this strict selection; for in spite of his good performance at school and his social activity, the overall behaviour (social-political behaviour) of his parents offers no guarantee for the principles of our socialist education being sufficiently complemented at home. The decision of the Circuit Commission as the last instance is definite.

(Signature)

Chairman of the Circuit Commission

### **„Western Education“ as a Punishable Offence**

*Parents who do not content themselves with the negative decision of the Admission Commission and who send their children to a high school in the Federal Republic or in West Berlin, are interrogated by the public prosecutor in the Soviet Zone and must expect to be punished by the courts. According to the Education Law in force in the Soviet Zone since 1950, all parents are obliged to send their children to a school in the Soviet Zone or in West Berlin until they have completed the eighteenth year of life. No exceptions are made of this principle. In case of contravention to this law, the parents can be punished with a fine of up to 150 DM and 6 weeks imprisonment, or either of these punishments. If the parents allegedly show a politically inimical attitude, the parents can be deprived of the right of care for their children upon application of the director of the school or the school authorities, with the result that the child is taken to a so-called "special home for children" for social and political education. In spite of these risks, thousands of parents even today undertake to send their children to schools in the Federal Republic or in West Berlin. Neither fines nor imprisonment nor difficulties in their professions have caused these parents to give up their opinions.*

### **DOCUMENT 50 (79)**

The Public Prosecutor  
of the Circuit of N.

N., ..... 1955

To the  
Circuit Court  
— Penal Chamber —  
N. ....

### **Indictment**

N. N. .... residing in N. ....

German citizen,  
not previously punished according to his statements,  
is accused

of having endangered the socialist education of his child in the district of N. in the years 1954 and 1955 in contradiction to the interests of the working population in the GDR.

As the son of the accused did not fulfil the prerequisites for admission to a high school in the GDR, he was not accepted. The accused therefore



sent his son ..... to a high school in West Berlin. He thereby violated the duty of attending a professional school in the GDR, as an exception from the duty of attending a professional school can be made only if a high school in the GDR is attended. In spite of repeated reminders and admonishments by the school directors and by the public prosecutor the accused refused to make any change in the school attended. Offence under §§ 3, 4, 5, of the Education Law in connection with the order for the execution of § 5 of this law.

#### **Essential results of investigations:**

In the year 1954, the son of the accused ..... was dismissed from the elementary school in N. The accused wanted to send him to a high school. He therefore filed an application, which was rejected, as the son did not fulfil the prerequisites for admission to a high school in the GDR. The accused then communicated with a high school in West Berlin and had his son admitted to a high school in Berlin-Kreuzberg. The son of the accused began to visit this school in West Berlin in April, 1954.

The son of the accused did not attend a professional school in the GDR, although an exception of the duty to attend a professional school can be made only if a high school in the GDR is attended.

Although the accused was informed and admonished repeatedly, he did not allow himself to be convinced. Even the admonishment by the public prosecutor did not cause him to observe the Education Law. The Education Law was enacted in order to guarantee to all juveniles in the GDR a true democratic education by our democratic schools, and to guarantee also that the juveniles in our state of workers and peasants are educated in the interest of our working population. Prerequisites for this guarantee were the reformation in the sphere of public education carried out by our working population. Through the training of a new staff of teachers, through the abolition of the education privilege of the bourgeoisie, and through the elaboration of new school and education schemes, the juveniles are guaranteed to be given an education which enables them in every situation of life to take the proper decisions and act correctly as citizens of the GDR, a state of workers and peasants.

The accused has completely disregarded these principles in respect of the education of his son. He was only interested in sending his son to a high school because of his smallish bourgeois attitude towards high schools. He disregarded completely the basic principles of the education of the youth.

How his son was educated by the West Berlin high school, appeared very soon from the books and periodicals confiscated from him. Comics and other inferior literature was seized from him, literature apt to disinterest juveniles in vital problems of Germany and to prepare them for new wars. .... Only a man like the accused which is in no way interested in the character of our new state, who did not inform himself of the development of Germany in recent years, can disregard the effects of mean literature from West Germany and West Berlin on the youth of Germany.

It must be definitely made clear to the accused that the laws in the GDR serve the continual strengthening of peace, such as the Education Law, which contributes to educate the youth to love peace, because just this law counteracts every detrimental influence on our juveniles. ....

As father he is responsible to the working population in the GDR for the development of his son, for his education. For this purpose he has to observe the laws.

It is requested:

1. To open criminal proceedings by the penal chamber of the Circuit Court of N.
2. To fix a date for trial.

By order:

(Signature)  
Public Prosecutor

### DOCUMENT 51 (80)

Municipal Court of Greater Berlin  
1 c Penal Chamber  
(101 c) Xa (z) 150.55 (83.55)

#### In the Name of the People!

Criminal case  
of H. J., no profession, born Jan. 2, 1920, in Stralsund,  
residence: St., Knieperdamm 77,  
German citizen, not previously punished  
in detention since August 12, 1955,  
for a Crime under Control Council Directive 38, Section II,  
Art. III A III

The Municipal Court of Greater Berlin, 1 c Penal Chamber,  
at the session of December 13, 1955,  
has pronounced to be just:

The accused is sentenced to 1 — one — year  
imprisonment for contempt of state.

The time of detention is deducted from the punishment.

The accused has to carry the costs of the proceedings.

#### Reasons:

.....  
The 15 years old son Rüdiger of the accused visited the Lambert-Steinweg School in Stralsund (elementary school) from which he was dismissed in the summer of this year. He passed his final examination with the note "good".  
.....

Upon an application he was admitted to a high school in Stralsund. The accused, on account of her attitude against the German Democratic

Republic, intended to send her son to a high school in West Berlin and later to study in West Berlin or West Germany also. For this reason she communicated with her cousin living in West Berlin, who entered into contact with the West Berlin School Office and informed the accused that there was a possibility for visiting a school there. On August 9, 1955, the accused and her son Rüdiger went from Stralsund to West Berlin in order to accomodate him at a boarding house in West Berlin.

.....

The accused and her son stayed with her cousin in West Berlin, and on August 10, 1955, called on Department 11 of the Senator for Public Education of the Senate of West Berlin. There she introduced her son and stated, among other things, that she had the desire to send her son to a high school in West Berlin, because she and her son did not agree with the democratic development in the German Democratic Republic and because her son, due to his Christian attitude, had no possibilities for his development. The accused was then given an application for recommendation of a limited permit to stay in West Berlin, under No. 3 of which she was to state the reasons why her son could not remain in the "East Zone", and why his sejour in West Berlin was necessary. These statements were to be completed by an appendix if necessary. The accused filled out this form and also wrote an appendix to Item 3, which she signed with her name. This appendix contained a number of slanderous utterances against institutions of the State power in the German Democratic Republic. She confirmed there again her oral statements and wrote, among other things and contrary to the truth, that her son Rüdiger was not suitable for an "Eastern high school", as she called it, because he took an oppositional attitude against the "SED regime". Furthermore, the accused diffamed the Youth Dedication in her letter and insulted organs of the Public Education, in particular, the school organs in the German Democratic Republic. When her son was acomodated at a Christian boarding house in West Berlin, the accused also stated that her son could not live in the GDR because of his Christian attitude.

.....

Her statement in West Berlin that her son on account of his Christian attitude had no possibility to develop, is untrue for it is a fact, and the accused knew, that her son had been admitted to a high school in the GDR and that he had indeed possibilities to develop as he wished. The further statements of the accused that her son had taken an inimical attitude against the German Democratic Republic, are also untrue and misrepresented. These untrue and misrepresented facts were stated by the accused in public before the Senator for Public Education in West Berlin and the Christian boarding house. She has thereby made slanderous utterances against a state institution of the GDR, in particular, the institution for Public Education in the GDR.

.....

If the Chamber has deviated from the plea of the public prosecutor who had applied for 1 year and six months' imprisonment, this was done in view of the general development and education of the accused,

who was brought up in small bourgeois conditions and who had no contact to the labouring class. The Chamber considered an imprisonment for one year as sufficient to demonstrate to the accused the social dangerousness of her conduct and to achieve the necessary educative purpose of the punishment. ....

(sgd.) Marienfeld

Eckert

Kauf

Copied:

Berlin, December 13, 1955

(sgd.) Thiel

Secretary

### **Social Political Activity a prerequisite for visiting a school**

*Pupils having been admitted to a high school, must not only continue their social activities, but on the contrary supply ever new evidence of their progressive attitude. Social activity of students is important also for their "conduct note".*

#### **DOCUMENT 52 (81)**

Dr. N. N. teacher,  
now residing in West Berlin,  
appears and states:

At the final conferences of this year, the conduct notes to be given to students were discussed. The director instructed the teachers to observe the following rules in fixing the notes:

The best conduct note (1) can be granted to a student only, if his conduct was not only blameless, but if he has also exerted "progressive" influence on his class. In practice this means that a student can be awarded the note "1" only, if he proves his social activity within the Free German Youth (FDJ). Other students, whose behaviour was faultless, but who were not members of the FDJ, are in principle awarded the note "2". An unbiassed reader of these testimonials cannot tell whether the conduct of the student at school has given reason to complaint.

Berlin, June 20, 1955.

read, approved, signed

Dr. N. N.

\*

*However, not only the lack of social activity, but also the failure to participate in demonstrations on the 1st of May can be interpreted as a negative political attitude of the student and may result in a bad conduct note being awarded.*

DOCUMENT 53 (82)

The Council of the Town .....

May 2, 1955

To  
Mr. N. N.

.....

Dear Mr. N. N.,

According to regulations for pupils, every pupil is obliged to observe orders of the director or of the teachers without fail. From a directive of the May Committee it appeared that all pupils of the eighth class had to participate in the May demonstration. Mrs. H. as head master of Class 8 b also informed her class of this. We had to find, however, that your daughter ..... yesterday did not attend this demonstration and did not previously produce an excuse. For this reason, a blame will be entered against your daughter in the class diary, and she will get the conduct note "4".

(Signature)  
Directress

\*

*Frequently however, the pupil is not only awarded a bad note, but "progressive forces" insist upon the removal of this pupil from school. Since the demand was made in the Soviet Zone to reform the schools into "socialist education centers", it is possible to dismiss a pupil from a high school on the grounds that he takes a negative attitude in respect of "social activity" and that he lacks of "class conscientiousness". Even a visit to West Berlin may be sufficient to unmask a pupil as an "enemy of the labouring class". As such, however, he is unworthy of attending a high school in the Soviet Zone.*

DOCUMENT 54 (83)

Quoted from: "Der Ausschluß war gerecht"

"Why did some teachers of the Käthe-Kollwitz High School Waver?"

"Raise demands — Show Ways" was the headline of a report on a discussion with teachers of the Kyritz high school. The starting point of the discussion was the flight of some students from the Republic. The conclusions of the reporter may be applicable also to the information we received from our correspondent Paul E c k e in Merseburg:

In the beginning of December we were informed by the people's police that a high school student had gone to West Berlin on October 7 (!) and had bought an overcoat there. The Circuit Court requested the Youth Aid / Home Education Department to formulate an opinion on this violation of law. We therefore informed the school of this matter. There,

the Free German Youth management considered the case and demanded this student to be expelled from the FDJ and the high school. It was considered to be particularly aggravating that this student of the 12th class went to West Berlin on the 7th of October, the anniversary of the foundation of our Republic. If a student of the 12th class has no other relations to our State, if she proceeds to betray the State on its anniversary, if such trifles as an overcoat from West Berlin are more important to her than the welfare of the people who made it possible for her to attend a high school, then there cannot be any other decision than her expulsion from the high school. The Pedagogic Council of the school therefore arrived at the same decision. However, there were some colleagues at that school, the Käthe-Kollwitz-High School in Merseburg, who considered this decision to be too severe. Apparently these colleagues have forgotten already that such infringements of the laws on intra-German payments make it possible for the agents organisations in the West to finance their cowardish assaults on our Republic. Therefore, there could not be and will not be any place for such students at our high schools. Whoever aids our enemies, is not entitled to our support.

Source: "Deutsche Lehrerzeitung" No. 6, February 8, 1958.

### Relatives Fleeing from the Republic as Reason for Discharge

*Frequently, the pupil himself need not give reason for a negative social opinion. Even if one of his brothers or sisters flees to the free West, this may be disastrous to him. When it becomes known that his brother or sister have left the GDR illegally, the student concerned must leave the high school according to directives of the school authorities, regardless of the opinion his teachers have of his performance at school or of his own "social activities".*

### DOCUMENT 55 (84)

Elementary and Grammar School

N., March 10, 1958

To

Mr. N. N.

.....

Dear Mr. N. N.,

At the workers' conference in N. it was resolved that the pupils, whose parents or brothers or sisters have fled from the Republic, have to leave the school at once.

As your son N., having graduated from school in the year 1957, has left our Republic, this resolution is applicable to your son M. also. Should it be true that your son has fled from the Republic, we would be compelled to dismiss M. from school.

(Signature)

Director

\*

*It is not surprising that under the pressure of such coercive measures, more and more students decide to emigrate to the Federal Republic or to West Berlin. The parents of these students remaining in the Soviet Zone or in East Berlin, are to be made responsible for the flight of their children and are obliged to repay the costs of education.*

### **Admissions to Universities Controlled by the Party**

*Admission to universities of the Soviet Zone are made in accordance with the same principles as the admission of pupils to medium and high schools. According to the immatriculation rules, admission to universities are not dependent on good performances at school, but above all on the social origin of the applicants, the positive political attitude of their parents in regard to the aims of the SED state, as well as the "social and political activity" of the applicants. In this manner, applicants are eliminated during the admission procedure already, who according to the opinion of the admission commissions are unlikely to meet with the requirements of the political system.*

## **DOCUMENT 56 (86)**

Directive No. 94

### **On the Selection and Admission of Applicants for the Study at Universities in the Year 1957/58 of March 12, 1957**

The further strengthening of the people's democratic order in our State of workers and peasants calls for a close contact between the university youth and the life of our workers' class and working peasantry. Therefore, basing on the experience made in selecting and admitting students to the universities, the applicants are required, stepwise from the year 1957/58 on, to work in the practice of production before beginning to study. The applicants as future members of the technical intelligentsia are required in the course of this work to prove their close allegiance to the policy of our government, in order that they may meet with the high demands of their studies and of the building of socialism. The "Plan for the Furtherance of the Youth in the Year 1957" therefore provides that juveniles having worked in industry or in agriculture, shall be preferably admitted to studies.

According to the character of our State of workers and peasants the share of children of workers and peasants has to be guaranteed in selecting and admitting applicants according to the above mentioned principle and the social structure of our population. Therefore, the following directives are given for the selection and admission of applicants to universities in the year 1957/58:

#### **I.**

#### **Prerequisites for Admission to Universities**

##### **§ 1**

(1) The admission to study at a university is a distinction of persons showing good professional performance and having proved by their

participation in the social life of an enterprise, office, school or place of residence that they support the policy of the government of our State of workers and peasants.

.....

#### IV.

#### Admission to Studies

##### § 10

In admitting applicants, the share of workers and peasants or of their children (60 per cent) shall be secured according to the social structure of the population of the GDR.

Taking into account the prerequisites specified under § 1 section 1, applications for admissions by the following persons shall be specially considered:

- a) applicants who upon graduation from school have performed practical work in industry or agriculture with good results in professional, and social respect during this time and in respect of their character.
- b) persons who are assured of special furtherance by laws, orders, or agreements.
- c) applicants who were released with honours from service in the National People's Army or People's Police.

##### § 11

(1) In order to gradually increase the share of applicants having previously worked in practice, the admission commissions of universities are entitled — according to the existing admission principles and rules — to recommend to applicants suitable for study but not admitted this year, to take up practical productive work in industry or in agriculture before they commence to study (up to a maximum of 50 per cent of the admission quota for this year).

(2) These applicants are listed for admission in the year 1958/59 and shall be admitted to study, provided that they have proven themselves to be blameless in regard to their professional and social work and their character during this time.

##### § 12

Applicants for faculties and special branches, where the performance of practical work of at least one year is a condition for admission to studies according to the education plan, shall be pre-immatriculated. The definite immatriculation depends upon their performance during practical work in an enterprise and on their social attitude.

.....

Source: Appendix to No. 5/1957 of the periodical "Das Hochschulwesen", pp. 31—33.

\*

*The instructions contained in the rules for admission are not only strictly observed in practice, but are supplemented by oral orders of the school and university authorities, whereby the selecting methods are a even made stricter.*



## DOCUMENT 57 (87)

Mr. N. N.,  
special teacher at a high school,  
now residing in West Berlin,  
appears and states:

In my capacity as special teacher of the 12th classes I had to attend the admission conferences for studies at universities in February 1958. Thus I had an opportunity to become acquainted with the admission procedure in all details. To prepare for these conferences, the head masters of the 12th classes formulate political and professional opinions on each pupil intending to apply for an admission to study. As a rule, the head masters are SED comrades. The opinions formulated by the head masters are discussed by the Pedagogic Council, and the pupils to be recommended for admission are put to a vote.

There are three kinds of opinions:

1. Refusal
2. Recommendation
3. Special recommendation of the application.

Provided with these opinions, the papers are sent to the university for decision. However, the decision of the universities are made in all cases in accordance with the suggestions submitted by the high schools; i. e. applicants who have already been rejected by the high school, have no prospects to be admitted for study.

The decisions of the admission conferences of high schools implying the rejection or recommendation of the application for admission depend upon political rather than on professional considerations. Essential for the decision to be taken is the social origin of the applicant. It is fact that the children of workers and peasants are preferred and that children coming from "bourgeois" families have in practice no possibility to study. It must be said, however, that the term "social origin" is interpreted in the most different manner. Thus, for instance, the child of an accountant in a "people-owned" firm of publishers is regarded as a "worker's child", while the child of a private accountant is deemed to be "bourgeois". The admission or rejection is pronounced in accordance with these ascertainment. Children of medical doctors will be recommended for medical studies in principle only if the parents are working as doctors in medical institutions of the state. The purpose is to confer a socialist character upon the medical faculties.

If the pupil does not come from a worker's or peasant's family, this fault of his social origin can be remedied if the pupils himself displays particular social and political activities. Such activity may consist especially in an undertaking to serve voluntarily in the National Armed Forces for a period of two years. Pupils coming from Christian families are in a particularly bad position. If it becomes known at the admission conferences that the pupils intending to study at a university show special allegiance to the churches of both confessions either through their membership in the "Young Community" or "Catholic Youth", the opinion formulated on them will be negative in each case, making it impossible

for them to be admitted to a university. The same difficulties will be encountered by pupils who are members of Christian sects, such as the "Adventists of the Seven Days".

Berlin, February 26, 1958.

read, approved, signed

(Signature)

(signed) N. N.

\*

*By performing practical work in "socialist productive enterprises" during one year, applicants having graduated from high schools are to prove, before they commence their studies, that they "firmly back up the power of workers and peasants" and wholeheartedly work at its aims. Only he who has proved to take this attitude, can count on being admitted.*

## DOCUMENT 58 (89)

### Order on the Year of Practical Work of Applicants for Admission to Universities

Of October 17, 1957 (Law gazette I, P. 568)

The members of the intelligentsia can perform their tasks in the building of socialism in the German Democratic Republic only in close alliance with the workers' class and the working peasantry. This applies particularly to the future young socialist intelligentsia. Therefore, in accordance with ciphre 28 of the resolution of the Ministers' Council of the German Democratic Republic of January 24, 1957, on the Plan for the Furtherance of Youth in the Year 1957 (Law gazette I, p. 97), and in consultation with the competent central organs of the state administration, the following is ordered:

#### § 1

- (1) For High school graduates applying for admission to universities directly after their graduation, a year of practical work will be introduced stepwise. This "practical year" shall be served in socialist production enterprises. It is intended to establish a closer contact between students and the workers' class, to educate them to a high feeling of responsibility towards our state of workers and peasants, and create closer relations between the universities and the socialist enterprises.
- (2) The universities will select the applicants having to serve the practical year and will list them for study in the following year.
- (3) It is a prerequisite for the admission of applicants mentioned in section (2) that by their good working discipline and social attitude during this year they prove to be worthy of being admitted to study in our state of workers and peasants.

.....

§ 4

(1) The practical year shall be served in socialist industry enterprises or socialist enterprises of agriculture.

.....

§ 7

The works' managers are obliged to carefully prepare the employment in their works of the applicants assigned to them, and to arrange for a good political and professional care during the practical year.

§ 8

The works' managers are obliged upon consultation with the social organisations in the enterprise to formulate an opinion on the applicant and to send this opinion to the university concerned not later than on May 1st of the year in which studies are to commence.

.....

**The Party as the Ultimate Instance deciding on Admissions**

*As will be seen from the "Directive concerning the Order on the year of practical work to be performed by applicants for study at universities" of October 19, 1957, the "sponsoring enterprises" shall formulate, upon conclusion of the year of practical work, opinions showing the "development the applicant has undergone during the year of practical work, and whether the enterprise, in view of this opinion, recommends him to be admitted or rejected". There can be no doubt that applicants on whom the enterprise has formulated a bad social opinion, will be rejected by the admission commission of the university. Accordingly, it is not the university, but the SED group of a "people-owned enterprise" which decide upon the application for admission.*

**DOCUMENT 59 (90)**

54/57

**Directive  
regarding the Order of the Year of Practical Work to be performed  
by Applicants for Admission to Universities**

Of October 19, 1957

About 4000 applicants are listed for admission to study for the first time this year, and will then be ordered to perform the one year's practical work with a socialist production enterprise. They will be admitted to study in the following year, provided that they have performed good professional and social work in the enterprise.

.....

The practical year is an important contribution towards the socialist education of our young intelligentsia. Through the introduction of the practical year it is to be made sure that the future students

enter into a close comradeship to the workers' class, the leading political power in our Republic.

.....  
become more mature and that their character is strengthened during this year, in order that they may be able to carry on their studies with a greater feeling of responsibility towards our state of workers and peasants,

and that the socialist enterprises gain decisive influence on the education of future students and on the composition of students at the universities.

.....  
**Ad § 7 of the Order**

1. The applicants should be assigned, as far as possible, to such workers' brigades as offer guarantees for a good education in a professional and social respect.
2. ....
3. Politically active and professionally qualified workers shall be nominated as sponsors of the applicants. Their task consists in influencing the development of the applicants confided to them during the whole practical year.
4. All applicants are expected to take an active part in the social life of their enterprise.
5. ....

**Ad § 8 of the Order**

1. The sponsors and colleagues of the brigade in which the applicant has worked, shall cooperate in formulating the opinion. The opinion should state the positive and negative properties of the applicant. His attitude towards work, his performance at work, and his relations to colleagues as well as his relations to our state of workers and peasants should be appraised. The opinion should state clearly what development the applicant has undergone during the year of practical work, and whether the enterprise, in view of this opinion, recommends the applicant to be admitted to a university, or rejected. The applicant shall be informed of the opinion formulated on him.

**Source:** "Verfügungen und Mitteilungen des Ministeriums für Volksbildung", No. 27, December 4, 1957.

**DOCUMENT 60 (91)**

Mr. N. N., teacher at a medium school,  
now residing in West Berlin,  
appears and states:

I was employed in the school service from 1924 to 1945 and was director of a medium school. In 1954, after a pause of several years, I was employed in the school service again. At last I was a teacher at a medium school. In the end of November 1957 I had an opportunity to attend a conference in N., at which the selection of pupils for the profession of

a teacher at an elementary school was discussed. Present were the directors of medium schools which came into question for allotment of pupils to the Institute for Teachers' Training.

At the conference, the participation in the Youth Dedication was mentioned as a condition for reception at the Teachers' Training Institute. The chairman of the conference pointed out that it could not be understood why the schools recommended especially pupils for reception by the Teachers' Training Institute who had not participated in the Youth Dedication. It was stated that juveniles not having participated in the Youth Dedication, would have to participate in the Youth Dedication after reception by the Institute in each case. In regard to this obligation, the parents and the juveniles should make a corresponding statement. In this connection it was pointed out that also the children of SED functionaries would have to participate in the Youth Dedication. On the contrary, especially the functionaries, in view of their political opinion, should be especially obliged to send their children to the Youth Dedication. In point of fact it transpired during the conference that many SED comrades who were still members of the church, had sent their children to confirmation. As a further prerequisite for the reception by the Teachers' Training Institute, the politically faultless conduct of the parents was specially emphasized. The "socialist home" was, so to speak, a guarantee for the juveniles to be educated to be socialist teachers.

read, approved, signed

Berlin, March 13, 1958.

(Signature)

(Signed) N. N.

### **Scholarships as a Means of Political Pressure**

*Students who have been immatriculated according to the principles outlined above, are not, therefore, granted scholarships in order to enable them financially to visit universities and high schools, as the Soviet Zone authorities wish to make us believe. Scholarships are rather a means, by which the students, having been selected according to political points of view, are to be made definitely dependent upon the SED state which finances their studies.*

*The circle of scholars is subdivided according to the social origin of the students. Workers, kolkhoze members, and peasants as well as their children are considered in the first place. They receive monthly subsidies of 180 DM, provided that the incomes of the parents or of the husband or wife do not exceed 1000 DM per month. The same amount is payable under the Order of January 24, 1957, to members of the "National People's Army", and of the armed forces of the Ministry for State Security who have been discharged with honours and commence studies not later than two years after they have been discharged from military and para-military formations. Persons working in other professions, such as clerks, craftsmen, and their children, may be granted subsidies in the amount of 130 DM monthly regardless of their social origin, provided that they "firmly support the power of workers and peasants in the GDR", observe a strict discipline*

*at their studies, and appreciate and protect the "people's property" as an expression of the socialist order. No scholarship is granted to sons and daughters of private enterprisers and members of independent professions, as far as they are not furthered in the interest of the Soviet Zone policy. However, the percentage of these persons is negligible because in general they are eliminated already during the admission procedure. Scholarships are granted by the Scholarship Commissions existing at each university of the Soviet Zone. Their decisions are based on the "Development Index" kept by the "Prorector for Students' Affairs".*

## DOCUMENT 61 (92)

### Order on the Granting of Scholarships to Students of Universities and High Schools

Of February 3, 1955  
in the version of January 24, 1957

Great importance should be ascribed to the development of science for the creation of the bases of socialism in the German Democratic Republic. Scientific work is promoted by the government in all spheres, and special attention is therefore devoted to the training of young scientific cadres.

The doors of our universities and high schools are open to talented juveniles from all levels of our population. Considerable funds are made available as allowances to talented students in order to enable them, according to the principles of the power of workers and peasants, to carry on systematic studies. The students know that high demands are made on them, so that upon completion of their studies they may perform the mission conferred upon them by the German Democratic Republic, to exercise responsible functions in industry, in agriculture, in educational and research institutes, or in the service of state organs. The studying youth must prove itself to be worthy of this confidence.

The economic and political development in the German Democratic Republic, applying these principles, calls for a new regulation of scholarships, by which allowances securing the financial basis of the study, are granted to juveniles from those levels of the population, which work actively at the building of the German Democratic Republic.

.....  
Therefore, the following is ordered:

#### § 1

Persons to whom Scholarships may be granted

Monthly allowances may be made to:

1. Workers and their children,
2. Members of kolkhozes and individual peasants and their children,
3. other working people and their children, such as employees and craftsmen,
4. members of the working intelligentsia and their children,

5. persons to whom special furtherance is assured by laws and orders, and their children (including orphans and semi-orphans),
6. Ex-members of the National People's Army, of the armed forces of the Ministry for Interior Affairs and of the armed organs of the Ministry for State Security, who were discharged with honours, provided that they take up their studies not later than two years after their discharge.

## § 2

### Prerequisites for the Granting of Allowances

(1) Allowances may be granted to the persons specified in § 1, if they support the power of workers and peasants in the German Democratic Republic, show a good discipline while studying, appreciate and protect the people's property, and fully meet with the requirements made on them in intermediary examinations, seminaries, practical exercises during the study, in the final examinations of high schools or other educational institutes. ....

Source: Law gazette GDR, I, 1955, p. 101, and 1955, p. 93.

## F. Measures against Private Property

*At the 32nd session of the Soviet-zonal People's Chamber, on February 10, 1958, the First Secretary of the Central Committee of the SED, Walter Ulbricht, in his capacity as First Deputy Minister President of the Soviet Zone, stated the motives for the bill on the "Perfection and Simplification of the Working Method of the State Machinery", claiming it to be necessary that the old traditions of work be completely abandoned. He explained literally:*

*"The working method of the state machinery of the power of workers and peasants, rather than being neutral, actively serves the subversion of old capitalist conditions and the building of the new socialist society."*

*These statements reveal the aim which the administration of the Soviet Zone wishes to achieve. Many legal regulations, directives, and numerous decisions of central and local government offices make it clear that administrative measures are used to enforce a social reorganisation in the Soviet Zone. For this purpose it is attempted to increase the state-owned sector of economy and to transfer private property into the so-called people's property or to take it in public custody, disregarding the constitutional principles of equality and the guarantee of private property.*

*Frequently, internal directives of central authorities have to be carried out by local governments to the disadvantage of private proprietors, and there is no legal redress against such decisions. Several laws indeed provide for the possibility of lodging complaints. But even then, hardly any success can be achieved, because all administrative measures have to be carried out in accordance with accurate directives issued by higher instances, and all decisions have to be made in consultation with the communist party, the SED, according to its political aims. Higher instances, too, are bound by directives of the party. Further complaints are not admitted. Although the constitution provides for the creation of administrative courts, there is no administrative jurisdiction in the zone.*

*Even the public prosecution supervising the observance of "democratic legality", is not entitled to squash decisions of other authorities without their consent. Besides, the public prosecution is bound by directives of the SED also. Volumes I and II of this Collection contain many examples of the insufficient legal protection in the Soviet Zone.*

### **Seizure of Refugees' Property and Compulsory Administration of Western Property even upon cancellation of the legal basis**

*Especially hard administrative measures have been taken against private property under the Soviet-zonal Order for the Safeguarding of Property of July 17, 1952 (law gazette p. 615). Under this Order, all property which refugees left in the zone, had to be transferred into "people's property" (§ 1). The property of West Germans and West Berliners as well as of persons who emigrated legally from the Soviet Zone after 1945, was placed under compulsory administration (§ 6). Although the above mentioned order was rescinded on June 11, 1953, the measures already taken were maintained, and new measures of the same nature were taken. Even today, property falling under § 6 of this Order is under compulsory administration. Private trustees could be appointed only by persons who left the Soviet Zone after June 10, 1953, or who inherited property after that date. As late as four years after the cancellation of the order, all property detected later and belonging to persons who fled before the said date, was expropriated. It was not before May 18, 1957, that the Ministry of Finances ordered in an internal directive that subsequent expropriations should be restricted to inheritances. Therefore, even today the canceled order can be made the basis for the transfer into people's property in settlements of inheritances, if a share in the inheritance had been seized under § 1 of the order. In a confidential circular order of the same date, the Ministry of Justice repeats the directive of the Ministry of Finance, stating the procedure to be followed in dealing with applications for inheritance certificates in cases, to which the provisions of the order of July 17, 1952 had to be applied.*

#### **DOCUMENT 62 (94)**

**Government  
of the German Democratic Republic  
Ministry of Justice  
— The Minister —**

Berlin, May 18, 1957

Confidential Circular Order No. 3/1957

To the  
Administrative Offices of Justice,  
Courts,  
Notaries Public

Re Order on the Safeguarding of Property of July 17, 1952



I.

The Ministry of Finance, basing on the Order of June 11, 1953, concerning persons returning into the territory of the German Democratic Republic and the democratic sector of Greater Berlin (law gazette p. 805), by which the order of July 17, 1952, on the Safeguarding of Property is rescinded, has issued the following confidential directives of June 2, 1956 (No. 28/56), and of May 18, 1957 (12/3200/10) to the councils of the districts:

.....  
.....

3. If the deceased has left several heirs, and if the share of one heir in the estate has been seized under the provisions of § 1 of the Order of July 17, 1952, the seizure shall apply to the whole share which the heir has in the estate. The claim for liquidation shall be maintained. If, for instance, a settlement has been made only in regard to a real estate, the people-owned rights in regard to settlement and distribution of the inheritance shall continue to exist. The people-owned rights shall be safeguarded, so far as this has not yet been done, by corresponding communications to coheirors, by entry in public registers, and by transfer to the municipal council of the claim for settlement independent of the nature of the property.

.....  
.....

5. Property already seized under § 1 or taken in provisional administration under § 6 shall be subject to the provisions of the order of July 17, 1952, in future also.

Property seized under § 1 and administrated as people's property by the corresponding organs, shall be legally secured. Juridical measures taken for this purpose shall be completed on June 30, 1957.

II.

The courts and state notariats, when applying the order of July 17, 1952, and the order of June 11, 1953, in conjunction with the above mentioned orders of the Ministry of Finance, shall observe the following:

.....  
.....

2. Inheritance certificates shall be issued, and the right of succession ascertained in civil law suits regardless of the provisions of the order of July 17, 1952, if the case of succession has occurred after June 10, 1953 (the date of cancellation of the order).

If the case of succession has occurred before June 11, 1953, the court or state notariat shall ascertain whether the heir or coheir resides in the German Democratic Republic or in the democratic sector of Greater Berlin.

.....

If it is ascertained that an heir or coheir does not reside in the German Democratic Republic or in the democratic sector of West Berlin, an inquiry should be made, not later than before the last hearing

or before the issue of the inheritance certificate, with the council of the district as to whether the property of the heir or coheir is subject to the provisions of § 1 or § 6 of the order of July 17, 1952.

If the entire property of an heir or coheir is subject to the provisions of § 1, no certified copy of the judgment or inheritance certificate will be issued to this heir or coheir. The judgment or the inheritance certificate should in this case be provided with the note: "The share of ..... (name of heir) amounting to one eighth is seized in the German Democratic Republic."

If the entire property of an heir or coheir is subject to the provisions of § 6, there are no objections to the issue to this heir of a certified copy of the judgment or inheritance certificate. In such a case, the judgment or inheritance certificate should bear the note: "The share of ..... (name of heir) in the amount of one eighth is subject to the provisional administration of the circuit council of ..... in the German Democratic Republic."

If upon inquiry with the circuit district it appears that only parts of the property are seized or under provisional administration, it is to be presumed that the state administration has taken all measures to prevent that the citizen, without justification to do so, interferes with the rights and duties of the state administration according to the order of July 17, 1952. No notes on the seizure or provisional administration should be incorporated in the judgment or inheritance certificate proving the right of the citizen to dispose of parts of property not seized or not subject to provisional administration.

If, on the basis of the order of June 11, 1953, concerning persons returning into the territory of the German Democratic Republic and into the democratic sector of Greater Berlin, the property is returned or the provisional administration terminated, and if a citizen produces a corresponding order of the organ of state administration to this effect, any inheritance certificate already bearing the note according to the order of July 17, 1952, should be withdrawn. An inheritance certificate without such a note should then be issued. The same holds good of cases in which it is ascertained that only parts of the property are seized or subject to provisional administration.

### III.

The sections VII and VIII of the circular order No. 47/1953 of July 20, 1953 — 7000/1 — I — 1466/53 and the circular order No. 51/53 of September 24, 1953 — 7000/1 — I — 2030 — are canceled.

(signed) Dr. Benjamin

Certified:

(signed) Helm  
Department Head

\*

*In numerous other cases, too, the legal basis has been rescinded, while the measures provided for therein are continued. Thus, for instance, the Order on the Control of Real Estate of July 27, 1950, was rescinded by an order of the Magistrate of Greater Berlin on January 25, 1957. Still, the real*

*estate in East Berlin of proprietors residing in West Berlin continued to be subject to the administration by "people-owned" administrative offices. Appointments of private trustees were rejected. Private trustees were accepted only for premises whose proprietors left the Soviet Zone of occupation after June 10, 1953, or for premises who had not been seized erroneously or which had become western property through inheritance after that date. Many persons have been concerned by the continuation of this compulsory administration. These measures are particularly severe on account of the fact that the owners of premises are thereby deprived of the possibility of checking the premises being encumbered with mortgage or of examining expenditures allegedly necessary for building work.*

## **DOCUMENT 63 (95)**

### **Order rescinding the Order for the Control of Real Estate**

of January 25, 1957

#### **§ 1**

The Order on the Control of Real Estate of July 27, 1950, as well as the First Order for carrying out the said order of July 27, 1950, are rescinded.

#### **§ 2**

(1) As far as a real estate in the democratic sector of Greater Berlin, whose proprietor or co-proprietor has his residence or abode in the West sector of Greater Berlin or in the territory of the German Federal Republic, is not administrated by the competent people-owned administration office in Berlin, the proprietor or co-proprietor is obliged to appoint a suitable trustee having his residence or abode in the democratic sector of Greater Berlin or in the German Democratic Republic.

(2) If a proprietor or co-proprietor as specified in section (1) neglects to meet this obligation within one month after this order has entered into force or after the date of the transfer of property, the provisions of the order concerning the property of persons leaving the democratic sector of Greater Berlin after June 10, 1953, dated April 8, 1954 (VOBL. I, p. 164), shall be applicable.

#### **§ 3**

The tasks conferred upon the Real Estate Control Section of the Housing Department of the Magistrate of Greater Berlin according to § 3 section 5 of the order on the property of persons leaving the democratic sector of Greater Berlin after June 10, 1953, dated April 8, 1954 (VOBL. I, p. 164), shall be taken care of by the locally competent state notariats.

#### **§ 4**

Provisions for the carrying out of this order will be issued by the Housing Department in consultation with the Finance Department of the Magistrate of Greater Berlin.

§ 5

- (1) This order will enter into force on February 1, 1957.
- (2) The administration of real estate under former legal regulations is not affected by the cancellation of the order on the control of real estate. Berlin, January 25, 1957.

The Magistrate of Greater Berlin  
pp. Wald. Schmidt  
Deputy Mayor

Gloth  
Secretary

\*

*After the cancellation of the above mentioned order for the safeguarding of property, new orders were issued in the Soviet Zone (December 1, 1953) and in East Berlin (April 8, 1954), according to which all persons, including refugees, having left, or leaving the Soviet Zone of occupation after June 10, 1953, are entitled to have their property in the zone administrated by private trustees.*

*These orders have not been rescinded or changed as yet. Nevertheless the powers of attorney extended by refugees, especially in East Berlin, are frequently not accepted and the trustees are prevented to take over the administration. Personal belongings left in the zone are sold and the proceeds are paid into a blocked account, real estate is administrated by the people-owned housing offices. These measures are carried out on the basis of internal oral instructions.*

**DOCUMENT 64 (96)**

**MAGISTRATE OF GREATER BERLIN**  
Jurisdiction Department — Law Section

Berlin, the ..... 1958  
Linienstraße 16/17

To  
Mr. N. N.

.....

Dear Mr. N. N.,

In reply to your letter we have to inform you that illegally leaving the Republic is punishable under the amended Pass Law. The legal character of this law is therefore in opposition to the order of April 8, 1954. These regulations are in particular applicable to the provisions on the recognition of a power of attorney, which is not possible today. .... must therefore bear all consequences resulting from his flight from the Republic.

Yours faithfully,  
(Signature)

**II.**  
**COURT CONSTITUTION**  
**AND**  
**BAR**

# ***Abolition of the Independence and Impartiality of Courts***

## **Law as an Instrument of Politics**

*"The law is the decisive means, by which the power of workers and peasants achieves its political aims." (Minister President Otto Grotewohl at the 3rd party conference of the SED in March, 1956). "The basis of the science of the nature of law is the marxist-leninist knowledge that law is the enacted will of the ruling class — in the German Democratic Republic, the will of the working population and patriotic layers of the German people under the leadership of the workers' class" (Minister of Justice Hilde Benjamin in "Staat und Recht", 1955, p. 236). These statements sufficiently outline the Soviet-zonal concept of law and of its functions in the "building of socialism". The functions ascribed to law are continually emphasized, and inviolable and absolute rights are deliberately and emphatically denied.*

## **DOCUMENT 65 (113)**

### **Extract**

from a disposition for political indoctrination  
of January 21, 1956

### **„Justice in the System of the State Organs of the State of Workers and Peasants”**

Published by the Ministry of Justice and Public Prosecutor  
General of the Soviet Zone

.....

The Organs of Justice in the State of Workers and Peasants.

In order to understand the nature and tasks of the organs of justice in the system of our state power, some of the most important principles of the science of the State of the German Democratic Republic should be dealt with first.

1. The state of the German Democratic Republic is the principal instrument in creating the bases of socialism. The working class holds in it the leadership over all progressive forces cooperating in the National Front. It is allied to the working peasants. This forms the power of state of the workers and peasants (Compare: Grotewohl, "Improvement of the Work of the State Machinery", discussion at the 25th meeting of the Central Committee, p. 5 of the booklet).

The power of state in the German Democratic Republic has to perform the following tasks:

To break the resistance of expropriated capitalists and real estate holders, especially, to prevent any attempt to recover their former power.

To defend the achievements of the working population in the German Democratic Republic against external enemies. To defend the camp of peace against any attempt of imperialist aggression.

To organise the building of socialism through the alliance of the working people and all progressive citizens with the working classes. The state thus has a function of suppression of inner and outer enemies, an economic-organising function, and a cultural and educative function in the building of socialist society in the German Democratic Republic.

.....  
.....  
3. ....

All organs of justice are incorporated with their tasks in the system of the state of the German Democratic Republic. They are responsible for their work to the citizens and peasants through the people's representations, and accordingly, **in doing their work, have to safeguard the party interests of the working people.** .....

## DOCUMENT 66 (114)

### Extract

from the Resolution of the 25th Plenum of the Central Committee of the SED (October 24, to 27, 1955)

..... Our law serves the strengthening of the power of workers and peasants, the building of socialism, and the securing of the material and cultural living conditions of the people. The problems of law are of great importance in the ideologic and political fight against the reactionary bourgeois ideologies and for the building of socialism. The law is an important instrument for the enforcing and strengthening of economic advance and for the securing of the foundations of life and rights of our citizens. ....

Source: "Staat und Recht", 1956, p. 2.

### The Principle of Partiality

*As the law has to serve the building of socialism, all laws and their application must further the achievement of this aim and have to serve the labouring class. The practical application of law has to be "partial". Any tendency to decide legal problems impartially, is sharply rejected.*

## DOCUMENT 67 (115)

### Extract

from "10 Jahre demokratische Justiz in Deutschland"  
by Hilde Benjamin und Dr. Ernst Melsheimer

.....

Our democratic judges and prosecutors also know the tasks they have to perform in the present second stage of our social development. .... Today, it is therefore important that the law is applied sharply to crimes directed against the bases of our power of workers and peasants, for here above all the class enemy is at work. Here is the decisive center of the work of our public prosecutors and judges. .... We can state that our public prosecutors and judges in criminal proceedings against spies, terrorists, saboteurs and boycottists observe **great partiality** and continually make all efforts to conceive and differentiate properly these crimes in connection with the present political situation. .... The more profound the knowledge of the judges and prosecutors, the more partially they exercise their important functions, the more convincing each indictment, each plea or judgment will become in respect of the masses. ....

Source: "Neue Justiz", 1955, p. 265/266.

\*

*The demand for true "partiality" of jurisdiction is paralleled by an article of Hilde Benjamin, minister of justice, in the official periodical "Neue Justiz" dealing with each plenary session of the Central Committee of the SED and setting up tasks for the jurisdiction of the Soviet Zone.*

## DOCUMENT 68 (117)

### Extract

from "Das 17. Plenum der SED und die Aufgaben der Justiz  
auf dem Dorfe"  
by Hilde Benjamin

.....

The resolutions of the Central Committee of the party of the labouring class always contain important hints and directives for all state organs; in particular, they direct the attention of the organs of justice to the most important spheres, to which they should devote their full attention. The fast carrying into practice of the directives received is a serious duty of all responsible co-workers in the sphere of justice, especially of the judges, prosecutors and notaries. ....

Source: "Neue Justiz", 1954, p. 97.

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*The following examples will show the true character of jurisdiction-meeting the demand for "partiality". It makes no difference whether the case concerned falls under the jurisdiction of administrative authorities or under that of courts.*

*To quote one example: The inhabitants of villages situated in the vicinity of the soviet military center near Alt-Ruppin had, and still have to suffer severely from trespasses of Soviet military personnel. As no help was available, they had to defend themselves. The measures they took were considered to be "systematic attacks on the friendship with the Soviet Union". A policeman who recognised the facts properly and proceeded accordingly, was sentenced for "deprivation of liberty".*

## DOCUMENT 69 (120)

### **Sentence of the Circuit Court of Potsdam-Land of August 27, 1955**

— 2 Ds 356/55 —

Str. III 137/55 (HVDVP)

.....  
.....

The accused is sentenced to

2 — two — years' penal servitude

for deprivation of liberty and unlawful abetment in office.

.....

#### **Reasons:**

One of the fundamental principles of the government of the GDR is to maintain friendship to all peace-loving peoples, especially the Soviet Union. It was particularly the Soviet Union which assisted the German people through solidarity actions and aid in the most difficult times as long as it existed. This could be noted especially after the breakdown of the fascist regime. Up to recent times the Soviet Union always safeguarded the interests of the German people. This will be proved by the various stages leading over Prague, Warsaw, Moscow, to Geneva. At each of the conferences, the Soviet Union, through its representatives, pointed out that the unity of Germany has to be reestablished if the future of the German people is to be secured. Basing on the knowledge that friendship to the Soviet Union is a vital necessity for the German nation, the majority of the German population joined the organisation of DSF (German Soviet Friendship). Now, persons have joined the democratic organisations who use these organisations as jumping board for their own future, for their career. Such a person is the accused M.

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.....

On November 26, 1945, he already joined the people's police in Neu-Ruppin. He first did his duty as a group post and then became a section leader. In June, 1950, he was transferred to the K department of the

people's police circuit office in Neu-Ruppin, and since September, 1954, he was deputy chief of the K department.

Before 1933 and after 1933, the accused was not organised. In November 1945 he joined the SPD, and after the merger of the SPD and KPD he was a member of the SED until recently. In the SED he held the function of a member of the board of his basal organisation. Furthermore, he was a member of the FDGB (trade union), of the sport organisation, and of DSF.

For a long time the accused M. had been on friendly terms with a married couple of innkeepers K. in Alt-Ruppin. He frequently visited their restaurant alone or in the company of his wife, made a corresponding account, and was one of the best guests of this restaurant "Heimburg". In summer 1953, when the accused stayed again at this restaurant together with his wife, shouting was heard from the direction of the military training camp in the vicinity. The sounds appeared to come from Soviet citizens. The innkeeper K. thereupon shut down his restaurant, because he supposed that these persons would wish to enter his restaurant. However, the accused M. telephoned the OP staff of the Neu-Ruppin people's police circuit office, asking them to inform the Commandatura. After some time, the accused went through the front door of the restaurant into the street, while K. left the house through the rear door. When entering the street, M. was facing a Soviet soldier who held a stick in his hand. The accused M. held the Soviet soldier by his hand. Now the innkeeper K. approached and explained that the soldier would have to be fettered. They now took the Soviet citizen to the yard, tied his hands and arms, and forced him to sit on a chair and await the arrival of the Commandatura. As the Soviet soldier did not contend himself with this treatment and defended himself, the accused and K. bound him to the chair.

The accused, by doing these acts, deprived a man of his personal liberty. The accused raised the objection that owing to repeated assaults by Soviet soldiers on the restaurant, and in response to his frequent reports to the Commandatura, the Commander had told him to detain an assaulter to prove the attack. For this reason alone he had followed the demand of K. to fetter the Soviet citizen.

The arguments of the accused are incredible, for fettering would not have been necessary, because his physical strength would have enabled the accused to keep the Soviet citizen in custody until the officers' patrol of the Commandatura had arrived. Furthermore, it would have been sufficient for the accused to go with the Soviet soldier into a room of the restaurant, where he could have surrendered him to the patrol when it arrived. However, he kept the Soviet soldier fettered to a chair in the public, in order to prove to the population how efficient he was and to incite the population to assume a negative attitude towards citizens of the Soviet Union.

A similar incident of this kind happened again in the restaurant "Heimburg" in the end of August, 1954. ....

As deputy chief of the K department in Alt-Ruppin the accused had the task of investigating and dealing with all reports and hints of any kind,

which were dangerous to society. The accused showed a criminal lightheartedness in this respect. Thus, files were found in his department, which indicated a political tendency. They concerned persons who made themselves guilty of agitation against the GDR, against leading functionaries of democratic organisations, and other crimes against the state. It was ascertained that the accused dealt very superficially just with these files and did not worry about the state of affairs, so that several persons who had made themselves punishable in this respect, could not be made responsible for their conduct. These statements are based upon the statements of the accused and the depositions of witnesses. In the cases mentioned last, the accused made himself guilty of unlawful abetment in office under § 346 of the Criminal Code.

In his capacity as an officer of the people's police engaged to cooperate in criminal proceedings, he has protected other persons from punishment provided for by law.

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The court is of the opinion that the accused on account of his attitude, has run over to the class enemy and has himself become an enemy of the workers' class. As an officer of our people's police, who drew a good salary out of the tax payments of the working population because he was supposed to safeguard and secure the interests of the working people and the existence of our order, utilised his position in order to protect against their due punishment criminals who intended to systematically undermine the friendship to the Soviet Union. The behaviour of the accused at the trial, his endeavours to tell lies to the court, make it clear that the accused, who has become corrupt on account of his devotion to drink, does not even today realise the abominable character of his conduct. In the opinion of the court, the accused has to be deprived of his liberty for a longer time in order to realise that the rights of the working people and the interests of the German nation have to be protected and esteemed particularly. He, as an officer of the people's police, had this duty particularly.

Starting from these considerations, the court, following the plea of the prosecutor, pronounced a punishment of 1 year's imprisonment because of deprivation of liberty under § 239 of the Criminal Code, and 1 year and six months' penal servitude for unlawful abetment in office according to § 346 of the Criminal Code. As both provisions were violated by one act, the total punishment was fixed at 2 years' penal servitude.

.....  
.....

(sgd) Koch

(sgd) Kokert

(sgd) Hahn

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*Finally, class-conscious jurymen are employed in the jurisdiction in criminal and civil cases in order to assure partiality of jurisdiction. These jury men were elected for a period from June 1, 1958 to May 31, 1961, by elections held in the time from February 17, to May 10, 1958. As in the case of election of jurymen in 1955, sixty lay assessors were elected per*

*one judge of the first instance, in toto about 50,000. The names of lay assessors nominated for circuit courts were published, in contrast to those to be employed in political and economico-political cases of districts courts, whose names were not published. The candidates were selected by the "National Front" safeguarding the predominance of the SED as the "party of the workers' class".*

## DOCUMENT 70 (121)

### **"Order for the Carrying Out of Jurymen Elections in the Year 1958**

(Law Gazette 1957, p. 509)

.....  
.....

#### II. The Election of Jurymen for the Circuit Courts

##### § 18

(1) The election committee of the circuit will compile the list of candidates by February 8, 1958. ....

(2) The election committee will publish in a suitable manner the way in which the list of candidates is laid open for public inspection.

##### § 19

(1) Any objections which a citizen may raise against individual candidates, should be communicated orally or in writing. The election committee will prepare a protocol of any such oral communication.

(2) The election committee will decide on any such objections; complaints against its decision may be lodged with the central election committee.

(3) If a candidate is eliminated, the circuit committee of the National Front of Democratic Germany will nominate another candidate. The provisions of § 14, s. 2 will apply accordingly.

##### § 20

(1) The lay assessors for the circuit courts will be elected in public assemblies as follows:

- a) Working people from enterprises by members of the enterprise who are entitled to vote;
- b) members of agricultural production societies, of production societies of the trade, and production societies of working fishermen by the members of these societies who are entitled to vote;
- c) all other citizens by the inhabitants entitled to vote, of their communities, towns, or town districts.

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.....

(3) The circuit committee of the National Front of Democratic Germany prepares the election assemblies. The election assembly and the election

are directed by a representative of the National Front of Democratic Germany. A commissioner of the election committee will attend every election assembly.

### III. The Election of Lay Assessors for the District Courts

#### § 23

(1) The election committee of the district will compile the list of candidates by February 8, 1958.

(2) § 19 will apply accordingly.

#### § 24

(1) The election will take place at a public meeting of the district parliament.

(2) It is carried out by voting on the whole list of candidates. If an objection is raised against individual candidates, these candidates will be put to vote individually.

(3) Apart herefrom, the preparations for the election, the voting, the counting of votes etc. will be carried out in accordance with the regulations applicable to resolutions of the district parliament.

## DOCUMENT 71 (122)

### **Scheme of the Circuit Committee of the National Front for the preparation of jurymen elections**

The election of jurymen for the circuit courts will take place from February 17, to March 15, 1958. 120 jurymen have to be elected in the circuit of G.

When preparing and carrying through the elections, it will be particularly important to utilise the experiences made in the elections to the local bodies of government.

The election of jurymen must lead to increased activity of the work of the committees of the National Front and of the whole population. All organs engaged in the jurymen elections should be guided by the idea that in the present period their principal tasks consist in securing the cooperation of the working population on the largest scale.

It is therefore important during the jurymen elections also to carry on discussions with the population on a broad basis, with the aim of improving the work of local organs, especially of the local bodies of government. Above all it is necessary to organise discussions on a broad scale of the importance of the jurymen elections, consistently to explain the problems of socialist law, and to make the working people acquainted with the tasks of our courts in the state of workers and peasants.

**It is evident that only such persons are qualified to be jurymen as possess the necessary political and social experience and work actively at our socialist order of society.**

According to the character of our state, the class of workers must be the leading force at the courts also.

As a result, when compiling the lists of candidates, it should be seen to it that the share of workers in the total number of candidates corresponds to the leading part of the labouring class.

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.....

III. 1. Upon thorough discussion in the election committee, the following distribution of mandates is proposed:

SED	30
CDU	7
LDPD	7
NDPD	7
DBD	10
FDGB	30
DFD	15
FDJ	7
VdgB	7

In this connection it should be noted that in nominating candidates for the various mandates, the structure of our circuit is taken into consideration, i. e., that the leadership of the labouring class must be assured, and secondly, that the best representatives of agricultural production societies, of the medium levels, and a corresponding share of women take over this honourable task.

### Control and Directives to Jurisdiction

*The independence of judges is abolished not only by the claim for "partiality" of jurisdiction, but also by the principle of "directives and control". However, the system of instructors created in order to meet this principle, is described as compatible with the independence of judges in a truly dialectic manner.*

### DOCUMENT 72 (123)

Extract from "Der Instrukteur —  
Helfer und politischer Berater"  
by Hilde Benjamin

.....

Today, we have in jurisdiction two forms of operative directives and local control: the revision, by its name, and surely also by many a tradition, connected with the revision of the "old style", and "instructions" as a new offspring of our work, especially developed in accordance with the leading activities which the administration of justice carried through in punishing the criminals of the uprising of June (Here, too, we have an example of jurisdiction being guided by resolutions, as e. g. the

resolution of the 14th plenum of the Central Committee of the SED regarding the differentiation between honest workers and provocateurs. To direct the carrying out of these resolutions operatively, was one of the tasks of the operative staff guiding the courts in June-July). Carrier of the revision and instruction is the Law Department of the administrative office of justice.

Paragraph 17 of our order for the administration of justice mentions both forms. It runs as follows: "The guidance and control of the circuit courts and state notariats are carried out by periodical revisions, instructions, and consultations. Revision is the control of jurisdiction and working organisation during a certain period. Instruction means principal hints for the uniform application and interpretation of laws, and the guidance of the working organisation in general and in detail."

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The activity of the instructor is the direct transmission of political leadership from above downward. The instructor is the carrier of everything new, with which the judges have to be made acquainted. He is their help and political adviser. He must be the first to understand each new stage of the development of our policy, state, and law, in order that he may transmit them properly.

Source: "Neue Justiz", 1954, p. 287 and p. 290.

#### DOCUMENT 73 (124)

**Extract from "Parteilich und doch unabhängig"**

by Dr. Kurt Görner, department head in the  
Ministry of Justice of the Soviet Zone.

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Jurisdiction, too, requires guidance and control. Thus, the resolutions and documents of the party of the labouring class, for instance, provide the courts with important hints on the principal problems of policy, and hence of legality. Mistakes of jurisdiction are discovered by the Ministry of Justice through instructions and revisions, and at discussions, hints are given to judges as to in what way their work can be improved. Finally, mistakes and faults in judgments are discovered by public criticism, control of jurisdiction by the population, and by jurymen, and can thus be amended.

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Source: "Neues Deutschland", February 17, 1957.

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*The manner in which the courts are controlled by instructors, and how the results are evaluated, will appear from the following report on a revision and instruction to a court in the district of Magdeburg.*

## DOCUMENT 74 (125)

**Extract from "Überwindung von Mängeln in der Arbeit der Justizorgane und der Staatsanwaltschaft im Bezirk Magdeburg"**  
by Martin Spranger, department head in the Ministry of Justice of the Soviet Zone.

The great importance which the district of Magdeburg possesses for agriculture and for the heavy machines industry, as well as certain indications noted in this district, induced the Ministry of Justice, in preparation of the V. Party Congress of the SED, to have the work of the organs of justice in the district of Magdeburg thoroughly examined and analysed by a brigade. The purpose of this measure not only consisted in examining jurisdiction and in discovering wrong decisions; **we rather had to start in principle from the ideological condition of the employees of the organs of justice.**

It was a favourable circumstance that some of the brigade members attended as guests to the preparation and carrying through of the election assemblies of the office party organisation of the SED. The thorough discussions held here gave a clear insight into the partially very good growth of the cadres, but mercilessly displayed also the weaknesses of several co-workers and are therefore bound to lead to a further examination of the work and to discussions with those concerned. The examination covered the jurisdiction of the district court, especially all criminal cases since the end of 1956, as well as the work of the office for the administration of justice.

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In the beginning of the revision, on March 13, 1958, a basic discussion was held with all brigade members at the district office of the SED. The hints then given served the brigade as a starting point for their work which was facilitated considerably. Special mention should be made also of **the good support by the circuit managements of the SED which the brigade called upon.**

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At the circuit court of Halberstadt, the court organisation of the party did not know how to help the director. This director, who performs a lot of minor political work and who is always ready to follow the challenge of the party of the labouring class, forgets above all to **direct his large court in a politically correct manner.** He does not recognise the most important points of jurisdiction and worries about trifles. Here, the instructor, supported by the party organisation, could have helped long ago. ....

The jurisdiction of the circuit court of Magdeburg may be described as satisfactory in general. Still there are cases, especially of rowdiness, which the courts decided upon impartially. One judge of the circuit court of Magdeburg Süd-Ost, for instance, tried to make it an excuse for the



accused by stating in the sentence that the firm's party organisation or the trade union were partly responsible for thefts or incitement to boycott by the accused. He did not approach the case from a class standpoint and therefore arrived at wrong decisions. The same court (circuit court of Halberstadt), in the criminal case S 64/58, sentenced the accused to two months' imprisonment for contempt of state under § 20 of the Act amending the Criminal Code for having described the mayor of his community as a "scoundrel, crub, swine". The prosecutor had pleaded for three months' imprisonment. The court deviated from the plea on the argument that the accused, "when committing his offence, was under the influence of alcohol". Now it is a well known fact that in a drunk condition, utterances are made which would not be pronounced in a normal condition. Here, too, the circuit court of Halberstadt did not realise the political importance of the case.

The judges of the district court, too, are to a large extent responsible for the desorientation of the circuit courts. Not only did the First Chamber pass a number of very impartial decisions in the past year — there were important mistakes also in the second instance. Thus, for instance, in about 60 per cent of all cases concerning arms, the case was assumed to be of "minor" importance, although a number of culprits belonged to those forces which have always fought against our power of workers and peasants. Reference to § 330 a of the Criminal Code in cases of incitement to boycott shows that the First Chamber greatly underestimated the importance of class warfare and therefore gave support, though unknowingly, to class enemies. The Chamber of Appeal approached its task just as uncritically and impartially. A number of sentences has been unduly quashed or the punishment reduced, although the sentences of the district courts should have been confirmed. Although the district court properly made reference to a wrong legal appreciation of the case, the punishment should not have been reduced. The district court in the past became a regular "court of reductions".

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These and other cases show that the criticism by various circuit courts of the district court is correct. The Chamber must therefore reconsider its former work critically. One of the most important conclusions to be drawn from the revision is a change in the management of the office for the administration of justice and of some circuit courts. However, this alone does not solve the problem of improving the work in the district of Magdeburg. Only if the members of the office for the administration of justice merge into a real collective, if they always bear in mind the resolutions of the party of the labouring class and carry them out logically, will it be possible to proceed successfully on the road now taken. This includes permanent discussions at the working conferences and true political guidance of the circuit court directors. **It is further necessary to extend the political guidance also to notaries, secretaries, sheriffs, and accountants, for serious mistakes have been made in these spheres also in the past.**

A solution of the tasks in the sense of the party of the labouring class

is possible only if the comrades feel to be responsible for everything and render their active help.

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Source: "Neue Justiz", 1958, p. 267.

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*The courts of the district of Gera were also examined by a brigade in the spring of 1958. The brigade was composed of instructors from the Ministry of Justice, the Supreme Court and the Public Prosecutor General, as well as, for the first time, of official representatives of the SED, Josef Streit of the Central Committee of the party reports on this "new method of operative work". In his report he emphasizes the necessity of the judges being conscious of their dependence of the SED.*

#### DOCUMENT 75 (126)

**Extract from: "Für einen neuen Arbeitsstil in der Justiz"**  
by Josef Streit, Berlin.

.....

A number of judges and prosecutors is unclear about principal problems of our policy. .... They realise only insufficiently that class warfare is conducted with new means and methods. .... This is due to the fact that some comrades indeed learned the theories of marxism-leninism, but did not penetrate them mentally and are therefore unable to apply these theories creatively in their daily work. As some functionaries do not consider the marxist theory as guidance for their work, they do carry out the resolutions and hints of the party properly at their work in mass organisations, but they assume a different attitude in their daily practical work. They thus become "split" personalities in so far as the judge or prosecutor in them separates from the party member, without noticing that he thereby ceases to be a functionary of justice of the power of workers and peasants. Here it becomes evident that the comrades are not clear about the problem of their relationship to the party. They did not conceive that they carry heavy responsibility in regard to the party, for they were installed in their functions as comrades, and being members of the party, they are also subject to control by the party, they are responsible to the party for all their acts.

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Source: "Neue Justiz", 1958, p. 369.

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*In a further report on the examination of jurisdiction in the district of Neubrandenburg by a similarly composed brigade of instructors, the judges are even attacked personally.*

## DOCUMENT 76 (127)

**Extract from:** "Die führende Rolle der Partei in der Justizarbeit verwirklichen"

by Dr. Herbert Kern.

The following contribution is an extract from the report made by Dr. Kern at a party meeting of the organs of justice in the district of Neubrandenburg concluding an examination in this district by a brigade composed of members of the Central Committee, comrades from the Ministry of Justice, of the Public Prosecutor General, and of the Supreme Court. As in the districts of Magdeburg (see Spranger/Wunsch, "Neue Justiz", 1958, p. 267) and Gera (see Streit, "Neue Justiz", 1958, p. 368), the examination was carried out in preparation of the V. party meeting of the SED and served the purpose of leading the organs of justice one step further on their road towards socialist justice. It will be found that the comrades do their work too unpolitically, often take formal decisions, partly underestimate the class warfare and do not conceive that class warfare is conducted with various methods: both political, economic, and ideological.

The politically wrong approach to work also becomes evident from cases of general criminality; it appears in the application of the Act amending the Criminal Code, and is expressed both in wrong punishments and in the reasons of the sentences. Since January 1, 1958, in the district of Malchin, 36 persons have been punished in 24 cases for violations of social property. 16 persons were punished with public blame, 7 persons were granted probation, 2 persons were fined a small sum, and only in 11 cases the district court inflicted imprisonment; in 7 of these 11 cases the sentences were up to six months. While violations of social property are thus treated rather gently, the punishments are comparatively harder on violations of private property. In the year 1957, the criminal proceedings for crimes against social property in the whole district resulted in imprisonment in 38.5 per cent of all cases, and in fines in 61.5 per cent of the cases, while punishments for violations of private property were imprisonment in 57 per cent and fines in 43 per cent of all cases. Obviously, the proportions are incorrect, and the conclusion has to be drawn that the comrades underrate the importance of social property and grant better protection to private property.

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As regards civil law, conditions in the district of Neubrandenburg are much more favourable than in the district of Magdeburg and Gera. Nevertheless it is unsatisfactory to note that formalistic tendencies appear in this field and that the **neutral arbitrage of the judges has not yet been overcome. In civil law, too, we insist upon the courts assuming a partial attitude which safeguards the interests of the state, i. e. of the working people.** How is this to be understood?

In Teterow, for instance, the cooperative has sued somebody for the return of goods bought on instalments which had not been paid. Why should we be interested in getting back a baby carriage which has been used for a year and a half, unless the damage is recovered also? Comrade Gemballa

is disinterested, he does not insist on complementation of the law suit, as it should be his duty and as it would be a matter of course to any comrade with state consciousness. Comrade Gemballa says that he could not then deal with ten cases within thirty minutes. Comrade Gemballa wants to decide against an agricultural production society allowing the claim for pay units of an excluded member of the society. Although there was a longer discussion to the effect that such a claim does not exist for juridical as well as political reasons, comrade Gemballa replies: "He must get what the other also have got; perhaps the exclusion was unjustified; this will have to be examined first." Comrade Gemballa is not interested here either in cooperative democracy nor in the agricultural production society; the individual peasant is dearer to his heart.

In another law suit against an agricultural production society, comrade Gemballa discussed with the plaintiff's attorney the marching route against the agricultural production society. Comrade Gemballa may explain here his attitude and opinion.

.....  
How is it possible that the comrades judges and prosecutors allow people-owned claims to be sued for without interests?

Comrade Schröder of Neustrelitz was informed that the majority of writs are applied for without interests by the motor and tractor stations. He said that this was of no concern to him; as long as no redress is taken against these writs, he was not interested in them! Comrade Schröder does not see that the charging of interests makes the peasants pay their debts more quickly.

.....  
In view of the great importance which the judgments of the district court have for the jurisdiction in the district, higher demands must be made on these decisions. It must be demanded that the judges of the district court, through their judgments, provide the comrades at the circuit courts with better political guidance. In point of fact, however, the district court sometimes quashes proper judgments of the circuit courts on the strength of formal juridical arguments, or makes changes in them. The comrades at the district courts must also realise that on an incorrect decision of the circuit court, against which an appeal is made, their political responsibility for the protection and the security of our state does not end with the Criminal Procedure Code. If the proceedings are important to our state we must insist on the comrades, finding a judgement to be wrong and being unable to alter it, recommend its cassation to the Ministry out of their feeling of political responsibility.

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Source: "Neue Justiz", 1958, p. 440.

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*Upon the complaint of a prosecutress, disciplinary proceedings are instituted against a judge because he had not accepted her plea for excessive punishment.*

DOCUMENT 77 (128)

Mr. H. S. born on May 3, 1929, of E., Krs. St., now residing in West Berlin, appears and states:

Having studied law for 8 semesters at the Humboldt University in East Berlin, I passed my examination with the note "good" on July 2, 1956. I was at once employed as a judge in civil matters at the circuit of Strausberg as of August 1, 1956.

.....

During my activity as presiding judge of the criminal chamber of the circuit court I had difficulties with the circuit prosecutress Erika Bach.

.....

I got into differences with Mrs. Bach in criminal cases because I did not accept her pleas in which she demanded punishments which were unjust or excessively high according to my juridical conviction or the conviction of the jurymen. Mrs. Bach then lodged a complaint against me with the SED party group of the courts in Strausberg, with the SED circuit management, and with the Permanent Commission of the circuit parliament. As I learned from reliable sources, she maintained that I had intentionally decided against her pleas. There was a meeting of the Permanent Commission for Interior Affairs, People's Police and Justice of the council of the circuit of Strausberg. From the minutes of this meeting of May 20, 1958, which were forwarded to me in order that I might state my opinion, it appears that Mrs. Bach declared that she would in future decline trials at which I was presiding. The reasons she gave were that the trials presided by me resulted in faulty decisions against which an appeal had to be made. As it further appeared from the report of which I had received a copy, the chairman of the Commission, Colonel Klocke, simultaneously town commander of Strausberg, declared that the people's representatives would not allow a judge to behave in this way, and that he had asked the cadre chief instructor Hennig of the Frankfurt Office for the Administration of Justice to take the measures necessary to change this condition. In connection with these reproaches, my private conduct was examined also. The reproach was raised against me that I entertained contact to bourgeois circles, that I had good relations to the lawyer Kanter who came from East Prussia just I myself, and that I often frequented restaurants. ....

As a result of the measures demanded by the administration of justice I was detailed to the circuit court of Fürstenwalde in the middle of June, and transferred to that place as of July 1, 1958. At the same time disciplinary proceedings were instituted against me. The Ministry of Justice obviously gave its necessary consent. This can be concluded from the fact that I was summoned by the district court of Frankfurt, to appear for disciplinary proceedings instituted against me under § 13 of the Disciplinary Order for Judges. I did not wait for that date, but fled to West Berlin previously. I had learned from reliable sources that the

disciplinary proceedings were to be used as a reason to start criminal proceedings against me for misapplication of law and other political reproaches against me. ....

dictated, approved, signed  
(Signature)

### DOCUMENT 78 (129)

Frankfurt, May 20, 1958

#### Report

on the attendance to the meeting of the Permanent Commission for Interior Affairs, People's Police, and Justice, of May 16, 1958, at the Council of the District of Strausberg

Present: 15 persons

Time: 15.00—17.00 hours

.....  
.....

However, the discussion also revealed that cadre problems play a particular part.

Some members of the Permanent Commission complained about the conduct of judge S. in private and service matters. The circuit prosecutress Bach stated that she would in future decline trials at which judge S. was presiding. The reason she gave was that S. had carried through only few trials and that just in these few cases appeals had to be made against faulty decisions. The chairman of the Permanent Commission, comrade Klocke, finally pointed out that the people's representatives would not allow a judge to behave in this manner, and he asked the undersigned as representative of the Office for the Administration of Justice to take measures in order to change this state of affairs as quickly as possible.

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.....

(Sgd.) Hennig  
Cadre Chief Inspector

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*Detailed directives are issued to judges also at conferences which are also attended by public prosecutors and employees of the administration of justice.*

### DOCUMENT 79 (130)

Berlin, November 14, 1955

Mrs. N. N., born on November 28, 1920, residing in West Berlin, appears and states:

I was a people's judge. From December, 1952, up to my flight on October 26, 1955, I was a member of the civil chamber of the Kammergericht.

Conferences were held regularly once a week. These conferences were attended by the president of the Kammergericht, Mr. Ranke, by all judges of the Kammergericht, one representative of the Justice Department of

the Magistrate, one or several representatives of the Public Prosecutor General of Greater Berlin. Besides, occasionally, by one judge of the Supreme Court and one representative of the Ministry of Justice.

At the conferences, judgments of the Kammergericht were criticized above all, judgments of the Supreme Court as well as law problems were discussed. Thus, e. g. before the judgment of the Kammergericht of January 21, 1954, on the question of the admissibility of a law suit for damages against a trustee was passed, a conference was carried through. There were doubts as to whether the law suit should not be admissible in contrast to the usual jurisdiction of the Supreme Court. At the conference, which was also attended by a judge of the Supreme Court, it was resolved that the law suit was inadmissible. The judgment was formulated by the presiding judge of the civil chamber, Mrs. Linda An-sorg. It was published in „Neue Justiz“ and was later subject to severe criticism by Ranke because of the juridical faults it contained.

dictated, approved, signed  
(Signature)

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*In order to carry out the principle of the “responsability to the working masses”, the courts were imposed the duty to give an account of their work to the local bodies of government.*

## DOCUMENT 80 (131)

### “Law on the Local Organs of the State Power”

of January 18, 1957

(Law Gazette 1957, p. 65)

#### § 8

(1) The organs of justice, of the public prosecuting authorities, of the State Security, the people's police, the National People's Army, and the State Control working within the jurisdiction of local bodies of government, people-owned enterprises not subordinated to local governments and institutions not subordinated to them, especially in the spheres of commerce, traffic, post and telecommunication, of the bank and insurance trade, will closely cooperate with the local bodies of government and will respect and esteem them as the supreme organs of power within their jurisdiction. The local representatives of the people have the duty to assist these organs, enterprises, and institutions in carrying out their tasks.

(2) The local representatives of the people have the right to obtain from the chiefs of the organs, enterprises, and institutions mentioned in section 1), information on such questions as fall under their jurisdiction.

(3) The local bodies of government have the right to criticize any such faults in the work of organs, enterprises and institutions not subordinate to governmental bodies, as hinder the solving of tasks of the local governments, the building of socialism within their jurisdiction, and the

development of democratic life. The agencies thus criticized by a local body of government are obliged to express their opinion on such criticism within four months.

.....

\*

### Abolition of the Freedom of the Bar

*As well as the independence of judges may never be questioned under the rule of law, the freedom of the bar must also be guaranteed. This freedom was decisively struck already in 1954, when the "lawyers' collectives" were founded. As a result of the rule that lawyers cannot be admitted to the bar unless they join a lawyers' collective, these institutions are at liberty to decline politically undesirable lawyers for unconvincing reasons.*

### DOCUMENT 81 (132)

Dr. N.N., born on October 4, 1897, in D., formerly residing in D., now a refugee in West Berlin, appears and states:

Since 1925 I have been working in D. as a lawyer, chiefly as counsel in criminal cases, upon taking over the considerable practice of my late father.

In 1950, my application to be commissioned as a notary public, was rejected by a decision of the Minister of Justice, Dr. Dieckmann, on October 1, 1950. As a reason he stated that there were 7 complaints against me, of which 4 had been settled, while 3 complaints were still pending; however, according to the state of affairs it could be stated even then that I was unsuitable as a notary on account of my being unreliable. These complaints concerned so-called lapsus in a political respect made as counsel for the defence and caused by my anti-communist attitude.

As political conditions became more and more intolerable, I considered to settle over to the West. When in autumn, 1950, my wife traveled to her parents in Bremen, I asked her to investigate the possibility of settling over with the administration of justice and with her relatives in Bremen and in the territory of the Federal Republic. For this purpose I gave her the said letter of Dr. Dieckmann. My wife went to Bremen via West Berlin in November, 1950. Without my knowledge she called on the Investigating Committee of Free Jurists, asking for information as to whether Dr. Dieckmann's letter to me was sufficient to justify my flight to the West. The answer was that in view of the legal situation there was no sufficient reason for a flight, and that further circumstances had to be awaited. As I saw from the files concerning my wife's visit, only the information given her was noted there. — My wife then proceeded to the Federal Republic and submitted Dr. Dieckmann's letter to various official quarters. Here she received the information that this letter made it possible to employ me.

.....

However, I finally did not settle over because I could not decide to give up my good and well established practice and property in view of my duties to my large family.



After the foundation of the "lawyers' collectives" I categorically refused to join them.

Within a large action against 15 lawyers in the Soviet Zone, who assumed the same attitude as I did, I was arrested by the SSD at night on October 29, 1953, and taken to a prison in Dresden, Proschübelstraße. At the first interrogation, the reproach was made against me that I entertained relations to the Free Jurists. There was written evidence that I was on record there. Of course I denied this reproach. Silly enough, I talked to a co-prisoner in the cell of the subject of the reproaches made against me, and above all, of my wife's visit to the Free Jurists which she had made without my knowledge. My co-prisoner, who was a secret informer of the SSD as I noticed later, advised me to explain this visit of my wife. Consequently, and because I was shown a photostat of my personal data in a list of the Free Jurists — this was a fake — I decided to admit the visit of my wife. I described truly the events of that time and also reported that I had given to my wife the letter from Dr. Dieckmann of which she had made use. Thereupon, my wife was also arrested by the SSD. We then succeeded in representing the matter as if the journey of my wife had taken place in the beginning of October, 1949. We thus avoided the application of article 6 of the constitution which only entered into force on October 7, 1949. My wife, after being arrested, also admitted that she had taken with her some indictments against Dr. Dieckmann when she called at the Free Jurists, and sent them to some friends, all of whom were however in West Germany.

.....  
.....

The indictment only was a reason to remove me as a lawyer taking an admittedly inimical attitude against the communist regime. At the trial by the Penal Chamber of the district court of Dr. on April 6, 1954, I was sentenced to 4 years' imprisonment, and my wife to 3 years 6 months' imprisonment, and both of us to forfeiture of property under Directive 38. ....

dictated, approved, signed  
(Signature)

#### DOCUMENT 82 (134)

Office for the Administration  
of Justice  
District of Gera  
7200 — K —

Gera, July 13, 1956  
No/Neu.

To  
Mr. B.  
Advocate in G.  
Dear Mr. B.

I am sending you herewith a copy of the report on the revision carried out at your office. I beg you to send me your opinion in writing on the faults stated in the report, by July 22, 1956.

In order that the stated faults and your attitude may be clarified, I beg you to appear here for a personal discussion

on Wednesday, July 25, 1956, at 18.00 hours.

Yours faithfully,  
(Sgd.) Gottert

**DOCUMENT 83 (135)**

Revision Brigade  
for the Control of Advocates  
in the district of Gera

Gera, May 9, 1956

To the  
Office for the Administration of Justice,  
District of Gera,  
in Gera

**Re: Revision of advocate R. B. in G.**

According to instructions received from the Office for the Administration of Justice, the colleagues Bretfeld and Brehm called on the advocate B. in G. today.

The office rooms of B. are situated in the centre of the town, Humboldtstraße. He has attached several name plates for his practice, all of which bear the remark "Admitted to the District Court of Gera". The office consists of two properly equipped rooms. In the front room, there is the clerks' office, with two typists whom B. employs for half days. In the second room, B. holds his consultations. There are in it no pictures of functionaries of the labour movement or corresponding slogans. At the time of the revision, the office was frequented by many people.

B. is a member of the LDPD. He is head of its local group organisation. Besides, he is legal adviser to his party. He reads "Neue Justiz" regularly. B. was admonished by us to subscribe to the "Schöffe".

.....

He has been admitted to the bar since 1946, the admission was signed by the then president of the district court Dr. Harnisch, and was not limited.

The revision covered the period from October 1955 to March, 1956, and tests could only be made at random. The files are kept in good order. All papers are in proper covers and are duly registered. A register and an account book exist and are properly kept.

.....

In a juridical respect, his pleas are generally in good order, and no violations could be ascertained. Merely § 31 of the Restaurant Act was violated repeatedly. B. reminded of the payment of restaurant bills or sued for them, although he should have known from the beginning that lawsuits for such claims are not admissible. In his reminders he indeed avoided the term "restaurant bills" and only spoke of an unsettled claim.

..... The case Kupke v. Voigt leads to the assumption that B. does not believe in the continued existence of the GDR. In a letter dated January 10, 1956, he writes: "He would put you off to the time when the compensation for damages will come." In our opinion, this remark can be construed only to mean that B. sympathises with Western ideas. Something similar is expressed also in the marriage case of Lorenz v. Lorenz. Here, B. gives legal advice in writing; he upholds the opinion that the couple should be divorced under § 43 of the Marriage Act (Control Council Act 16) because the wife refused to move to her husband in West Germany. He then writes literally: "If it should not be possible to win with these arguments in the territory of the GDR ....."

This remark also shows that B. does not back up logically the legal concepts prevailing in the GDR.

In the case of the will of Dr. Andrak (Reg.No.118/56), B. has drafted a will. The draft will is in his files. This is not in accordance with regulations. It cannot be seen from his files what fees he has charged for it.

Great doubts exist in regard to B.s calculation of fees. ....

.....

(sgd.) Bretfeld

(sgd.) Brehm

#### DOCUMENT 84 (137)

Lawyers' Collective  
District of Karl-Marx-Stadt  
Karl-Marx-Stadt, February 10, 1956

To Mr.  
W. K.  
F.

Re: Your application papers of Jan. 7, 1956.

Dear Mr. K.!

At the meeting of the board of February 9, 1956, the board has dealt with your application. I regret to have to inform you that the board has refused to accept you as a member of the lawyers' collective. The refusal is founded on the reason that the member of the collective, Dr. H. has been instructed to act as lawyer in F., and that the board maintains this decision. Another admission for F. would be in excess of what is economically necessary, and your application was therefore rejected for economic reasons.

You are entitled to complain against this decision. The complaint should be directed to the Ministry of Justice in Berlin.

Yours faithfully,  
The Board

(sgd.) Haubold  
Chairman

(sgd.) Katzer  
Deputy

DOCUMENT 85 (138)

W. K.

F., February 23, 1956

Registered

To the  
Ministry of Justice  
of the German Democratic Republic  
Berlin

I am handing herewith copy of a resolution of the Collective of Lawyers in the district of Karl-Marx-Stadt, dated February 10, 1956, which was served upon me on February 12, 1956.

Against this resolution I raise

complaint

on the following arguments:

Before the war, the town F. had 15 000 inhabitants, and there were regularly four lawyers residing there. After the war, the number of inhabitants has increased considerably by new citizens and the local barracked people's police.

No lawyer has been practising there since the end of 1955. Dr. H., lawyer, explained to me personally that from January 1956 on he would work on half days as legal adviser to the town and practise as a lawyer in the town F. He will hold his consulting hours in F. only twice a month, in the afternoon, because there is no lawyer at all at this place. By no means he intends to settle down in F., especially as this town belongs to the jurisdiction of the circuit court of H.

Proof: Deposition of Dr. H.

I must presume that my admission to the lawyers' collective was refused for other reasons, and I request that these reasons be communicated to me frankly and openly.

The economic necessity of admitting a lawyer in F. is certainly nowhere greater than here.

Yours faithfully,  
(sgd.) W. K.

DOCUMENT 86 (139)

Government of the  
German Democratic Republic  
Ministry of Justice

Berlin W 8, March 21, 1956  
Clara-Zetkin-Straße 93  
2704 — 2 — 9/56

To  
Mr. W. K.,  
F.

Replying to your complaint of February 23, 1956, you are informed that there is no reason to cancel the resolution of the board of the collective of lawyers for the district of Karl-Marx-Stadt of February 10, 1956. It is left to the discretion of the collectives of lawyers to decide upon new

admissions of lawyers and in doing so to examine carefully the organisatory, political, and juridical prerequisites according to the structure of the district.

An examination made here of the documents has shown that the dispositions of the board of the lawyers' collective in Karl-Marx-Stadt are irreproachable and that sufficient provision is made for the requirements of the protection of law in the district of F. by the consulting hours, now held once a week, by the member of the collective, Dr. H. Nothing has become known here to the effect that other reasons have been decisive for the rejection of your application.

(sgd.) Dr. Helm  
Department head

\*

*Through the establishment of a "Council for Problems of the Bar" in the Ministry of Justice of the Soviet Zone, and through the creation of a "Central Commission for the Revision of Lawyers' Collectives", the collectives were tied to the Ministry of Justice more closely than before, and the privacy between a lawyer and his client was definitely abolished.*

## DOCUMENT 87 (140)

### Order on the Establishment of a Council for Problems of the Bar

The further development of the bar is one of the most important tasks in the strengthening of socialist legality. A closer cooperation between the Ministry of Justice and the bar is therefore necessary.

I therefore order that

#### § 1

A council for problems of the bar will be established with the Ministry of Justice.

#### § 2

(1) The council has the task of advising the Ministry of Justice on questions requiring advice by lawyers, as well as on questions concerning the legislation on the activity of lawyers.

(2) The council further has the task of submitting to the Ministry of Justice proposals and suggestions regarding the further development of the bar, and especially of the lawyers' collectives.

.....  
.....

Berlin, May 25. 1957

Dr. Benjamin

Source: "Verfügungen und Mitteilungen des Ministeriums der Justiz", 1957, p. 28.

**DOCUMENT 88 (141)**

**Statute of the Central Commission for Revisions**

For the purpose of the uniform development of the lawyers' collectives in the German Democratic Republic, and by a resolution of the assembly of members of the lawyers' collectives, a Central Commission for Revisions is formed, which carries out its work on the basis of the following Statute:

**§ 1**

The Central Commission for Revisions is an organ of the lawyers' collectives of the German Democratic Republic.

(2) It consists of the presidents of the lawyers' collectives in the German Democratic Republic.

**§ 2**

The Central Commission for Revisions has the task, to control the collectives in regard to the observance of legal regulations and of the Statute, with the aim of promoting the uniform development of the lawyers' collectives and to help the lawyers' collectives in performing their tasks.

**§ 3**

The Central Commission for Revisions resolves on the principles on which revisions have to be carried out, evaluates the results of the revisions, and carries out the measures necessary to improve the work of the lawyers' collectives.

.....  
.....

**§ 8**

The management of the Central Commission for Revisions has the following tasks:

- a) to maintain contact to the Ministry of Justice, to receive its suggestions, and to report to it on the work of the Central Commission for Revisions.
- b) to enter into contact with other ministries and central offices, as far as this is necessary to improve the work of the lawyers' collectives.
- c) to call in and prepare the conferences of the Central Commission for Revisions.
- d) to direct the work of the revision groups in accordance with the resolutions of the Central Commission for Revision, and in particular, to determine the manner, aim, and time of the revisions in detail.
- e) to receive the reports of the revision groups and to submit the results of the revisions to the Central Commission for Revisions.
- f) to elaborate drafts for a uniform work of the lawyers' collectives according to the instructions of the Central Commission for Revisions.

.....  
.....

**§ 14**

(1) The Central Commission for Revisions is entitled to require reports from the boards of the lawyers' collectives.

(2) The boards and branch managers of the lawyers' collectives are obliged to supply the revision groups with information on all questions, to submit to them all documents, and to assist them in their work in every respect.

.....  
.....  
**Source:** "Verfügungen und Mitteilungen des Ministeriums der Justiz", 1957, p. 28/29.

\*

*How the administration of justice proceeds against lawyers, and that it even does not hesitate to diffame a lawyer in the public, appears from a publication of the chief instructor Neumann of the office for the administration of justice in the district of Chemnitz (Karl-Marx-Stadt).*

### DOCUMENT 89 (142)

**Extract from:** "Zur Anordnung des persönlichen Erscheinens der Parteien"  
by Hans Neumann.

On the evaluation of the annual reports of the courts of the district of Karl-Marx-Stadt, the circuit court of Auerbach aroused special attention because of its high number of arrears in civil cases. A revision carried out at once by the office for the administration of justice revealed the causes for the excessively long time required for dealing with civil cases. Thus, for instance, it was a regular practice to negotiate with lawyers exclusively if the parties were represented by lawyers. Practically no use was made of the legal possibility to order the parties to appear personally before the court (§§ 141, 272 b of the Civil Procedure Code). That this practice is bound to result in delay even if the representation by a lawyer may be excellent, is obvious. For the lawyer, regardless of the good informations he may have, is not acquainted with all details of the case to the same extent as the parties themselves. We therefore suggested that the parties be more frequently ordered to appear personally. ....

However, this caused the "annoyance" of the lawyer Mr. Marquardt whose letter directed to the board of the lawyers' collective of Karl-Marx-Stadt is worthy of being reproduced here partly:

"In recent days I found repeatedly that clients were ordered to appear personally in general civil cases, and that they were even ordered to appear at the first hearing (for conciliation), although it was clear and well known from the very beginning that they were represented by lawyers. As I could not detect the usefulness of such a practice nor its agreement with the principles of the procedure, I communicated with the circuit court for information. It was explained to me that a revision by the district administration of justice had been carried out recently, and that instructions had been received that the court should order the parties to appear

personally even if they were represented by lawyers in general civil cases. ....

All lawyers with whom I discussed this measure at our court, explained that they would never agree to such a practice which would be incompatible with the procedure law, and that in addition they would consider it as a discrimination of the profession of lawyers. Generally it is intended to complain about this measure.

.....

It is regrettable that the board of the lawyers' collective in the district of Karl-Marx-Stadt has neglected to oppose to such an opinion, although it would have been its task to maintain a standpoint corresponding to the progressive development of our legality, and to direct Mr. Marquardt's attention (who is a member of the lawyers' collective) to the faultiness of his arguments. Instead, his letter was forwarded, without comments, to the head of the office for the administration of justice, requesting his opinion. This causes us to reply in public to the lawyer Mr. Marquardt, but also to the board of the lawyers' collective of Karl-Marx-Stadt.

.....

What Mr. Marquardt letter expresses, is nothing but the maintenance of old, superseded traditions; its means an undervaluation of the civil procedure and undermining of the educative functions of the court, whose activity cannot be compared to the civil jurisdiction under capitalist conditions, where the court was pressed to play the role of a neutral arbiter and had to content itself with the formal truth in order that it might not be compelled to disclose the true character of the capitalist order of society.

Unfortunately, the opinion expressed by Mr. Marquardt in his letter is no single fault. As we learned, he also explained to employees of the Auerbach court that in case the court insists on ordering the parties to be appear personally, he would see to it that the parties would not say a word at the hearing. Here, a difference of opinion turned into an intentional provocation — there is no other way of describing such a conduct of a lawyer. A lawyer who is called upon to assist the court in its work and to influence his clients accordingly, closes his eyes stubbornly to what is new in civil procedures, and intentionally makes opposition to it. Such an attitude is unworthy of a lawyer.

It remains to be seen what attitude the lawyers' collective of Karl-Marx-Stadt will take.

Source: "Neue Justiz", 1958, p. 426.



**III.**  
**CRIMINAL LAW**

## **Political Criminal Law to strengthen the SED Rule**

*The Soviet-zonal demand for true partiality of jurisdiction is particularly effective in the sphere of criminal law. Here, the function of suppression ascribed to criminal law becomes most evident. Actual or alleged adversaries of the SED regime are prosecuted and sentenced to severe punishment, regardless of the fundamental rights guaranteed by the Soviet-zonal constitution — the right to personal freedom, freedom of opinion and religion, postal secret, freedom of press, freedom of peaceful association and assembly. A certain mitigation observed after the 3rd conference of the SED in March 1956, was soon recalled, as appears from the documents of the years 1957 and 1958.*

### **“Agitation Inimical to the State”**

*The struggle of the SED state against church was more and more intensified. While it was avoided to attack the two big churches as such, individual clergymen opposing the efforts of the SED, were prosecuted. A particularly striking case was the sentence against the Leipzig students' pastor.*

### **DOCUMENT 90 (151)**

#### **Sentence of the District Court of Leipzig**

of November 28, 1957

— 1 b Ks 370/57 —

.....

The accused Siegfried Schmutzler, having passed his state examination, joined clerical service and was the third parson at St. Peter's Church in Leipzig since September, 1954. The church had ordered him to take particular care of the Christian students of the Leipzig University and to concentrate his pastoral work on them. For this reason he was also referred to as “students' pastor”.

Approximately in 1952 the accused was ordered by the church to occupy himself, as a clergyman, with marxism-leninism. He was to study marxist literature in order to learn “to disprove the arguments of the marxists”. Besides he was instructed “to counteract the influence of marxism” on citizens who were members of the church. During this process of development the accused assumed a negative attitude against the state already then.

In the year 1954, he entered into contact with the West German evangelic

academies. He received invitations for courses and lectures through the West German Students' Congregation. At first, he took up relations to the Evangelic Social Academy in Friedewald. He attended several lectures there and also stayed there repeatedly during his holidays. The directors of the academies, especially those in Friedewald, are enemies of our State. So-called anti-marxist courses are held there continually. Among other people, such persons as the war-minister Strauss, other NATO officers, and the traitor Leonhardt deliver lectures at these academies, as appears from publications by the West German press. All lectures are aimed at disproving the marxist theory, falsified marxist literature being used for this purpose, and the social and political conditions in the German Democratic Republic and in other socialist countries being defamed at the same time. At these academies, agitation material is distributed which the participants smuggle into the GDR.

The accused was influenced more and more against our State through his participation in such a course at the Friedewald Academy and by several lectures, as well as by the numerous discussions with leading personalities of this Academy. He was asked to send students of the Leipzig University for lectures and courses to this Academy and also to win other clergymen from the GDR for the visit to such lectures. In point of fact the accused sent about 70 students to these academies in order that they might be influenced against our state. He was endeavouring to continually send other students, in order that a large circle of persons might be infested with the poison of anti-bolshevism.

He took with him copies of agitating lectures and literature, which he used for his discussion and at assemblies with students and other citizens in Leipzig. He thereby provoked even a larger circle of persons against our state organs. As the accused was aware of the fact that the contact to these academies and the agitation undertaken there were directed against our order of state, he always advised the students asking for travel permits not to state the visit to the academies, but family visits as purposes of the journey. When he brought agitating literature with him, he tore off parts of the title page, in order that the origin of that literature might not be detected at the control. Basing on the instruction the accused received from these academies, he created an illegal group in Leipzig, in which he continued this propaganda, and with whose aid he exerted a negative influence on further circles of the population. In doing so, he utilised the so-called "students' congregation", from whose midst he selected "students of confidence". These students of confidence together with the accused formed the leading body of this illegal organisation. In this confidential circle, all measures were discussed and resolved. Social-ethical small circles were organised to influence the students systematically. These social-ethical small circles were assemblies of a number of students and other persons in apartments or in the Evangelic Students' Home, were systematic incitement against our state was continued in lectures and discussions. The accused described there the GDR as a satellite and totalitarian state and pursued the aim to make a change in our state. For this purpose he made use of the agitating lectures or of the agitating literature which he had brought with him, or which was sent to him by the evangelic academies in West Germany.

Another form of these illegal assemblies were constituted by the academic home circles, in which older academicians, formerly belonging to the students' congregation, were organised. The accused or his men of confidence held lectures there, also using the agitating material brought or sent by mail from West Germany. In the academic home circles the accused slandered, among other institutions, the democratic press which had disapproved of the support of NATO by Dibelius. He spoke in favour of a change to be made in the Statute of the Free German Youth and attempted to incite the participants against our state, in order "to strengthen the anti-marxist front" as he stated himself. He declared himself solidary with the provokers of the 17th of June, 1953, and wished a new fascist uprising to take place. During the counter-revolution in Hungary he spoke against the intervention of the Soviet Army and expressed his solidarity with the counter-revolutionaries in Hungary.

The students also met outside Leipzig for so-called "leisure hours"; there, lectures were held in which incitement against our state was carried on also. About 150 students were sent to sponsor communities in West Germany, where they had attended such leisure hours. In order to intensify the contact between members of students' congregations, about 70 students' from West Germany were invited to come to Leipzig. These invitations were also camouflaged as family visits.

The students' congregation, which was influenced more and more in a negative sense by the described methods, not only occupied itself with the study and the utilisation of the agitating literature, but also proceeded to undertake inimical acts against our state. During the people's election in 1954, the accused discussed, with members of the circle of confidence, the people's election, defaming and describing it as contrary to the Constitution. At other discussions with the students, the accused agitated against socialist law, claiming that there was no security of law in our State. He further maintained that the intermediate examinations introduced at the University constituted trespasses on academic freedom. At the discussion of the draft of a new statute for the Free German Youth, the members of the students' congregation, following a proposal by the accused, wrote a letter to the Central Council of the Free German Youth, by which they repudiated the draft. The accused sent copies of this letter to various clergymen in the GDR, asking them to direct similar letters to the Central Council of the Free German Youth, because in the accused's opinion the effect would be increased by many similar demands. Through corresponding discussions the accused further asked some members of the students' congregation to leave the Free German Youth. Following instruction received by the provincial church administration in August 1955, he read out an appeal of the reactionary bishop Dibelius, in which the members of the students' congregation were also asked to leave the Free German Youth. The accused continued his agitation not only in Leipzig, but also held lectures in Meissen, where he also attacked our order of society.

On November 4, 1956, at the time of the counter-revolution in Hungary, the accused held a preach at the University Church. In this preach he again asked the students to leave the Free German Youth. In the circle of confidence, the accused declared that the time was then favourable

for raising claims for changes to be made at the high schools and universities, because events in Hungary had brought about a tense situation, in which our government would yield to the claims made in order to avoid disturbances. He moved that the basic study of sociology and Russian lessons be canceled as compulsory branches and that a chair of the Theological Faculty of the Leipzig University be taken by a professor from West Germany.

One of the students incited by the accused went to the medical faculty and incited the students of that faculty to commit acts against our state.

Some of the makeshifts of the accused became known to the state organs. The president of the district council called his attention to his state-inimical activities and declared to him unambiguously that such counter-revolutionary movements would not be tolerated in the future. The accused indeed promised to discontinue his activities.

Nevertheless, in spring 1957, in the living quarters of workmen in Böhlen, he organised a so-called "week of visits", where he carried on malicious propaganda against our state in several lectures. Such weeks of visits were suggested to him at a meeting in Heidelberg in West Germany. Following this suggestion, the accused had carried through such a "week of visits" in Dölzig in the fall of 1955. In his lectures, which were chiefly addressed to labourers, he defamed the institutions and achievements of our state. Organisational measures were resolved by the circle of confidence, and 25 students were elected to assist the accused in Böhlen. At his lectures in Böhlen the accused expressed that there were methods of terrorism employed in our state. He turned against technical advance and against the employment of women in production; he spoke against working shifts at night, on Sundays and holidays, and incited the workmen against the functionaries claiming that these did not care about the sorrows of the workmen. By these explications the accused practically incited those present to go on strike. By a parable he spoke against the land reform carried out by us after 1945 and incited his listeners against progressive people by stating that all those backing up the Youth Dedication, should get a mill stone on their necks and be drowned in the sea.

He maintained that freedom had become a bottleneck and declared that in order to be informed properly, one should not only read the democratic press, but should also hear "the other side". He provoked the present workmen by defaming our government in a prayer and declared that he could not condemn the war criminals "because it was the duty of the church to care about every man".

#### Extract from the reasons:

According to the facts stated, the accused, on account of its inimical attitude against our state, used his functions as a clergyman and pastor of Christian students since 1954 to incite the students and other citizens to commit inimical acts against our state. He induced other citizens to commit inimical acts against our state. This occurred during the election in 1954 and particularly during the counter-revolutionary

events in Hungary in the fall of 1956. The accused was guided by the Evangelic academies in West Germany, especially by the academy in Friedewald, and by reactionary church leaders supporting the war preparations of the NATO states. The West German Evangelic academies pursue the aim of separating the population of the German Democratic Republic from its government. The unity of the population of the GDR was to be undermined in order to thereby prepare an aggression against our state. None of the agents' organisations of the imperialist powers has succeeded in doing so heretofore. Their efforts were frustrated by the unity of the working population, the government, and the party of the labouring class. The NATO powers therefore attempt to employ legal organisations to continue their subversive work against our state.

Such a possibility is offered by the institutions of the church. But even by this enterprise the imperialist powers will not succeed in their policy against our state. On the other hand, every inimical action disturbs the further building of socialism, hinders the citizens in their work, and implies the risk that the NATO powers take advantage of such a situation in order to unleash war against the socialist camp. All counter-revolutionary efforts must therefore be repudiated energetically before they have come to bear. The accused utilised the Leipzig students' congregation for his inimical activities by building up an illegal organisation and by inciting the members of the students congregation to commit acts inimical to the state. The students of confidence formed the head of this organisation which was guided by the accused. That it was an illegal organisation, appears from the fact that about 70 students were sent to West Germany to attend state-inimical courses at the Evangelic academies, and about 150 students attended meetings in the sponsor communities in West Germany without the knowledge of the state organs or of the University, and that false statements were made to the people's police to camouflage these contacts. At the same time, about 70 students from West Germany visited the students' congregation in Leipzig, where discussions were held which constituted inimical influence. This, too, was done under the cover of alleged personal and family visits. At the same time, considerable quantities of agitating material were imported by the Evangelic academies as well as by the sponsor communities, and were used to influence the students politically against our state. Here, too, measures were taken by the management of the organisation in order that the state organs might not discover the import of this agitating material.

All these actions, and the measures taken, show that the students' congregation had become an illegal organisation which had been indoctrinated and influenced politically against our social order. This illegal organisation proceeded to commit state-inimical acts under the leadership of the accused. This was particularly evident in November, 1956, when at the time of the imperialist aggression on Egypt and the counter-revolution in Hungary there was a tense political situation in the world. At some places in the GDR, inimical elements thought the time to be favourable for counter-revolutionary actions. This was the case with the accused Schmutzler also. By his discussions of the unsuccessful fascist riot on June 17, 1953, and the events at the Berlin Humboldt University, as well as by his demand for demonstrations and

changes in the university policy he incited the members of his illegal organisation. He instructed them first to win other students for these efforts and not to act as a students' congregation. These measures were apt to provoke counter-revolutionary acts in Leipzig. That the accused's intentions failed, was due to the fact that both the students and the teachers of the Leipzig University declined such an enterprise, and the workers' class was vigilant and determined to frustrate at once all actions against our state.

The accused did not consider the well-meant admonishments and warnings of the president of the district council, for he did not discontinue his inimical activity. In the spring of 1957, he attempted to incite the population of a workers' district against our state. He knew that Böhlen was chiefly inhabited by workers employed by an important enterprise of the basic industry. He also knew that the workers of that enterprise as well as of other enterprises of this kind had to make special efforts in order to secure the raw materials for our industry, and hence for the further development of our socialist state. Certainly he was not unaware of the fact that disturbances of production, caused by repairs to tools or by the weather, made work sometimes very difficult for the workmen. The workers had made up all arrears of production by special efforts. They did not mind whether this was on holidays, on Sundays, or during the night, for they were only interested in securing supplies of coal and energy to the population and to industry. It was just in the face of these workers that the accused held his provocative lectures, during the "week of visits" in February 1957, against technical advance, against Sunday shifts and night shifts, and attempted to incite the workers against the functionaries by maintaining that they did not sufficiently care for the workers. He challenged them to go on strike, he maintained that there was no freedom in our state, that many orders and measures were "inhumane", and he recommended to listen to western radio stations for "better information".

Such lectures are not suitable to incite the workers against the organs of our state, to undermine the confidence of the working people in our state organs, and to create stirring and dissatisfaction among the population. Although the attempts of the accused have been frustrated by the determined attitude of the workers, such inciting activities constitute a danger to our social order, and consequences may ensue, which may be utilised by the NATO powers to begin the aggression they are planning.

The acts of the accused constitute attacks on the constitutional order of our state. Both his activities in organising the contacts between the Evangelic academies in West Germany and the students' congregation in Leipzig for the purpose of enforcing the NATO policy, and his makeshifts during the counter-revolution in Hungary and in Böhlen in the spring of 1957; furthermore, his activities against the people's elections in 1954, against the Free German Youth, his campaign in the social-ethical small circles, academic home circles, and other lectures constitute incitement to boycott democratic institutions and organisations under article 60 of the constitution of the German Democratic Republic.

Of course the accused did not carry on his agitation openly only, but he camouflaged it and connected it with other explications which partly implied even progressive theses, even though for outer appearance only.

It is true, also, that the accused, when importing pamphlets and books from West Germany, he brought with him not only provocative literature, but also such of no provocative character. However, these facts cannot diminish the dangerousness of the accused's activities. Every enemy of the German Democratic Republic would of course attempt to camouflage his state-inimical efforts as best as he can lest he should be unmasked prematurely by the security organs of our state.

It must be emphasized clearly, too, that the accused is condemned because of his state-inimical activity only, but not on account of his general convictions. He would never be made responsible by the organs of our state if he should assume a declining attitude against the building of socialism according to his ideological conviction. But he has the duty to behave loyally and to observe the laws of our state. Our state must see to it that the church is not used by reactionary forces in order to incite religious people to commit inimical actions against our state. The performance of religious acts is guaranteed under the constitution as before, and our state will in future also protect the clerical institutions and all men employed therein, and will not permit the places destined to religious acts to be abused for actions against our state by criminal elements. Clerical institutions and christianity as such have nothing to do with this trial.

The sentence is pronounced against the accused as a citizen, because he has directed himself against our state and thereby endangered the order protected under the constitution; and hence it is pronounced indirectly against the reactionary forces in the church administration which supported this inimical activity and which endeavoured to enforce the NATO policy with the aid of the accused and the organisation created by him within the students' congregation in Leipzig. The accused realised the dangerousness of his activities, for he camouflaged his activities and his connections. He is responsible for his conduct and therefore had to be condemned under article 6 of the constitution of the German Democratic Republic. Taking into account the dangerousness of his activities and their intensity, the Senate condemned him to five years' penal servitude.

Source: "Neue Justiz", 1958, p. 69.

\*

*Numerous other sentences passed by Soviet-zonal courts reveal that article 6 of the zonal constitution, article III A III of Control Council Directive No. 38, and since February 1, 1958, the provisions of the Act Amending the Criminal Code are applied, regardless of the fundamental rights guaranteed by the constitution, to prosecute persons believed to hinder the efforts of the SED.*



DOCUMENT 91 (155)

Sentence of the Potsdam District Court  
of August 29, 1955

.....  
The accused is sentenced to

1 (one) years' imprisonment

for criminal inebriation.  
.....

On June 25, 1955, the accused performed his work as a car driver from 7 o'clock in the morning till 17 hours, went home, dressed, and called at a restaurant in Babelsberg, where he drank about 2 to 3 glasses of beer. He then visited another restaurant, had there 3 × 100 g of brandy and about 14—15 glasses of beer. During that time, the accused, who had not had a bite to eat the whole day because of the heat, ate a hot dog and a roll. It could not be determined at what time he left the restaurant. He then went to the Babelsberg park, where the press festival of the "Märkische Volksstimme" was held. In his drunk condition the accused tumbled to stage III, where he molested indecently a young girl who was watching the presentations on the stage together with her companion. He maligned her with the words: "You snotnose, get away or you will get one from a building worker." The witness Scholz, who was standing immediately beside the girl's companion, asked her to step aside in order to avoid quarrel. Thereupon, the accused turned to the witness Scholz, telling him: "What do you want with your candy there, I am not afraid of your candy, that is why I had to serve time." With the term "candy", the accused referred to the party badge of the Socialist Unit Party of Germany, which the witness wore on his jacket. The accused continued to say: "You are only living on our tax cents, which we and the private enterprisers earn; we must earn the money for you, for the people-owned enterprises are all indebted." The witness Scholz, who realised that he was dealing with an utterly drunk man, did not enter into discussions with the accused, but informed the people's police in order to isolate the accused from the large masses of spectators who had assembled around the stage.  
.....  
.....

The accused has indeed fulfilled the objective aspects of section II, article III A III of Control Council Directive 38. He has spread tendentious rumours which are apt to endanger the peace of Germany and of the whole world. The party of the workers' class, the Socialist Unit Party of Germany, is the leading force in the national struggle for liberty of the German people. Its members are the most active men in the political, economic, and cultural life. By saying: "You are living on our tax cents and the private enterprisers must earn the money for you, for the people-owned enterprises are all indebted", the accused invented and spread the rumour that the SED be a parasite party exploiting other people. This rumour undermines the confidence of the working people

in the party of the labouring classes and endangers peace in Germany, because the struggle of the German people against foreign and German imperialism is a struggle for the maintenance of peace at the same time.

The accused has not fulfilled the subjective aspect of Control Council Directive No. 38, for the consumption of spirits had put him into a condition of irresponsibility. He therefore had to be punished for criminal drunkenness under § 330 A, Criminal Code, because he put himself wilfully into this condition of inebriation and committed a punishable offence in that condition. Following the prosecutor's plea, the court sentenced the accused to one year's imprisonment.

This punishment is indispensable for the reeducation of the accused.

.....  
(sgd.) Galler

(sgd.) Maschke

(sgd.) Hacke

\*

*Reverberations of the Hungarian events were noticeable in the Soviet Zone also in November, 1956. Zone inhabitants showing sympathy for the Hungarian people fighting for their freedom, or who predicted parallel developments in the Soviet Zone, were regarded and sentenced as state criminals.*

## DOCUMENT 92 (159)

### Sentence of the Supreme Court of February 11, 1958

.....  
.....  
Extract from the reasons:  
.....

During the time of the counter-revolutionary events in Hungary, the accused listened, for about three weeks, to the slanderous and defacing reports broadcast hereon by western radio stations at night, and passed them on to his colleagues at work daily in the morning. He continued to disseminate these provocative reports, although the witnesses M. and H. had informed him of the true background of the counter-revolution, and although he had been admonished repeatedly to discontinue the dissemination of these provocative reports.

By wilfully disseminating these provocative reports he himself conducted provocative propaganda against the Hungarian people and glorified the fascist counter-revolution sweeping Hungary. This conduct of the accused constitutes an offence under § 19, s. 1, No. 1 of the Act Amending the Criminal Code. At the same time it is a serious case within the meaning of § 19, s. 1, No. 1, s. 3 of the Act Amending the Criminal Code, for the accused acted under a pre-conceived plan. ....

\*

## **Punishment for the Import of Western Press Products and Pamphlets**

*Punishable for a political crime is under Soviet zonal law any person who imports West German or West Berlin newspapers or periodicals into the Soviet Zone or brings them to the notice of third parties. Especially during the agricultural exhibition "Green Week", regularly held in West Berlin every year, the controls at the West Berlin frontiers are carried out most strictly. Visitors of the exhibition coming from the Soviet Zone were arrested and sentenced under the pretext of having introduced rubbish literature endangering youth, if only a single copy of western literature was found on them.*

### **DOCUMENT 93 (166)**

#### **Indictment of the Public Prosecutor of the District of Fürstenwalde**

of February 17, 1956

— K III 41/6 56 —

The worker F. Sch. is accused

of having violated, on January 29, 1956, in Sch., the protection by the State of the youth in regard to its physical, moral, and political development.

Having visited the "Green Week" in West Berlin, he introduced rubbish literature in the form of periodicals from West Berlin into the GDR, which were apt to endanger the 17 years old son.

— Offence under §§ 3 and 10 of the Order for the Protection of Youth of September 15, 1955. —

#### **Evidence:**

1. Statement of the accused. page 4 and 5 of the files.
2. As substantial evidence, seized rubbish literature.

#### **Essential result of investigations:**

.....  
On January 29, 1956, the accused, accompanied by his wife and his 17 years old son, went to West Berlin, where he visited the "Green Week" then being held there. He visited this exhibition already last year. He states that he had done this because he liked it very much and besides, because he was very fond of flowers, cattle, and agriculture. When entering the exhibition grounds at about 13 hours and during his walk through the exhibition he was handed the rubbish literature found with him, to wit: 1 Tarantel, 1 Freie Welt, 1 copy of the Sufferings of Jesus Christ the Saviour, and 3 periodicals of the Middle German Workers' and Peasants' Times.

Although the accused found the provocative paper "Tarantel" rather funny, he accepted the literature handed to him as described above and took them into the territory of the German Democratic Republic. At his return from "Grüne Woche" he was stopped at the control point in Sch.,

and the periodicals were taken away from him. The importing of this rubbish literature constitutes an offence under the Order for the Protection of Youth, as they are apt to get into the possession of his juvenile son.

The accused's trip to the "Green Week" in West Berlin and the importing by him of rubbish literature shows that his sphere of interest is in the so-called "free world". This is corroborated by the fact that the accused takes no or very little interest in things here with us in the German Democratic Republic, especially in Sch.; nor did he consider that a so-called "Green Week" is held in West Berlin during the winter months, although there is practically no agriculture in Berlin. This institution only serves the purpose of inducing people in the GDR to travel to West Berlin, in order to abuse these citizens for their purposes against the German Democratic Republic. This also includes the distributing of provocative material which is to be distributed after the return, in which case juveniles are specially endangered.

(sgd.) Gehrke  
District Prosecutor

### **Punishment after Post Control**

*Documents Nos. 28—30 of this Collection show that there is no postal secret in the Soviet Zone in contradiction to article 8 of the zone constitution. Writers of letters are prosecuted for political crimes, whenever the post control offices of the State Security Service find letters in which conditions in the zone are criticized or in which zone inhabitant complain of their economic sorrows, asking for help and support.*

### **DOCUMENT 94 (168)**

#### **Sentence of the Leipzig District Court**

of January 20, 1955

— 1 b Ks 307/55 — I — 842/54 —

.....  
The accused P. is sentenced to

**4 — four — years' penal servitude**

for having incited to boycott democratic institutions and organisations, and for having invented and disseminated malicious rumours endangering peace

— Crime under article 6 of the Constitution of the German Democratic Republic and under Control Council Directive No. 38, section II, article III A III

.....  
.....

Extracted from the reasons:

The accused was a careerist. He talked in a very progressive sense, but he entertained relations to enterprises in West Germany, for the sake of material advantage. He received from them almose parcels and 200 West marks at a visit to the West. The accused wished to marry again and therefore had quarrel with his relatives. Owing to his ideological attitude he arrived at the result that he should go to the West. He therefore entered into touch with enterprisers in West Germany asking for work. The letters were taken to West Berlin partly by him, and partly by other persons. Among these letters there are four dated February 1954 which contain malicious propaganda against the conditions prevailing in our republic. His slanderous utterances are directed against the political and economic conditions in our state. He glorified the West and attempted to obtrude on the addressees. In the beginning of December, 1954, he wrote two more letters to West Germany which were even more provocative, and which come up to the provocations by RIAS. When a citizen was controlled, these letters were found, and the accused was arrested.

These findings of the Senate are based upon the accused's confession. He admitted to have written the letters shown him. Further evidence was therefore unnecessary. By sending these provocative letters the accused made himself liable to punishment under article 6 of the Constitution of the German Democratic Republic and under Control Council Directive No. 38, section II, art. III A III. In particular, he incited to boycott democratic institutions and organisations and invented and disseminated malicious rumours. He thereby supplied the adversaries of our democratic development with means to continue their agitation against the camp of peace and progress. People in West German, and, through RIAS, people in the German Democratic Republic are thereby misled and prevented from safeguarding their national interests. This abetment of Western imperialists endangers peace. The accused acted wilfully. He was therefore to be made criminally responsible. The Senate agreed with the prosecutor's opinion and plea. The accused's conduct is so abominable that all other considerations have to be disregarded in view of this betrayal. There was therefore no reason for mitigation.

.....  
.....

(sgd.) Stiller

(sgd.) Hammer

(sgd.) Koch

### Defamation of the State

*Numerous cases of political prosecution in the Soviet Zone are carried through on the charge of "defamation of State". Utterances which cannot by any means be punished as incitement to boycott under article 6 of the zone constitution, are now considered as defamation of state under § 20 of the Act Amending the Criminal Code.*

DOCUMENT 95 (171)

Sentence of the Berlin Town Court  
of November 4, 1955

— (101 a) I. a. (Z) 163.66 (92.55) —

.....  
.....  
The accused is sentenced to  
2 — two years' imprisonment  
for defamation of state.  
.....  
.....

Extracted from the reasons:

.....  
On July 16, 1955, the accused did his service as a guard in the building yards in Kniprodestraße. At 4 o'clock in the morning, during his patrol, he passed the guard house of the watchman Kapitzke. After a short conversation with K. he entered his guard room. In the following talk with K., the accused began to slander the government of the German Democratic Republic and its state organisation in the meanest manner. Thus he declared that the government of the German Democratic Republic had not been elected by democratic elections, and that workers were exploited more severely by us than in the Nazi times. He further maintained that in the territory of the German Democratic Republic the working people got nothing to eat and that the activists were to blame for the deterioration of the standard of living.

These slanderous and provocative utterances were heard by the patrolling member of the people's police, Neumann, and by the witness Gerasch, who called him to account at once and caused him to be arrested.

These findings are based upon the accused's confession at the present trial, as well as on the deposition of the witness Gerasch. It is therefore to be considered as proved that the accused has made himself guilty of the criminal offence of slander of state under § 131, Criminal Code, because he invented the above cited mean utterances and maintained them in public in order to make the state institutions of the German Democratic Republic contemptible.

The slanderous utterances made by the accused are of the same character as those broadcast daily by the RIAS transmitting station intending to defame our State of Workers and Peasants. These were the intentions of the accused also, who is even today an old fascist and adversary of our democratic order.

Because of the particular dangerousness to society of the accused, his inimical attitude against our state, and because the accused has not yet drawn the necessary consequences from his fascist past up to the present day, it was necessary to inflict upon him the legally permissible severest punishment of two years imprisonment in accordance with the prosecutor's plea.

.....  
(sgd.) Schützle

(sgd.) Chwallek

(sgd.) Bednarski

**DOCUMENT 96 (173)**

**Sentence of the Suh1 District Court**

of January 18, 1957

— 1 Ks 1/57 —

.....  
The accused is sentenced to one year imprisonment for defamation of state under § 131, Criminal Code.  
.....

**Extracted from the reasons:**

.....  
On November 17, 1956, the accused was on night shift. On that day, which was pay-day, he wished to pay his footing as stamper and therefore bought a bottle of brandy. His colleagues also collected some money, for which more brandy and beer was bought and drunk. At this occasion the accused said contrarily to the truth that in the year 1953, after he had returned from West Germany, he had been cross-questioned under search-lights by the organs of the State Security Service, and that he had stood up to the interrogation. Somewhat later, the accused went to the mounting department and into the test room. He had smashed a beer bottle and injured his thumb with the broken bottle. He took the rear wall of a cardboard box as used for packing radio sets and wrote, with blood, on this cardboard the fascist slogan: "Freedom for Hungary, freedom for the brethren in the GDR."

Having thus prepared a poster, the accused left the test room and went into the main mounting department. Near the door he held the cardboard sheet with the fascist slogan over his head and cried to his colleagues working in the mounting department: "Look here and read." All persons in the factory were greatly upset about the accused's conduct and removed him from the mounting department and from the factory. During the recent trade union elections the accused had also disseminated the untrue reports on the events in Hungary broadcast by western provocative radio stations.  
.....

The Senate had to examine carefully whether the accused's conduct constituted a crime under article 6 of the Constitution or an offence under § 131, Criminal Code. The slogan which the accused wrote with blood on the cardboard sheet, appears to be incitement to war as well as incitement to boycott our democratic institutions. However, it had to be examined whether the accused acted wilfully according to article 6 of the constitution. According to the opinion of the factory, the competent works party organisation and the cadre department of his first place of work after his return into the Republic, the accused has to be regarded as a man somewhat lacking general education. The Senate won the same impression at the trial. The opinion of the competent works party organisation says, on the other hand, that the accused took a great interest in the problems arising in the combat group and that he did his duty in the combat group regularly and with certain zeal. In view

of such a behaviour one cannot be of the opinion that the accused intended to attack the order of our state by making these utterances. The accused has to be classified in the category of those wavering. He could not therefore be proved to have acted wilfully as necessary in order to apply article 6 of the constitution, and could not be punished under this provision.

However, the accused did make himself guilty of defamation of state when he provided the cardboard sheet with the slogan: "Freedom for the brethren in the GDR." Our democratic order in the German Democratic Republic embodies true freedom in contrast to the fake democracy in the imperialist countries. If, therefore, the accused raised the demand for freedom, he defamed the institutions of our state. He also defamed the public institutions of the people's republic of Hungary, with which we are allied by the Warsaw treaty. Defamation of the people's democracies of course implies defamation of the institutions of our own state. Furthermore, the accused has made false statements regarding illegal inhumane interrogating methods of the organs of state security, although he knew very well that this was untrue. Thereby, too, he has made institutions of the state contemptible. For the foregoing reasons the accused had to be punished under § 131 Criminal Code because he has defamed our order of state by his actions. ....

Source: "Der Schöffe", 1957, p. 91.

### **Punishment of "Class Enemies"**

The "people's police" and State Security Service are looking for "class enemies" or "state enemies" everywhere, prosecuting them under the general clause of article 6 of the zone constitution, no matter whether the victim was a veterinary allegedly having disregarded sanitary regulations on pig's diseases, or the son of an expropriated farmer interested in his father's former holdings, or a scientist deviating from the party line.

## **DOCUMENT 97 (183)**

### **Activities of the Harich Group inimical to the State**

Extracted from the Sentence of the Supreme Court, dated March 9, 1957  
— 1 Zst (I) 1/57 —

.....  
After the XX. Party Meeting of the Communist Party of the Soviet Union, Harich thought that he had not been sufficiently informed on the results of this party meeting by the democratic press. He therefore considered it necessary to obtain information from western press reports and radio broadcasts above all. The news and comments given there led to the result that Harich, whose attitude was wavering already before, now took the standpoint that the policy followed by the Socialist Unit Party of Germany and of the government of the German Democratic Republic was faulty. In the course



of the summer, 1956, he discussed his opinion with a number of intellectuals whom he knew. At these discussions he was not so much interested in procuring clearness about definite problems rather than in assembling around him a circle of people holding the same views. Harich's intentions consisted in achieving a change in the entire policy of the German Democratic Republic. Referring to the misunderstood result of the XX. party meeting of the Communist Party of the Soviet Union he stated that a special German road towards socialism was necessary. In the course of the summer, his ideas of this special German road condensed into definite demands. At the discussions which he chiefly held in the works' party organisation of the Aufbau Verlag and with the editorial staff of "Sonntag", he concentrated his attention to these demands. As the western propaganda against the countries of socialism sharpened, certain circles in some people's democracies became unsure and wavering also. Polish and Hungarian intellectuals expressed similar ideas as Harich in their respective countries also. Thus he repeatedly met the Hungarian literary scientist Lukacz, whom he had known for a long time, and who corroborated his opinions. Polish literary historians proceeded similarly at the International Heine Conference in Weimar in the beginning of October, 1956.

The constant demands and discussions which Harich made in the Aufbau Verlag, led to the result that he could find there a group of intellectuals who agreed in principle with his aims. These persons chiefly were the manager of the said publishing firm, Janka, and the editors Zöger and Just. This group, especially Janka and Just, asked Harich repeatedly to formulate his opinions in writing and to shape them into a program.

In the end of October, 1956, the counter-revolutionary riots in Hungary became known. Harich now became anxious about his personal safety. Being a member of the SED, he believed to be particularly endangered in the case of similar events in the German Democratic Republic, which he thought would inevitably happen. However, he had not the intention to back up personally the Party and the State of Workers and Peasants.

.....  
*(Harich enters into contact with intellectual members of the SPD and SED and with well known personalities of political life.)*  
.....

Upon Harich's suggestion, a conference with Steinberger and Hertwig was held in Harich's home on November 22, 1956. At this meeting, Harich again explained his ideas and his plans for the carrying into effect of these ideas. He stated that he could rely on his group in the Aufbau Verlag, and also mentioned the conference with Paul Merker. Hertwig and Steinberger agreed in principle with the considerations explained by Harich. Steinberger pointed out particularly, that according to his opinion, the German Democratic Republic was approaching a catastrophic economic situation, and that it was necessary to make a thorough change in its economic policy. In some points Steinberger did not share Harich's views. However, this had nothing to do with the fact that he as well as Hertwig agreed with the aims explained by Harich. Harich, having realised from conversations with Janka and Just that his remarks on

economic policy were not sufficiently founded, agreed at once to some corrections to be made. He asked Steinberger to make these corrections. Steinberger answered that a writing formulation of Harich's ideas was required for this purpose. Harich promised to elaborate them. In the further course of the discussion, Harich urged Steinberger to enter into contact with Franz Dahlem as soon as possible. Steinberger was to call upon Dahlem at an early date in connection with his rehabilitation, and to investigate Dahlem's views of the political situation. Steinberger promised to enter into relations with Dahlem.

.....

The accused agreed that an attempt should be made to found a newspaper in West Berlin or in West Germany which was to propagate Harich's plan. Harich expected to receive support for his plans by a west German news publisher. The accused intended to propose Harich and Steinberger as editors for that newspaper. The newspaper was to be in opposition to the SED. It was to be sent to the governments of Poland, Hungary, and Yugoslavia, as well as to SED functionaries, and especially to intellectuals, in order to achieve the formation of an oppositional fraction within the SED. The formation of a new party was also contemplated, which was to bear the name "Communist League" or "SED Opposition".

.....

In the afternoon of November 23, 1956, Harich again met Siegfried of the East Office of the SPD and reported to him about his conversations, especially on the conference with Janka and Merker, as well as on the meeting with Hertwig and Steinberger which was to lead to contacts with Franz Dahlem. Harich also mentioned his intention to found a newspaper of his own in West Germany, and requested the East Office for their support in organising and distributing the newspaper. However, Siegfried refused support of this plan on behalf of the East Office. At the same time, he offered to disseminate Harich's ideas through the East Office and required them to be written down for this purpose.

During the time from November 22, to 25, 1956, Harich wrote down his concept of the special German road towards socialism, such as Janka, Just, Hertwig, Steinberger, and Siegfried of the East Office of the SPD had asked him to do. The manuscript, which was the object of the trial, revealed, among other things, the following demands: Abolition of the leading role of the Socialist Unit Party of Germany in the German Democratic Republic; admission and expansion on a large scale of bourgeois ideologies; dissolution of the National People's Army, dissolution of all organs of the Ministry for State Security; economic planning to be limited to economically particularly important objects; west German enterprisers to be licensed to establish capitalist enterprises in the German Democratic Republic; removal on a large scale of socialist achievements in the country through the dissolution of agricultural production societies, and sale of the motor and tractor stations (MTS) to the remaining production societies.

Harich handed this program to the accused Steinberger in his apartment on November 25, 1956, requesting him to correct it as to style, and in its economic part, as to its contents, and to complete it. ....

As in the discussion with Siegfried of the East Office of the SPD, it was also stated in the discussion between Harich, Steinberger, and Wolf that it was necessary to enlarge the circle of those following the same ideas, and in particular, to penetrate into various works groups of the SED.

.....

In the course of November 26, 1956, Harich followed an invitation by the editor of the west German paper "Constanze", Huffzky, to come to Hamburg. Huffzky had undertaken to pay the expenses. Harich stayed in Hamburg from November 26, to 29, 1956. There, he had various conferences with Huffzky as well as with the editor of the periodical "Der Spiegel", Augstein, and with the chief editor of the "Andere Zeitung".

He explained his concepts to these persons, and reported that he had political conversations with the 1st Secretary of the Central Committee of the SED. He agreed with the editor of the "Andere Zeitung" that he would publish in this paper a series of articles on his ideas. In case he should be compelled to leave the German Democratic Republic, he would supply these articles from Poland also. The scheme of founding a newspaper was not discussed in Hamburg.

When Harich, coming from Hamburg, arrived at the Tempelhof Airfield on November 29, 1956, he asked at once for the possibility of flying to Poland without entering the German Democratic Republic. He obtained this information because he expected that he might be forced to travel to Poland illegally. Then he went to his house and shortly thereafter to Janka because of his travel permit to Poland.

.....

These findings are based upon the statements of the accused, of the witnesses heard, and of the documents which were read out or made the object of the trial.

The accused Harich, Steinberger, and Hertwig had no firm bonds to the labouring classes. They could never free themselves of their bourgeois education. Only because it was in the trend of the time, Harich and Hertwig acquired some more or less extensive literary knowledge of marxism, and they were not willing to propagate socialism beyond the framework of a salaried position, or even to defend it personally.

When in the course of the events in Hungary fascism succeeded in raising its gory head, all honest citizens joined the government of the German Democratic Republic more closely; many of them found the way to the Party of the Workers' Class. Generally it was realised that only the united forces of the entire population were able to frustrate the plans of western imperialists, consisting in separating the German Democratic Republic from the camp of socialism. The accused neither confided in the strength of the socialist camp, nor in the power of the workers' class; they counted on restoration of capitalism in the German Democratic Republic, opposed the policy of the government, and finally became criminals against the state. They joined to form a conspirative group, whose leader was the accused Harich. They gathered people having the same ideas around them, and propagated the abolition on a large

scale of the socialist achievements, and a complete change in the leadership of the Socialist Unit Party of Germany and of the government of the German Democratic Republic. In case their ultimative demands were not fulfilled, they wanted to enforce them through radio stations in West Berlin or to call out a strike from Poland. Any fascist riot was also to be "steered" through West Berlin senders. In order to secure his future claim for leadership, the accused Harich had taken up relations to the espionage and agents' centre of the "East Office of the SPD", where he obtained advice on his demands and the carrying into effect of his plans.

With this treacherous conduct the accused attacked the foundations of our state and endangered the existence of our state. The accused did not make themselves guilty of a political crime on the reason that they did not agree with the measures taken by the government of the German Democratic Republic or because they, as members of the Socialist Unit Party of Germany, held views different from those expressed by the resolutions of the party, but because they formed a group whose aim consisted in making changes, by threats or force and through the application of conspirative methods, in social conditions protected by the constitution and laws of the German Democratic Republic, in abandoning the socialist achievements, and forcing the government of the German Democratic Republic to be overthrown. As these actions were aimed at weakening or removing the state of workers and peasants, they have to be regarded legally as incitement to boycott under article 6 of the constitution of the German Democratic Republic.

Source: "Neue Justiz", 1957, p. 166.

*The following sentences were passed on March 9, 1957, on the strength of these arguments: Harich — 10 years' penal servitude; Steinberger — 4 years' penal servitude; Hertwig — 2 years' penal servitude. At another trial of July 26, 1957, Janka was sentenced to 5 years' penal servitude, Just to 4 years' penal servitude, Wolf to 3 years' penal servitude, and Zöger to 2½ years' penal servitude.*

\*

### **Incitement to Leave the Soviet Zone as a Political Offence**

*In the second half of the year 1955, the Soviet Zone courts developed a new application of the provisions of article 6 of the Soviet Zone constitution: Incitement to leave the Republic. Every person was considered to be liable for punishment, both penal servitude who advised a zone inhabitant to go to the Federal Republic or to West Berlin for familiar, economic, or other reasons, or who omits to report to the police any third person who, according to his knowledge, intends to leave the Soviet Zone without permission of the people's police. As a result of a trial staged by the supreme court on January 27, 1956 against Held and Rudert who were sentenced to death, a large number of trials for incitement to leave the republic were carried through by all district courts. This "criminal*

*offence" is provided for in § 21 of the Act Amending the Criminal Code also, whose wording allows every person to be punished who expresses the opinion that a change of residence towards the West may be desirable for a third party. The first sentences according to § 21 of the Act Amending the Criminal Code, known to-date, show that the zonal courts strictly adhere to the order given by Walter Ulbricht at the 33rd plenary session of the central committee of the SED, according to which "incitement to leave the GDR" is a political crime which should be severely punished.*

## DOCUMENT 98 (190)

### Sentence of the Supreme Court

of January 27, 1956

— Zst (I) 1/56 —

.....

4. The accused Sachsse entertained relations, since 1948, to the commercial manager of the Dresden office of the International Offices Machines Company (IBM), Au. He had met him at a qualifying course and also approached him later in regard to technical problems. In 1952, Au. fled from the republic. The accused Sachsse wrote him in order to maintain the connection. In the course of the correspondence the accused expressed the desire to go to West Germany also. His application for work with the central office of IBM in Hannover originally failed. Some time thereafter, the accused wrote to Au. again, who had in the meantime become manager of the Augsburg office of IBM, and stated again to be willing to work in West Germany. Au. welcomed his offer. In April, 1955, he informed him that he had a position for him. However, for familiar reasons which had turned up in the meantime, the accused decided not to accept the offer. However, in order to make use of Au.'s offer, he approached various colleagues in order to persuade them to go to West Germany. One colleague rejected his offer straightaway. The accused then asked his colleague Ha. to make use of the offer and to go to West Germany. He knew that Ha. was a man of wavering political opinions. Ha. first refused to accept the offer, but then decided to go to Augsburg. The accused was also decisively responsible for his colleague E. succumbing to Au.'s enticements and settling over to Augsburg. He informed Ha. under a false address that E. had also left the German Democratic Republic. ....

Although the accused Sachsse has not committed espionage, the dangerousness of his crimes ist not small. As he did not wish to leave the German Republic himself for personal reasons, he decided to cause damage to the German State of Workers and Peasants by inciting other Holterith specialists to leave it. His conduct endangered the faultless performance of an important place of production. A punishment of eight years' penal servitude is reasonable.

Source: "Neue Justiz", 1956, p. 99.

## DOCUMENT 99 (191)

**Extracted from:** "Sie handelte im Dienste unserer Todfeinde" (from the sentence of the 1st penal senate of the district court of Karl-Marx-Stadt — Chemnitz — against Theis).

.....

Whoever allows himself to be enticed away, serves the deadly enemies of our people! He avows fratricidal war on the side of Kesselring and his accomplices! He must visit numerous espionage centers and is made a tool of the imperialists. Whoever cooperates in enticing away citizens of the republic, commits one of the severest crimes of which a German can ever become guilty, no matter whether he acted under direct orders of agents' centers or whether he allowed himself to be inspired by them for enmity in another manner. There is no qualitative difference between the two. The trial of the accused Theis has confirmed this again.

.....

(The accused's son brings newspaper from West Berlin. She asks the young friends of her son to read these "provocative papers".)

..... By her influence she contributed to the decision of the juveniles to leave the German Democratic Republic and to go to West Germany via West Berlin. In point of fact, out of the eight juveniles entertaining relations especially with her son in her flat, five have fled from the republic.

In the discussions in her apartment, the accused made comparisons between the two German states in favour of West Germany and maintained that the juveniles would get on better if they worked in West Germany. She also gave them western cigarettes and western chocolate and did not forget to point out to them the fine things obtainable in West Germany.

When the decision of the juveniles to flee took a definite shape, she explained to them the way to the refugees' camp and advise them, in order to be on the safe side, to obtain further information from the Station Mission at the Zoo station in West Berlin as soon as they arrived there. On account of the accused's influence, which is especially to be seen in the fact that she did not contradict to the plans of the juveniles, especially to her son's arguments, but corroborated them instead, the juvenile Bratzsch, and, at another date, the witnesses Nötzold and Beyer went to West Berlin. They accurately followed the way the accused had described to them. When, on March 19, 1955, the two persons mentioned last arrived at the Station Mission, the accused awaited them there already and stated that she had not believed that they would actually come. Beyer and Nötzold had already obtained the address of the refugees' camp in Marienfelde from the Station Mission. However, the accused insisted upon their going with her to the camp in Grunewald. Having arrived there, she went alone into Rogge's room, but did not meet him personally. She explained that two juveniles from Saxony had arrived, who had fled from the Republic and who would have to be sent to a camp.

### **Bonn wants to press GDR Citizens into the NATO Army**

The conduct of the accused is directed against the foundations of our state and is punishable under article 6 of the constitution. Her influence on the juveniles to flee from the republic constitutes incitement to boycott within the meaning of article 6 of the constitution. But it also constitutes incitement to war within the meaning of the same provision. Especially juveniles coming to West Germany are prepared for a revenge war by the circles ruling there, which also menaces the GDR directly. Under the West German recruiting act, every German between 18 and 60 years is liable to military service.

This reveals distinctly the great dangerousness of the accused's acts appearing to be incitement to war. The facts show that the accused acted wilfully. Instead of meeting her responsibility to the juveniles, which is imposed on her by the constitution, whose article 5 provides that no citizen is allowed to take part in martial acts serving the suppression of a people, and whose article 4 makes it a duty for every citizen to act in the sense of the constitution and to defend the latter against its enemies, she served the enemies of our republic. She therefore had to be punished severely.

The Senate did not hesitate to accept the prosecutor's plea and pronounced sentence for eight years' penal servitude on the conviction that this punishment is suitable to protect our republic and its achievements effectively against this and similar attacks.

**Source:** "Volksstimme", No. 28, of February 2, 1956, p. 6.

## **DOCUMENT 100 (192)**

### **Sentence of the District Court of Suhl**

of April 16, 1956

— Ks 24/56 —

#### **Article 6 of the Constitution of the Soviet Zone.**

The 53 years old accused earned her living since 1945 as a fortune-teller. Most of her visitors were women who wanted to learn their fates from playing cards. She had a large circle of visitors and frequently received several persons daily.

A brother of the accused who lived in West Berlin and, taking an inimical attitude against the GDR, strived for the unity of Germany in a Western sense, advised her to use her fortune-telling as a means to incite her visitors to leave the GDR. The accused accepted this proposal. In the course of telling the fortune to her visitors, she said to them that the police was after them, that they would make a journey which would be a success. In this connection she also mentioned that the conditions of living were much better in West Germany than they were in the GDR, that there would be "nothing to do" in the GDR, and that it would be best to go to West Germany.

The accused knew to make her "prophesies" so impressively that 18 persons with their families, among them several trained workmen, left the territory of the GDR. If a visitor was not ready to leave the Republic, the accused urged him with hints to allegedly menacing arrests by the people's police until she had overcome every resistance. In some cases she suggested to her visitors to leave that same night. In other cases she corroborated the visitors in their determination to leave the Republic.

At the trial the accused admitted that she did not believe in what she told her customers. She had allowed herself to be influenced by her brother and by broadcasts of Western radio stations, and through her "prophesies" she wanted to achieve that as many people as possible went to West Germany.

#### Extracted from the Reasons:

Juridically, the accused's conduct constitutes a crime under article 6 of the Constitution of the German Democratic Republic, which she has committed in the form of incitement to boycott democratic institutions. By all her acts the accused has degraded government organs or other institutions (e. g. the conditions of living as resulting from planned economy) in the German Democratic Republic and glorified those existing in West Germany. In this manner she achieved that as a result of her influence 18 adult persons with their families left the territory of the German Democratic Republic, and that the building of the state of workers and peasants was deprived of valuable labour.

It is not necessary that the incitement to leave the Republic refers to scientists and technicians. It is sufficient that people are incited to leave the Republic who do manual work of various kinds, for they, too, are valuable helps for the building of socialism in the German Democratic Republic. The flight of many persons with their families due to the influence of the accused is a considerable damage to the economy of the German Democratic Republic. It must be taken into consideration that the western monopolists responsible for the incitement to leave the Republic are not so much interested in employing the emigrants from the Republic in production, but to undermine the economic life in the state of workers and peasants. Objectively, the accused has thereby committed a crime under article 6 of the Constitution of the German Democratic Republic, in the form of incitement to boycott.

Subjectively it must be stated that the accused has committed her acts wilfully. She has admitted that under the influence of her brother and also of the western radio she wanted to disturb the development in the German Democratic Republic. Acting on the basis of a certain animosity against the state of workers and peasants, she made use of the backward or wavering attitude of her superstitious visitors and persuaded them to emigrate to West Germany. Such an act can only be committed wilfully.

.....

Acts as those committed by the accused are very dangerous to society and to the state of workers and peasants. The peaceful reconstruction is deprived of valuable co-workers, while the western monopolists and junkers are supplied with men who on account of their bad situation allow



themselves to be exploited as strike breakers and wage cutters. In addition, these people are also forced to perform work which does not serve the maintenance of peace, but which, on the contrary is done to prepare for another war.

Such acts are therefore most detestable in the eyes of the working people in the German Democratic Republic. Their result consists in that men are torn out of safe conditions and are left to an uncertain fate. In most cases the people emigrating from the German Democratic Republic, owing to their economic distress, are forced to live a life without work under the worst living conditions in so-called settlers' camps, and will return, disappointed and despaired, to the German Democratic Republic after some months. This happened also, for instance, to the hospital assistant W., who had fled from the Republic due to the suggestions of the accused. An extract from a letter of W., which has been made the object of this trial, reveals that he did not find in West Germany what the accused had falsely represented to him, but that he is waiting there disappointedly for an opportunity to return to a safe place of work in the German Democratic Republic.

However, the consequences of the accused's conduct will be quite clear if one considers that as a result of her influence many adult persons took their children with them to West Germany and have to leave them there in misery. Instead of finding recreation in holiday camps, such children in West Germany are deprived of all the social institutions which have become a matter of course for the children in the German Democratic Republic.

.....

Source: "Neue Justiz", 1956, p. 479.

*The accused was sentenced to 12 years' penal servitude*

\*

## DOCUMENT 101 (194)

### Sentence of the District Court of Schwerin

of April 20, 1956

— Ks 43/56 —

.....  
.....

The accused is sentenced to

2 (two) years and 6 (six) months

of penal servitude for having committed a crime under article 6 of the Constitution of the German Democratic Republic.

He is forbidden to work in public service and in leading positions in economic and cultural life.

He loses the right to vote and to be elected.

The accused has to carry the costs of the proceedings.

Extracted from the Reasons:

At the 25th meeting of the Central Committee of the Socialist Unit Party of Germany as well as at its III. Party Conference it was emphasized particularly that class warfare is sharpening in the present stage of our democratic development. It is concentrated especially against those forces which render services to the American and West German war-mongers.

A special method of damaging our power of workers and peasants consists in that the enemies of our order incite citizens of the German Democratic Republic to leave the Republic in order to employ them in the West German armament production or to force them into the new fascist army.

The purpose is to weaken our peaceful production and our defensive power and to cause serious damage to the German Democratic Republic. Citizens allowing themselves to be abused in supporting the imperialist war-mongers in their efforts to incite people to leave the Republic, put our socialist achievements at stake and betray the interests of all peace-loving working people. They hinder the struggle of all patriots for the restoration of our national unity and for the maintenance of peace.

By their explanations the Socialist Unit Party of Germany has procured clearness to the German people about the danger arising to the whole nation from the agents' work of reactionary forces in West Germany .....

.....

After lunch-time on February 10, 1956, the accused stayed at the restaurant of the cooperative in Sternberg. He talked with other persons known to him about building schemes and about the sale of bricks. At that time, the witness St., member of the agricultural collective in Sternberg, was in this restaurant also. As the witness was interested in the sale of bricks, he entered into a conversation with the accused, when the latter was alone in the restaurant and the other persons had left the place already.

The accused suggested to the witness St. that he had intended to rebuild the side-wing of an apartment house which he had bought in Sternberg, and that he had not received the permit necessary for this purpose. For this reason he wished to sell the bricks which he already had. He quoted a price which the witness considered too high. Besides he informed the witness that he could also use plaster plates for building work, and that this building method was cheaper. The accused and the witness St. took only little alcohol during their conversation. After a short time already, the conversation assumed a totally different character. The accused asked the witness how the situation of the agricultural collective was and how he liked to be a member of it. When the witness St. replied that the situation of the collective in Sternberg was not too good, and that it was indebted, the accused explained that the agricultural collectives in general were not worth a lot. He suggested to the witness that he should leave the German Democratic Republic and go to West Germany, if he had economic difficulties. As an ex-member of an agricultural collective he would be recognised as a "political refugee" at once and could fetch his family over after a short time already. In the course of the conversation, the accused repeated his suggestion that the witness St. should leave the Republic. In order to ascertain the accused's attitude more clearly, the

witness St. mentioned that it was not too easy to leave the German Democratic Republic. The accused replied that he would place a sum of 1000 DM at his disposal for this purpose, if he was in financial difficulties.

The witness St. repudiated the suggestion made to him and stated that he would stay here. When the accused noticed that he had no success with the witness, he took leave, stating that he, too, would hold out. The accused also suggested to the witness St. that he could not leave himself because he was a member of the Socialist Unit Party of Germany, while he (the witness) was free and would therefore have no difficulties.

.....  
As the accused denied to have committed the act of which he was accused, and therefore did not state an opinion on the motives of the acts established by the deposition of the witness St., conclusions had to be drawn from his behaviour to determine his mental attitude.

The accused knew that incitement to leave the German Democratic Republic is a crime directed against our state of workers and peasants, and that it serves the enemies of our order in preparing for another war. That he was aware of the punishable character of his conduct, and that he actually committed the act of which he was accused in spite of his denial, follows especially from the fact that at his interrogation by the investigating organ he stated: "You seem to want to know whether I have talked about incitement to leave the Republic!" He directed this question to an employee of the people's police when he had not yet been interrogated about his offence. From the findings stated above it appears that the accused has made himself guilty of a crime under article 6 of the Constitution of the German Democratic Republic. In the shape of incitement to leave the Republic he has incited to boycott democratic institutions and organisations as well as incitement to war and propaganda for militarism. He thereby violated the political bases of our democratic power of state.

The deputy prosecutor for the district of Schwerin pleaded that the accused be sentenced to penal servitude for two years and six months. ....  
This plea was fully met with.

The Senate saw no circumstances apt to justify a lower punishment. Any person who, like the accused, supports the imperialist war-mongers in their harmful work against the German Democratic Republic and thereby disturbs the strengthening of our power of state and the German people's struggle for a unified, democratic, independent, and peace-loving Germany, must take into account to be made adequately responsible.

.....  
(sgd.) Mai

(sgd.) Krull

(sgd.) Schulz

\*

### **"Flight from the Republic" — Betrayal of the Class**

*The "Act Amending the Passport Act" passed by the Soviet-zonal "People's Chamber" on December 11, 1957 made the "flight from the republic" an offence punishable with imprisonment of up to three years. This provision covers every journey made by zone inhabitants to the Federal Republic*

*without permit of the police, every journey into the Soviet Zone, and every deviation from the route or time prescribed. The Soviet zonal courts have applied this act strictly and without mercy. The act practically abolishes articles 8 and 10 (freedom of movement and residence) of the Constitution.*

## DOCUMENT 102 (199)

### Extract form of Speech held by Walter Ulbricht at the 33rd Plenary Session of the Central Committee of the SED

.....

The question has been propounded how the flight from the republic and changing residence from the German Democratic Republic and the democratic sector of Berlin to West Germany and West Berlin should be judged from the standpoint of policy and criminal law. Every flight or settling over to West Germany means aid to the West German military basis of NATO by supplying them with labour at the expense of the GDR. Flight from the republic means betrayal of the peaceful interests of the people and serves West Germany which is a NATO basis.

.....

Everybody must be protected from being exploited and humiliated by the West German capitalists. ....

From the standpoint of criminal law, every person undertaking, on orders of agents' organisations or economic enterprises, to incite citizens of the GDR to leave the GDR, will be punished with penal servitude. Whoever induces juveniles to leave the GDR by means of promises or deception, will also be severely punished.

.....

Source: "Neues Deutschland", of October 20, 1957.

## DOCUMENT 103 (200)

### Act Amending the Passport Act

of December 11, 1957  
(Law Gazette, 1957, p. 650)

#### § 1

§ 8 of the Passport Act is amended as follows:

"(1) Any person who, without having obtained the necessary permit, shall leave and enter the territory of the German Democratic Republic, or who shall not adhere to destinations or routes or times described for his travel or to other traveling restrictions or restrictions of sejour, shall be punished with imprisonment of up to three years or with a fine.

(2) The same punishment shall be inflicted upon any person who by making false statements obtains for himself or for a third party a permit to leave or enter the territory of the German Democratic Republic.

(3) Preparations and attempts are punishable."

**DOCUMENT 104 (201)**

**Extract from:** "Das Paßgesetz in der Praxis der Strafgerichte"  
by Fritz Böhme,  
Main Department Chief in the Ministry of Justice of the  
GDR.

**Illegally Leaving the GDR as an Act Dangerous to Society**

In punishing the offences against the Passport Act, the courts of the German Democratic Republic were quite rightly guided by the idea that the dangerousness to society is not equally high in all violations of the Passport Act.

In principle, each offence of illegally leaving the GDR is dangerous to society. Every citizen going to West Germany illegally, thereby supports the West German military basis of the NATO as a worker or soldier. At the same time, this means a loss labour to the GDR. Every person leaving our state illegally, in order to stay in the Bonn state or in West Berlin, commits betrayal of the peaceful interests of our people. If, for instance, an engineer, another specialist, or a skilled worker goes to West Germany illegally, he not only hinders the building of socialism, but he also helps the West German militarists, may he wish to do so or not. In appraising the dangerousness to society of any act of illegally leaving the GDR, it is an aggravating circumstance, if for instance, an engineer, a teacher, a student, etc., who were trained with the aid of workmen's money, break the confidence placed in them. Thus, for instance, the accused W. had studied at the Railways Engineering School and received an allowance of 150 DM monthly. He attempted to leave the GDR illegally and was condemned to four months' imprisonment. The teacher W. E., having attempted to leave illegally for West Germany, was condemned, by the circuit court of Nebra, to three months' imprisonment, which was comparatively little. In each case it is necessary to investigate and take into account the former activity and all personal circumstances of the culprit. The educative task of the court consists in preventing the accused or other citizens from exposing themselves to the misery of the so-called "East Zone refugees", and in protecting the citizens of our state from being abused by agents' centers.

Source: "Der Schöffe", 1958, p. 87.

**DOCUMENT 105 (202)**

**Sentence of the Dessau Circuit Court**  
of February 7, 1958  
— S 32/58 — K II S 30/58 —

The accused is sentenced to  
**two weeks' imprisonment**  
because of violation of § 1 s. 1 and 3 of the Act Amending the Passport Act of December 11, 1957.

Extracted from the reasons:

In the end of November, 1957, the wife of the accused had gone to West Berlin together with her child of 1½ years and her mother. From there she asked the accused to follow her. The latter did not agree, but demanded that his wife returned at once. In the beginning of the year 1958 he again had news from his wife saying that the child had fallen seriously ill and was in hospital. The accused thereupon decided to go to West Berlin also. For this purpose he sold his kitchen and bedroom furniture at the price of 800 DM. As he had bought the living room furniture on instalments, he could not sell them at once as the credit had to be rearranged first. On January 18, 1958, he wanted to leave the territory of the GDR without the permit of the competent offices.

The accused made a full confession to this effect. He realises and repents of his detestable conduct.

It was therefore found that the accused prepared for settling over to West Germany without possessing the necessary permit of the competent offices and intended to leave the territory of the German Democratic Republic illegally. He acted wilfully in so far as he had already sold his furniture in order to carry out his plans. As he did not actually leave the GDR, his conduct constitutes an attempt. The accused is therefore criminally responsible under § 1 s. 1 and 3 of the Act Amending the Passport Act in conjunction with § 8 of the Passport Act of September 15, 1954.

The accused's conduct is morally and politically most detestable. He wanted to go to the camp of the warmongers and participate there, though not knowingly, in the preparations for another war. In addition, everybody leaving the territory of the GDR, commits betrayal of our state and our working people. Besides, he causes damage to the unity of action strived for by our government and all progressive people in order to achieve the aim in West Germany, i. e. the building of socialism. The dimishment of labour caused through the settling over to West Germany, causes damage to the building of socialism in the GDR. The fight which the working class conducts in West Germany against their suppressors, is made difficult through the additional labour which is utilised by the capitalists to cut down wages and to break strikes. It was therefore necessary for our People's Chamber to pass the law amending § 8 of the Passport Act in order to prevent further damage to be done. In addition, the GDR is a sovereign state, and it was therefore necessary to protect her boundaries. From the foregoing it appears that a violation of the above regulations is of considerable dangerousness to society.

The court, following the prosecutor's plea, therefore pronounced sentence for imprisonment for two weeks. This punishment is necessary in order to make the accused aware of his duties as a citizen of the GDR and to retain him from making similar decisions.

(sgd.) Schram

(sgd.) Markwort

(sgd.) Kläber

DOCUMENT 106 (205)

Sentence of the Circuit Court of Weimar-Stadt

of February 17, 1958

— 1 S 49/58 —

The accused are sentenced to

3 — three — months' imprisonment

for having jointly prepared for leaving the GDR within the meaning of the Act Amending the Passport Act of December 11, 1957. The accused have to carry the expenses of the proceedings.

Extract from the Reasons:

The accused are a married couple .....

The father of the accused H. T. lives in Reinickendorf, West Berlin. The mother of the accused's wife, too, is a Berliner living in the West sector. Being a railwayman's widow, she receives there a pension of about 450,— DM. For some time past, the accused had contemplated to leave the German Democratic Republic and to go to West Berlin or to Bavaria. About Christmas, 1957, the accused's plan condensed, and they took a case full of clothing to the father.

In the meantime, the accused decided to leave the GDR about ½ year later. They had therefore agreed with a distant relative that the latter should get the bedroom furniture of the couple as a gift. Indeed he received the furniture already. The married couple allegedly wanted to sleep on a couch until they left definitely.

On February 14, 1958, the accused and his wife went to Berlin by car, using an Opel Kadett. He took two trunks and a suit case with him. The case contained linen for two beds. The accused intended to call on an uncle in Weißenfels where they wanted to leave the motor car. As they did not meet him, they left the car standing in front of the door. Then they went to the accused's father in Reinickendorf, taking two small trunks and two cases with them. On the way back, they also took the accused's nephew with them, who wanted to move the larger trunk to the West sector.

However, he was stopped by the Control organs in the S Bahn station Schönhauser Allee. The juvenile of about 18 years was taken, together with the trunk, to the Office for Merchandise Control and then to a police station at Senefelder Platz. The accused U.T. followed him there and confessed that the trunk was her property. She was therefore arrested, while the boy was released. He then informed the accused H.T., whereupon the latter also went to Senefelder Platz.

These facts clearly appear from the statements of the accused.

Every state has a passport act suited to its circumstances. The Passport Act of the German Democratic Republic has been in existence since September 15, 1954. It was necessary, because the German Democratic Republic as a sovereign state and in view of the special political conditions could not dispense with it. In considering this act, one must start from the fact that

there are two German states. While the German Democratic Republic has been struggling for peace and unity since its foundation, the Federal Government does not wish to have anything to do with such efforts, but as before, follows a policy of strength and rearmament. The special conditions resulting in a political and economic respect induced our government to resolve on an amendment of the passport act. This was done by the People's Chamber passing the Act Amending the Passport Act of December 11, 1957. In the motives for this act it is stated that the causes of this amendment were not to be found in the German Democratic Republic, but in Bonn. They are the same circles which intentionally organise incitements for workers, juveniles, and members of the intelligentsia to leave the Republic. They are the agencies which take on record and interrogate citizens of the GDR visiting them, and which employ other makeshifts. Our state of workers and farmers cannot inactively content itself with such a development. The Passport Act therefore serves the protection of our citizens. The accused do not seem to have understood this. They seem to hold the opinion that this is an improper interference with their personal affairs. They also visualize the development in West Germany from the standpoint of present economic conditions and under the impression of full show-windows. The accused have not yet realised that our state, by amending the Passport Act, wishes to protect our citizens from the horrors of another war and wants to prevent them from becoming helpmates, though unknowingly, of the NATO policy. It is unconceivable also on what economic considerations they accused were footing, as they earned a monthly income of about 600 to 700 DM if the wife worked also. The accused assume a totally wrong standpoint. If they do not realise this today, the further development will teach them that the prognosis made by Walter Ulbricht at the 30th plenary session was correct.

Paragraph 1 of the Act Amending the Passport Act says: "Any person who, without having obtained the necessary permit, shall leave and enter the territory of the German Democratic Republic, ..... shall be punished with imprisonment of up to three years or with a fine". Preparations and attempts are punishable. It requires no great gift of combination to state that the accused had made preparations for leaving the GDR. The preparatory acts took a visible shape as early as about Christmas, 1957. At that time, the accused only had not yet decided definitely to leave our Republic. They then took this decision, and this also explains the fact that on February 14, 1958 they took with them two trunks and a suit-case full of clothing as well as other things at the same time. Their preparations are however particularly evident from their giving away their bedroom furniture. The accused H. T. also had to admit that the donee, one Mr. Bach, certainly had to presume that the T. couple wanted to leave the Republic.

Paragraph 1 of the Act mentioned is therefore applicable in an objective and subjective respect in regard to the preparations for leaving the GDR. In determining the punishment, the present political situation had to be taken into consideration particularly. Every citizen knows that our government has challenged the flight from the Republic. The reasons for it have been stated already. The town councillors in W., too, have studied measures to be taken against the flight from the Republic. Therefore, the Chamber,



basing on the public prosecutor's plea, has accepted the application to inflict upon the accused a penalty of three months' imprisonment. This punishment serves to educate the accused. But it does not serve this purpose only, but is intended to have an educative and deterrent effect on the entire society. This is the aim of every punishment in the German Democratic Republic.

.....  
.....

(sgd.) Dyroff

(sgd.) Prabel

(sgd.) Heerdegen

## **Criminal Prosecution for the Enforcement of Economico - Political Aims**

*Since the "building of socialism" was announced by the First Secretary of the SED, Walter Ulbricht, at the II. Party Conference of the SED in July 1952, the economic provisions of criminal law in the Soviet Zone are used by the zone courts as a weapon against symptoms of private capitalism and as a means of defence against attacks on the newly created socialist property. The larger the social share in economy, the more private economy is pressed into the background, the smaller the necessity of using the Soviet-zonal criminal law primarily for purposes of socialisation as was the case until approximately 1953. However, criminal law is applied increasingly to cases which in the opinion of the SED and the state functionaries should be regarded as attacks against the building of socialism and against socialist property.*

*In contrast to the development and application of law in the Federal Republic, the Soviet-zonal courts completely disregard the subjective side of the case. Under no circumstances is it permissible to explain economic failures as the result of faults of economic plans, and a culprit has to be found in each case. Private initiative is deliberately suppressed by such an application of law. Criminal prosecution based on penal provisions of economic law finally serves the purpose of impressing on the inhabitants of the Soviet Zone the conviction of the superiority of socialist economy over the western capitalist world, regardless of the possibility of making comparisons.*

### **Seizure of Property**

*In the collection "Injustice The Regime", Part II, a number of documents concerning "Action Rose" (Documents No. 178, 179, 227—230) are reprinted. This action had been carried through in the well-known seaside places of the Soviet zonal Baltic coast against a large number of owners of hotels and boarding houses in February 1953. All persons arrested were sentenced to penal servitude and forfeiture of property. The hotel owner K. G. of Göhren escaped arrest and prosecution, because he happened to be in West Berlin during the time of Action Rose, and did not return to Göhren when he learned that his wife and daughter had been arrested. Mrs. G. was sentenced to one year and four months' penal servitude on March 10, 1953, the daughter to six months' imprisonment; furthermore to forfeiture of property including the hotel, although it belonged to her husband who had not been sentenced. In December, 1957, K. G. received an information which appears to be incredible in view of the trial and the sentences passed in the year 1953.*

**DOCUMENT 107 (211)**

**Public Prosecutor  
for the District of Rostock  
Ref. KVRs 56-57/53 Bü/S.**

Rostock, 16. 12. 1957

To  
Mr. Erich Treptow,  
Solicitor,  
Stralsund  
Sarnowstr. 7

**Re Criminal case of K. G.**

I beg to inform you that I have definitely suspended the proceedings against K. G. under § 153/2 Criminal Procedure Act (old). This decision does not affect any decisions taken in the year 1953 regarding property.

By order:  
(sgd.) Ullrich  
Public Prosecutor

\*

*The public prosecutor thereby confirmed that it was a trifle for which Mrs. G. and her daughter were sent to prison and Mr. G.'s property seized. Where the property available makes it appear worth while, sentences are pronounced, providing the forfeiture of such objects even if they have become the property of third persons a long time ago.*

**DOCUMENT 108 (212)**

v. Tümping and Holstein  
Solicitors

Jena, September 23, 1956  
Johannisplatz 10  
v.T./p.

To  
Mrs. E. F.  
K. No. 7

Dear Mrs. F.!

In the criminal proceedings against your father, the sentence pronounced against him by the 1st Penal Senate of the Gera District Court on 20. 7. 1955, has entered into force of law, since our appeal to the Supreme Court of the GDR has been dismissed. The sentence stated that your father was punished with 10 years' penal servitude and forfeiture of property including the agricultural estate formerly belonging to him, because of a crime under art. 6 of the constitution of the GDR and Control Council Directive 38, art. III A III, in conjunction with crimes under the Economic Penal Order, § 1, s. 1, c. 2 and 3. Besides, penalties

under Control Council Directive 38, art. III A III, c. 3 to 9, were inflicted upon him.

As the agricultural estate formerly belonging to your father has also been seized, this seizure refers to the agricultural estate which you have taken over from your father on 1. 4. 1948 according to the inheritance agreement.

Yours faithfully,  
v. Tümpling and Holstein  
Solicitors  
by (sgd.) v. Tümpling  
Solicitor

\*

*A master craftsman who intended to settle over from the Federal Republic to the Soviet Zone with all necessary permits by the East zonal authorities, soon had to find that even such permits offer no protection of personal safety and property.*

#### DOCUMENT 109 (213)

Berlin, 31. 10. 1957

Mr. N. N., born on 8. 11. 1909, appears and states:

I am a master locksmith and fitter by profession. I have always lived in E. in Westfalia where I had my own workshop. For personal affection to a woman living in Stendal, and her child, I decided in the year 1955, after repeated visits to Stendal, to change over to Stendal. I properly prepared the move and had already received the permit to stay in Stendal. I also possessed the four shipping papers required for the import of my property, especially of my four motor vehicles. The car papers were already in Stendal in the hands of my friend, in order that she might be able to prove the property to the control organs at the frontier in Oebisfelde. In point of fact, the transport reached Stendal without difficulty, as will be seen from the bills of lading. All official quarters had promised to me that I could work and live in Stendal.

I arrived in Stendal at two o'clock in the morning of August 13, 1955. At 6 o'clock in the morning, while still in bed, I was arrested. Criminal proceedings were instituted against me, in which I was originally described as being suspicious of espionage also. Finally, I was sentenced by the Stendal District Court, on October 8, 1955, to one year and six months' imprisonment for a violation of §§ 4 and 6 of the Order on the Transport of Merchandise and the Introduction of Transport Papers, in conjunction with § 9 of the Economic Criminal Order. This sentence appears from the certificate of character of the Presidium of the People's Police in Berlin, which I have submitted. My four motor vehicles were seized. As evidence hereof I submit the decree of seizure of the Office for Customs and Control of Merchandise Transports, dated 21. 11. 1955. I was canceled from the rôle of craftsmen,

in which I had already been entered, on the reason that I had not called for my trade licence. I am submitting the cancellation note of 17. 11. 1955.

.....

On September 1, 1956, I was released from the Magdeburg—Sudenburg prison on probation for the rest of 6 months' imprisonment. I then made efforts to get my motor vehicles released and to found an independent existence; all efforts remained without success. I have therefore decided now to leave the Soviet Zone to which I had once gone as an unpolitical man and free from presentiments.

.....

(Signature)

## DOCUMENT 110 (214)

Government of the German Democratic Republic  
Ministry  
for Foreign Trade and Intra-German Trade  
Office for Customs and Control of Merchandise Transports.  
Central Prosecuting Department

E 3138

Berlin, 21. 11. 1955

Reference No.: 3608/55 1530/Wt.

### Note of Seizure

To Mr. ....

born on 8. 11. 1955,

last residence in E.

The objects seized according to the protocol of the People's Police Circuit Office, Stendal, on 17. 8. 1955, to wit,

1. 1 passenger car, Olympia brand  
chassis No.: LZ — 072 534  
engine No.: L 52 — 46 183
2. 1 passenger car, Opel brand,  
chassis No.: 01y/LZ/016 089  
engine No.: 49/16 272
3. 1 delivery van, three-wheeled, Tempo brand,  
chassis No.: 280 616  
engine No.: 142.00—001—0/78
4. 1 passenger car, Goliath brand,  
chassis No.: 270 428 937  
engine No.: 275 120 683

are confiscated hereby without indemnity under § 1 s. 3 of the Law for the Protection of Intra-German Trade of 21. 4. 50 (law gazette p. 327) in conjunction with the Order for the Protection of Intra-German Merchan-

dise Transports of 26. 7. 1951 (law gazette p. 705), because they have been imported from West Germany to the GDR in contravention to the regulations (see appendix).

**Evidence:** a) seized motor vehicles  
b) result of control.

You are entitled to complain against this decision. The complaint should be filed in writing or by protocol of the undersigned office within a period of two weeks, stating the number given overleaf of the Protocol of Seizure and the reference number.

Berlin, 21. 11. 1954. (Signature)

### Appendix to the Note of Seizure No. E 3138

Reason of the seizure:

The seized motor vehicles were imported into the German Democratic Republic from the circulation territory of the currency of the Bank Deutscher Länder in contravention to the regulations of § 17, s. 3 and 4 of the Order on the Import Procedure for Foreign Trade and Intra-German Trade of 11. 9. 1952 (law gazette p. 861) and abusing improper transport papers, without import licenses of the Ministry for Foreign Trade and Intra-German Trade.

For the reasons given, the seized motor vehicles are subject to confiscation without indemnity under § 1 s. 1 and 3 of the Law for the Protection of Intra-German Trade of 21. 4. 1950.

(Signature)

### DOCUMENT III (215)

Government  
of the German Democratic Republic  
Ministry for Foreign Trade  
and Intra-German Trade  
— Complaints Office —

To

Mr. ....

Stendal

H.-Weg 29

Tel. extension  
235

Our ref.  
II-661/56

Berlin W 8  
Niederwall 10

Re your letter of 15. 12. 1956

Dear Mr. ....!

I have to acknowledge the receipt of your letter of 15th inst. and beg to refer to our personal discussion yesterday.

I already suggested to you yesterday that I would inform my superior, which I did this morning.

I want to ask you one thing: Do not undertake anything inconsiderate,

stay in our German Democratic Republic. You will be convinced that our party and government will not approve of your experience. To you and your partner in life I wish a Christmas which will help to eradicate the traces of certain experiences, and a successful New Year.

Yours faithfully,  
(sgd.) Zarth  
Head of the Complaints Office

### **Research for Persons to be made responsible for Faults of the Economic System**

*The sentences given below of various Soviet Zone courts will show that these courts are using all means in order to make individual persons responsible for economic troubles resulting from the economic plans.*

#### **DOCUMENT 112 (217)**

**Sentence of the Circuit Court of Herzberg/Elster  
of January 18, 1955  
— 2 Ds 93/54  
K II 112/54 —**

.....  
The accused is sentenced to

3 (three) years' imprisonment

and to a fine of

1000 (one thousand) DM

for continual economic crimes under § 1 s. 1 c. 3, s. 2 of the Economic Penal Order.

.....  
.....

**Extract from the reasons:**

.....  
After the accused had arrived at his home again on 9. 7. 45, he worked at the farm in K., until he received a peasant's holding out of the land reform.

On September 1, 1952, he founded, together with his wife, the agricultural production society (LPG) in K., where he worked in the tillers' brigade until the LPG was transformed into one of type III. When the LPG was turned into type III, the accused was employed as a stable foreman and worked there until he was arrested.

.....  
After the LPG Walter Ulbricht became one of type III, the accused in his capacity as stable foreman had to carry the whole responsibility for the stables (cow-shed and piggery). This responsibility referred to the accomodation, feeding, and care of the animals, for which purposes the accused had the corresponding staff at his disposal.

The cattle brought together through the transition of the LPG Walter Ulbricht to Type III, was subjected to veterinary examination, whereby a cow suffering from abortus bang was detected. As this implied the risk of infection of all other cattle, the expert witness, Dr. Riedel, circuit veterinary, gave orders to separate the positive animals from the negative animals, since it had been provided to accommodate the animals in the new cow-shed in K. Furthermore, the circuit veterinary Dr. Riedel suggested to the accused that the cow infested with abortus bang should be removed entirely out of the stock of the LPG by slaughtering it. ....

However, the accused left the positive cow with the negative cattle in order to recover its milk; it was merely placed, together with a sterile cow, in a different stall, though in the same shed, so that one cannot speak of any separation of the cow suffering from abortus bang from the others. ....

The acute risk of the other cattle being infested with abortus bang led to other animals diseasing and calving prematurely after two months already. The accused ignored these facts light-heartedly, and at his work as stable foreman he did not apply the care necessary for the treatment of the diseased cows. Furthermore, he had no contact to the persons assigned to him, as appears from the majority of the witnesses' depositions. ....

Although the LPG Walter Ulbricht in K. is no longer in a position to compute a definite sum of damage caused by the spreading of abortus bang and simultaneously by the bad treatment of the animals, the accused's conduct during his work as stable foreman showed the noxious attitude expressed by disinterest in his work and haughtiness against the members of the LPG. ....

The accused possesses practical experiences of many decades of keeping cattle, so that he could have been expected to perform work of a good quality as a stable foreman. For this reason he also knew the dangerousness of the dissemination of infectious diseases as especially in the LPG Walter Ulbricht the veterinaries Dr. R. and Dr. St. were employed. The court therefore had to reject the accused's shabby excuse that he had not known the effects of abortus bang.

The accused, through his honorary work in the most different commissions, was active on a circuit level, so that he, as an experienced cattle breeder, had an opportunity to make himself acquainted with the latest knowledge of science. These responsible functions obliged the accused to display greatest circumspection and to do responsible work in his field of activity. It could not be proved at the trial that the accused made himself guilty of neglect in his care of the pigs and store-pigs, as the expert witnesses could not give evidence of the cause why the young pigs were farrowed dead. However, reference should be made in this connection to the statements of the expert witness, circuit veterinary Dr. R., who with a view to the bad condition of the piggery, blamed the accused's measures regarding the erection of an unsuitable piggery, the construction of which had not been licensed so that the accused built it on his own account.

Through these measures the accused committed actions apt to endanger



provisions to the population by neglect, in so far as the cattle had to be slaughtered and its value was considerably reduced, and some of the calves were dead when born. Furthermore six cows calved prematurely, and the total amount of the damage cannot be calculated today. According to the court's opinion, sentence was passed in accordance with the prosecutor's plea.

.....  
(sgd.) Heinicke

(sgd.) Junge

(sgd.) Pollner

## DOCUMENT 113 (219)

### Sentence of the Rudolstadt Circuit Court

of February 4, 1955

— Ds 349/54 —

.....  
.....  
The accused G. is sentenced to

2 years 10 months' (two, ten) penal servitude

for having committed an economic crime under § 1 s. 1 c. 1 and § 7 of the Economic Penal Order as well as for a crime under § 1 of the Act for the Protection of People's Property.

.....  
.....  
Extract from the reasons:

The accused G. originally was a master tanner of the firm Axt in Königsee; in 1951 he became trustee of the Leather Works M. P., and after liquidation of this firm he became works manager of the people-owned firm VEB (K) Leder in R.

The accused K. .... was employed ..... in 1953 with VEB (K) MEW in S. On October 1, 1953 he went to VEB (K) Leder in R. as chief accountant.

Hence, G. and K. went to VEB (K) Leder in R. at the same date, October 1, 1953, where G. became the works manager and K. chief accountant. At that date, the plan for 1954 had been worked out already by G.'s predecessor, the former works manager M., together with the chief of plans and the foreman of the tanning plant, R. The plan provided for a production of 40,000 sq. m. of uppers and 25,000 sq. m. of lining leather, and besides, a quantity of split leather .....

At a conference with the District Council G. who had doubts already then as to whether the plan could be fulfilled he undertook to produce another 1000 sq. m. of uppers, so that the plan was increased to 41,000 sq. m.

The expert Sch., technical manager of VEB (K) Lederfabrik C., had certain doubts as to whether the production plan could be fulfilled in regard to the high share of upper leather.

The production plan forms the basis for the further partial plans of the VEB, such as the labour plan, material plan, etc. the final result being

the finance plan according to the deposition of the expert witness E. Contracts for the supply of the various qualities of raw hides by VEAB have to be closed on the basis of the finance plan. According to the report of the Revisory Commission of 2. 12. 1954 (p. 55 of the file), contracts had been made for 98.8 % of the raw hides to be supplied, which have thus been secured almost completely.

.....  
 .....  
 As the result of the plan for the whole year 1954, an income of 244 600 DM had been provided for. For the period from January to October, this corresponds to a result of 201 900 DM.

According to the result of various revisions of this period,

a loss of	53 900 DM
had been caused, in addition to inventory differences of	23 000 DM
as well as some unpaid claims for accise amounting to	20 400 DM
totalling to	97 300 DM
so that there is a deviation of	299 200 DM
from the plan, to be increased by an amount of sales tax and trade tax not accrued, of	25 100 DM
so that in contrast to the plan, the loss of budget accumulations amounts to	324 300 DM

The expert E. has investigated the causes of this enormous loss and found a number of reasons, which had already been ascertained by prior examinations and revisions.

G. had found already after the financial report for the month of January, 1954, that the firm had worked with a loss. The financial report for the period from 1. 1. 1954 to 31. 1. 1954, p. 120 of the file, states that the reason for the non-fulfilment of the production plan was the lack of Aquanol colours, but it stated simultaneously that the colours had arrived, so that no further difficulty could be seen in making up the arrears. This statement was false. For the next financial report for February, 1954, p. 119 of the file, in contrast to the report mentioned before, states that the arrears could not be made up as not all colours were obtainable. Here, too, a loss of production occurred, which was now explained to be due to the lack of colours, great cold, and illness of workers. It is true that owing to sudden cold weather in February, 1954, production had to be stopped for one day, and that the illness rate was abnormally high; but these circumstances were not the sole reason for the growing deterioration of the production and the growing loss of production.

How untrue the above mentioned reports were, appears clearly from the following report for the month of March, which mentioned again the lack of colours, and wherein apparently the loss of production was explained by some objective obstacle. While it was due to pale colours in one case, it was, in the months beginning with April 1954, the bad condition of the pig's hides, the breakdown of the splitting machine, and rearrangements of the assortments of upper and lining leather. As appears from further financial reports contained in the file, conditions in the works did not

improve, but the firm continued to work with a growing loss of production.

Quite wrong was the report (p. 113 of the file) for the month of August, 1954, stating suddenly that a profit could be secured by the end of the year if the turnover remained unchanged. At that date it should have been clear to the accused that the loss suffered until then could not be made up.

But also the figures given in the financial reports for January to August, 1954, pp. 113—120 of the file, were incorrect. While the accused, during the investigation and at his first judicial interrogation when the warrant of arrest was issued, had stated that these reports could not be correct because the actual figures had not yet been determined, the terms had been short, and he had given estimated figures only for these reasons, he changed his statements during the present trial to the effect that he could find other figures than the financial accounting and he obtained his own figures in this way, which cannot of course be claimed to be correct.

On May 15, 1954, the specialist for local economy of the Council of the Circuit of R. investigated the leather works; in doing so, he had to restrict himself to the control reports for 1953. The firm was informed of the result of the investigation, and the accused's bad work was emphasized particularly, and his work was even described as irresponsible. However, no change was made in the works. Already then, G. should have asked himself seriously whether under these circumstances he could carry the responsibility for the further employment of K. by the firm. It had appeared more and more clearly that the accused K. did not live up to his work, especially as he had been dismissed from his former position for the same reason. The reports and plans were of such a nature that no insight could be won at all and K. had to be found a complete failure. In view of these results, a "depth examination" was demanded, which was carried out by the Main Administration for Financial Revisions in July, 1954. At these examinations, the shortcomings were investigated, and the examination aimed at putting this firm, which was then already completely desorganised, back to proper work. Minute directives were given for an orderly course of production, for the supervision of material, and many other things.

According to the deposition of the expert witness Z., various conferences were held with the functionaries and the trade union also. But in spite of numerous negotiations, personal differences were discussed only in the end, and all those present assured that good cooperation should be secured in the future. On account of the examination of August, notice was given to K., who had to train on his successor and then took leave.

.....

As the production plan was not fulfilled and the assortments were rearranged, the firm did not get out of financial difficulties in the year 1954. Thus, penalties were charged for delayed deliveries, and the State Contract Court imposed fines; penal interests for the delayed delivery of goods and for the delayed payment of taxes were charged, resulting in a loss of 10 000 DM.

The financial situation deteriorated to such an extent that already in February, 1954, overdraft checks were issued, whereupon the Deutsche Notenbank withdrew the check book for a period of two months. This

was repeated again in June, following which the check book was withdrawn for a period of three months because uncovered checks had been issued.

Of course the firm was unable because of its bad financial situation to meet its obligations to the employees, and could assign to the manager's fund only an amount of 2000,— DM instead of 6500,— DM.

The expert further found the accounting and documentation to be very faulty.

For instance, vouchers for incoming and outgoing amounts were missing. Vouchers for outgoing amounts bore no note testifying the objective and arithmetical correctness. Directives given by the Financial Revision were not always followed.

Notes certifying the receipt of goods were not written out in all cases, so that there was a possibility of making payments for goods which had not been received .....

.....

The accused made confessions as to the facts in some respects and stated essentially that they had become acquainted with the mentioned faults through the various examinations, that they had tried repeatedly to remedy these faults, that they did not intend to endanger the plan and the provisions for the population, that they did not knowingly falsify reports, especially financial reports. They denied to have made, or caused to be made, the changes and eradications in the financial reports incorporated in the file.

The accused K. finally stated that he had realised more and more that he could not meet the requirements of his task and that he should not have therefore accepted the position of chief accountant. He, too, denied to have acted wilfully.

Summing up, it may be said that VEB (K) Leder in R. did not fulfill its production plan and profit plan in the year 1954, and that it worked with a loss of nearly 100 000,— DM and a shortage of household accumulations of more than 300 000,— DM in the year 1954.

Furthermore it has been found that the financial report submitted to the Council of the District of R. and to the Notenbank contained incorrect figures, no matter whether the accused K. only estimated them as he originally stated, or whether he obtained them from partially from entries or vouchers, and that above all the Deutsche Notenbank has criticized these false reports repeatedly. All reports bear the signature of the accused G. as works manager, and of the accused K. as chief accountant. Finally it was stated on the basis of the examination reports and of the report of the expert E. that on 4. 8. 1954 an invoice amounting to 6208,90 DM was issued for 378,15 sq. m. of fancy leather supplied to Orthopädische Industrie in K., and that this invoice was handed to the Deutsche Notenbank for collection in order to obtain a credit.

The expert stated in this connection that on 4. 8. 1954, the firm required an amount of 4035,— DM for wages and 957,63 DM for insurance contributions, in toto an amount of 4992,63 DM, while it had at its disposal on that day only the balance of a credit of 24 000,— DM in the amount of 172,26 DM, as well as 3209,66 DM credit on an invoice issued to the Bank for collection and found correct and that, accordingly, the above

mentioned invoice was issued, although only about 150 sq. m. of leather had been delivered to K. In point of fact, the firm had already prepared the shipment of the whole quantity of 370 sq. m., while OI in K. refused to accept the whole quantity at a time and insisted on delivery to be made on the date agreed upon. It was not possible therefore to ship the whole quantity. Although the accused G. had ascertained this in the afternoon of the same day after a telephone conversation with OI in K., he did nothing to withdraw the credit application, first sent a letter to DHZ in W., but did not inform the Deutsche Notenbank of the true facts so that the latter advanced the full amount of 6208,90 DM to cover the wage claims and further overdue credits.

.....

The conduct of the accused G. constitutes a crime under § 1, s. 1, c. 1 of the Economic Penal Order, because he has endangered the economic plans through his actions and because in contravention to directives known to him of various offices of the Economic Administration he partly omitted to manufacture products and to work up raw materials or partly did so in a faulty manner. Through his actions he violated the principles of socialist economy and is therefore responsible for the firm suffering a loss of about 100 000,— DM in the year 1953 and accumulations being reduced by more than 300 000,— DM.

.....

.....

(sgd.) Dr. Frisch

(sgd.) Papendorf

(sgd.) Schmidt

## DOCUMENT 114 (220)

### Sentence of the Town District Court of Friedrichshain

— 412 II Frie. 45.55 (170.55) —

.....

The accused E. J. is sentenced to

2 — two — years penal servitude

for continually having committed economic crimes as well as two violations against the Order for the Regulation of Intra-German Payments. The property of the accused E. and F. J. is confiscated.

#### Extract from the Reasons:

The accused E. J., now 65 years old, attended the elementary school and then had a business training, in which profession he worked until the year 1910. In 1911, he came to Berlin where he, together with his brother, established a shoe factory which he managed alone after his brother's death. After the end of the fascist war, the accused, having been bombed out in the spring of 1945, opened another shoe factory which he managed until he was arrested. ....

After the end of the fascist world war and having overcome the first

post-war years, the accused J., like many other tradesmen and smaller enterprisers, had an opportunity for the first time to build up and to continually widen an enterprise without sorrows about his existence. Up to the time of his arrest the accused J. could build up an enterprise which, according to his own statements, represented a value of 50 000 to 60 000 DM. He employed 35 workmen. Under these circumstances he was in a position to live a comfortable life at an annual net income of 15 000 DM. In recent years in his factory the accused chiefly occupied himself with the production of pig's leather shoes. The sale of his products took place in such a way that he first sought contracting partners, with whom he agreed upon the quantity and quality of the goods to be supplied. Until some time ago, these contracts were examined and put on record by the Government Contract Offices. Then, the necessary materials were allotted to the accused J., Upon liquidation of the Government Contract Offices the examination was carried out by the Chamber for Industry and Trade. Basing on these contracts, the government offices allotted the necessary quantities of material to the accused until recently. For this reason he was obliged also to report monthly the quantities produced as well as the quantity of shoes still available. This measure was necessary in order to secure the supplies of these articles to the population in accordance with the plan.

However, during the years since 1951, shoes had accumulated at the accused's works, which did not fully meet with the requirements made on them. Chiefly, faulty material was involved. Thus, about 1000 pairs of shoes of the II. and III. quality were accumulated. The accused did not suffer thereby any loss of material as he succeeded by careful cutting in achieving a surplus production. Now these shoes represented frozen capital for the accused. He endeavoured to dispose of these shoes under all circumstances and at the most favourable conditions. He therefore offered them to the governmental trade center (DHZ) and to the cooperative, however, without finding a buyer. The said institutions refused to buy these shoes, because the demand for pig's leather shoes had decreased and because the requirements in regard to quality had been considerably increased in recent years. The accused therefore had the idea to sell these shoes at a considerably reduced price.

Without previously informing the competent offices of the magistrate of Greater Berlin, the accused sold these shoes — about 700 pairs of children's shoes and 280 pairs of children's boots — to retailers whom he knew and who were customers of his. However, in doing so, the accused did not make any contractual agreements, but sold the shoes off-hand, so to speak. He received about 4 to 10 DM per pair of shoes, according to their kind and quality.

In addition to this, the accused has made himself guilty of other punishable offences also. For some years past, he had a motor boat in Tegel (Berlin West) which had been assigned to him as security. After the currency reformation, the accused had to pay a monthly rent of 6 West marks for his boat stand. Up to the end of the year 1951, the accused's debtor, one Mrs. N., had paid this rent. From January 1953 on, the accused paid this rent himself. This was done in such a way that the accused exchanged East marks into West marks in a Berlin West

exchange office at the fake rate of exchange quoted there, and handed the West mark to the owner of the boat house. The accused continued to do this until he was arrested. In this way he brought about 1500 East mark to Berlin West.

By the end of the year 1954, the accused intended to produce Poro-crepe shoes at his works. He communicated with the accused M. who had a share in the accused's firm. Upon orders of the accused J., the accused M. contacted a firm "Ago" in Berlin-Charlottenburg to order an adhesive required for the manufacture of Poro-crepe shoes. No definite agreement was made as to when and in what way the accused had to pay for this adhesive. After the accused M. had transported, through his apprentice, five cans of this adhesive of the weight of 25 kilogrammes into the democratic sector, he presented the bill for approx. 93 West marks to the accused J. However, payment was not made because all parties thereto were arrested.

.....  
These facts have been stated at the trial on the grounds of statements of the accused, their statements made at their interrogations by the Criminal Police, ..... and of other evidence submitted to the Court.

.....  
The accused E. J. had a possibility in our state to achieve a turnover of 350 000 to 450 000 DM. However, he was not satisfied with the net income he made. On the contrary, he was continually endeavouring to make a large extra profit, be it also by violating the laws of our state.

.....  
By these efforts the accused J. has violated the economic plans on the one hand. His secure existence has been made possible, after all, by these economic plans which have in recent times proven their absolute superiority to the anarchist capitalist economic methods. Within our planned economy he always had an opportunity to utilise his production capacity, and he was never exposed to the risk of being unable to sell his production partly or wholly.

No doubt this is true also in regard to the shoes of 2nd class and 3rd class quality coming into question here. It is accepted as true that the sale of these shoe caused considerable difficulties, though on account of their inferior quality only. But the offices of the Magistrate of Greater Berlin would have certainly been able to inform the accused of any quarters requiring these shoes urgently. Of this the accused was quite aware. However, he was not interested in it, because he could make a higher profit through an uncontrolled sale of these shoes.

He thereby wilfully withdrew from the proper course of economy these products which were quite important for our economy and for the supplied to our population. These shoes have been withdrawn from the proper course of economy although they were finally delivered to consumers. **In view of the comprehensive economic plans enforced in our state, it cannot however be left to the discretion of an individual how and in what manner he supplies his products to the consumer.** The court cannot therefore share the opinion of the counsel for the defence based on the fact that the shoes were not destroyed or transported to Berlin West, but

reached the consumer, though through uncontrolled channels. Just as the public prosecutor, the court holds that the accused's conduct has to be considered as a crime within the meaning of § 1 s. 1 c. 3 of the Economic Penal Order. In view of the quantity amounting to 900 to 1000 pairs of shoes there cannot either be any question of a case of minor importance.

.....  
.....

Following the public prosecutor's plea, the court inflicted upon the accused a penalty of one year and six months' penal servitude for a continued economic crime, of nine months' imprisonment for the continued payments to Berlin West, and of 6 months' imprisonment for entering into a payment obligation. The two last mentioned penalties had to be transformed into penal servitude for 6 or 4 months, respectively, according to § 22 of the Criminal Code. According to § 74 Criminal Code, the court combined these penalties into two years' penal servitude.

In addition, the forfeiture of the accused's E. J. property was pronounced also in accordance with § 1 of the Economic Penal Order. Although forfeiture of property is no obligatory provision of the law, it appears necessary because the accused committed his acts through the utilisation of his property. ....

(sgd.) Thielert

(sgd.) Prill

(sgd.) Noack

\*

*The centralised planned economy of the Soviet Zone requires a very complicated and unintelligible system of reports and returns on all single economic processes. Violations of these regulations are considered to be punishable offences, and sentenced accordingly. Such sentences are inflicted even upon employees and workers who have done their best to comply with these regulations, even if the court realises that these legal provisions are most unclear or that they were unknown to the person subjected to them. The sentence of the circuit court of Bitterfeld, dated May 20, 1958, is an almost grotesque example of this jurisdiction.*

## DOCUMENT 115 (221)

### Sentence of the Circuit of Bitterfeld

of May 20, 1958

— S 254/58 —

K II 199/58

.....  
The accused W. is sentenced to 6 months' imprisonment for an offence under § 6 s. 1 c. 1 of the Economic Penal Order, probation being granted for a period of two years.

The accused G. is sentenced to 3 months' imprisonment for an offence under § 6 s. 1 c. 1 of the Economic Penal Order. The sentence is considered as served by the time spent in custody pending trial.

The accused have to carry the costs of the proceedings.



Extract from the Reasons:

.....  
In the year 1957, VEB (K) Bau Bitterfeld erected investment buildings for Elektrochemisches Kombinat Bitterfeld. The two accused were employed there as superintendents of building operations. The accused W. was in charge of 16 building yards, the accused G. of 10 building yards. As superintendents they were fully responsible for their building sections, especially also for the proper accounting for all building work. The building material for the building yards in Elektrochemisches Kombinat Bitterfeld were supplied by the latter. These building materials, supplied by the investor, are accounted for as so called gratuitous material. This gratuitous material is entered at its value in the bill of charges for the accounts to be made up monthly by the superintendents, and it therefore influences the result of the work. The gratuitous material had no influence on the profit obtained. ....

Only such material may be entered as gratuitous material, which has been used in the building concerned, and whose value has thereby been increased.

During the first quarter of 1957, when old buildings were broken down and replaced by new ones in the building yards of the accused W., blocks of concrete were salvaged and partly used as bottoming layers in road construction, and partly transported to the scrap heap as useless.

The production manager Sch. induced the accused W. to enter in his return as gratuitous material the salvage material used for road construction purposes elsewhere, because the road construction superintendent was ill at that time. This entry had no influence on the total result of the work of the enterprise, because it did not appear in the account for the road construction work, where it should have appeared.

The accused W. did not ascertain the exact quantity of the concrete blocks used for road construction, but only estimated it. According to his statement, he calculated the amount of concrete blocks salvaged in several building yards, and reported two thirds of it as being used for road construction, assuming that about one third had been transported to the scrap heap. The estimate of the accused W. proved to be incorrect on examination. He had reported 6676.73 tons of bottoming material = 83 453,13 DM as used. However, only 3208.88 tons = 40 111,— DM had been used for road construction, in addition to concrete blocks worth about 7000,— DM for two smaller roads. Taking into account smaller differences in the calculation of prices, there remains a surplus amount of about 30 000,— DM of bottoming material reported additionally by the accused W.

During the above mentioned wrecking work in the working field of the accused W. steel girders were salvaged also, and only a small part of them could be used in new buildings, while the investor disposed otherwise of the rest. The accused W. reported the salvaged quantity of steel girders as gratuitous material worth about 43 000,— DM. In his report he entered about 130 tons of steel girders, while only 31 tons were used in building work. The surplus quantity reported as gratuitous material corresponds to a value of about 34 000,— DM. The accused W. explained in this connection that he considered himself entitled to report all steel

girders salvaged as gratuitous material, because the salvaging of the steel girders, which was carried out with special care, also represented a result of work. He claims that he was not clear about the concept "gratuitous material".

In August 1957, the accused G. reported as gratuitous material worth 39 173 DM the doors and windows used in buildings and supplied by the investor. The revisions by the Deutsche Investitionsbank took exception to this report, stating that these windows and doors were mounted under cooperation of a fitter of the supplying firm. However, in the report on the examination it is expressed that no clearness could be obtained as to whether in the entire people-owned building industry windows and doors could be classified as material supplied by the owner of the building. On the other hand, the works management of VEB (K) Bau Bitterfeld holds the opinion that these windows and doors could be entered as gratuitous material in the bill of charges, because all work involved, such as unloading, transporting, and plastering as well as the fitting work proper had been carried out by workers of VEB (K) Bau, while the fitter then present of the firm of suppliers only gave directives without touching the windows and doors himself.

Als in August 1957 in the building yard of the accused G. a chimney cooler was broken down. whereby 154.66 cu.m. of wood were salvaged. A large part of this wood was suitable for further use, but it was not used in the building yard of the accused G. On August 30, 1957, the accused G. reported about two thirds of the total quantity = 102 cu.m. at 50 DM = 5100 DM as gratuitous material. Just as the accused W. in regard to steel girders salvaged during wrecking work, the accused states to have believed that the salvaged wood had to be accounted for somewhere, especially as he knew that in the work of salvaging firms the salvaged material represents their fulfilment of the plan. He had proceeded accordingly at his building yard.

These findings are based on the statements of the accused and on the depositions of the witnesses V., Sch., R., and K.

The accused are charged of having committed an offence under § 6 s. 1 c. 1 of the Economic Penal Order. Objectively they have violated this provision by submitting incorrect reports to the works management of VEB (K) Bau. It could not be proved that they acted maliciously. The superintendents of the investors, too, undersigned the reports of the accused on gratuitous material. They, too, had wrong ideas about the concept "gratuitous" material. ....

However, in making their reports on gratuitous material, the accused made themselves guilty of neglect. They were responsible for correct reports to be submitted. When their reports had been utilised in the accounts of VEB (K) Bau, they were informed in writing of the result ascertained there in regard of the fulfilment of the plan. They could see therefrom that the material reported by them as gratuitous material was contained in the result of the work, and that in this way a result was computed which did not correspond to the building work actually done. The instructions which the accused received from the works management were insufficient in regard to the reports. Although on February 17, 1956, the planning department had sent to all building yards a circular

letter describing the mode of accounting for the production plan, the letter was not formulated clearly in regard to gratuitous material. The accused W. claimed not to have received the circular letter at the time. The enterprise further set up rules for the reports on building work in 1957, but did not make them accessible to the superintendents of building operations, as stated by the witness V., chief accountant. In spite of these faults in their instructions, the accused, being responsible superintendents, could be expected to procure themselves clearness about their tasks by inquiries with the works management, especially if new problems cropped up as was the case here in the salvaging of material which could be turned to other uses. However, they did not do this and submitted their reports as they deemed fit.

.....

The plan obligations for the production provided for in the first quarter of 1957 amounted to 3 947 900 DM. As this production plan was fulfilled at the rate of 3 966 700 DM, or was over-fulfilled at 18 800 DM, and also the other plan obligations for this quarter were fulfilled, a premium of 32 303 DM was paid out, of which the two accused together received about 300 DM. However, the fulfilment of the production plan at the rate of 3 966 700 DM included about 64 000 DM worth of gratuitous material reported additionally by the accused W. If the report had been correct, the production obligation of the plan would not have been fulfilled, and the premium would not have been paid out. The plan obligation stated is the plan obligation for the whole enterprise, it being of no interest whether all building yards fulfil the plan at 100 %, because a bad result of some building yards is compensated by good results of other building yards. The accused could not foresee that an incorrect result would lead to such a total result, because the total result, which does not only depend upon the fulfilment of the production plan, is computed by the accounting department of the enterprise only in the course of the following month. It cannot therefore be presumed that this was the motive of the incorrect reports.

The accused G. cannot be blamed for reporting the mounted windows and doors as gratuitous material, because the works management occupies the same standpoint even today, considering it correct that the value of the windows and doors was entered in the report. He is however responsible for having reported 8150,— DM as gratuitous wood.

.....

The public prosecutor pleaded that the accused W. be condemned to 8 months' imprisonment for having committed by neglect an offence under § 6 s. 1. of the Economic Penal Order, and the accused G., for having committed the same offence, to 6 months' imprisonment.

The economic plans determine the economic and cultural aims. They are to create the prerequisites for the fulfilment of the plans. The people-owned enterprises form the basis for the large building work done in the GDR. Their works plans form part of the general economic plan. The works plan is worked out on the basis of the results of the previous year. It corresponds to the nature of these plans that they call for an increase from year to year. Incorrect reports on the fulfilment of the plan create

a wrong idea of the degree of fulfilment and may have the consequence that the works plan for the next year is built up on incorrect results and cannot therefore be fulfilled, which may reduce the working spirit of the worker of the enterprise. An incorrect figure of the degree of fulfilment, caused by incorrect reports, may detain the works management from removing faults and from taking the measures necessary for the fulfilment of the plan. These risks were involved also by the accused submitting incorrect reports. However, the overall plan of the works, which amounted to 17 185 000,— DM for the year 1957, has not been essentially falsified by entering incorrect figures. As the chief accountant V. stated, the works has not suffered financial damage, if one disregards the unjustified payment of the premium. Taking into consideration all circumstances, the court held that 6 months' imprisonment for the accused W. and 3 months' imprisonment for the accused G. were an adequate punishment in order to educate them to a higher feeling of responsibility in the future. As it can be assumed that they will draw the necessary consequences from these proceedings and from the time of 3½ months' spent in custody and as the works management has confirmed that the two accused, apart from submitting these incorrect reports for their building yards, have managed their building yards excellently, the court deemed it fit to grant the accused W. probation under § 1 of the Act Amending the Criminal Code. In the case of the accused G. probation was not granted, because the time of the sentence has been served in detention pending trial.

.....  
.....

(sgd.) Motzbächel

(sgd.) Müller

(sgd.) Grahlke

### Hard Punishment for the Import and Export of Goods

*The sentences pronounced by zone courts on the basis of the Law for the Protection of Intra-German Trade show that every import or export transaction not carried through or consented to by official quarters, is considered to be liable to punishment by penal servitude.*

### DOCUMENT 116 (225)

#### Sentence of the Supreme Court

of 28. 2. 1955

— 2 Ust II 15/55 —

.....  
.....

The accused Fr. is sentenced to

**7 — seven — years and six months'  
penal servitude and to forfeiture of property**

for a crime under § 2 s. 2. c. 5, 6, and 7 of the Law for the Protection of Intra-German Trade in conjunction with § 4 of the Order

on the Transport of Goods and the Introduction of Transport Papers, of December 22, 1948, and § 9 of the Economic Penal Order.

The accused U. F. is sentenced to

**1 — one — years' imprisonment**

for an offence under § 4 of the Order on the Transport of Goods and the Introduction of Transport Papers of December 2, 1948, in conjunction with § 9 s. 1 of the Economic Penal Order.

.....

**Extract from the reasons:**

The accused Fr. .... and U. F. were sentenced by the District Court of Karl-Marx-Stadt on January 19, 1955, as co-accused in the trial of D. and nine others, the accused Fr. for having committed a crime under § 2 s. 2 c. 5, 6, and 7 of the Law for the Protection of Intra-German Trade, to seven years and six months' imprisonment as well as forfeiture of property, ..... and the accused U. F. for aiding in an offence under § 2 s. 1 of the Law for the Protection of Intra-German Trade, to one year's imprisonment.

The sentence was based on the following findings:

.....

Shortly after having founded his breeding plant and trade with ornamental fish, the accused Fr. entered into business relations with the firm J. in Hamburg in the year 1948. He went to Hamburg five or six times and took about 2000 ornamental fishes with him. He received about 4000,— DM of the Deutsche Notenbank for them. For a part of this money he bought ornamental fishes in Hamburg, which he used to amplify his breeds. In the year 1950/51 he sold to the firm R. in West Berlin about 4000 ornamental fishes at about 4000,— to 5000,— DM of the Deutsche Notenbank, and to the firm P. in Münster for about 2300,— DM of the Deutsche Notenbank. Approximately at the same time he supplied to the firm J. in Munich about 4000 ornamental fishes at about 4000,— to 5000,— DM of the Deutsche Notenbank. In the year 1953, Fr. called upon D. who has been sentenced in the present case for illegal commercial goods transports, in West Berlin on his request. D. had left the German Democratic Republic illegally in the beginning of 1953, as he thought that his illegal transports of ornamental fishes had become known to the competent organs of the German Democratic Republic and that he would therefore be held criminally responsible. Previously, D. and Fr. had communicated with DIA, in order to organise with them a legal trade with ornamental fish. However, this was possible only in regard to fishes of an inferior quality, but not with the so-called "problem fish", because the prices for them were higher in the German Democratic Republic than they were in West Germany. DIA rejected D.'s suggestion to compensate these price differences by subventions. D. therefore continued the deliveries of fish illegally, and finally, as mentioned before, went to West Berlin illegally in 1953. However, he remained in contact with several dealers and breeders of ornamental fishes in the German Democratic Republic, who supplied him with about 48 000 ornamental fishes at about 70 000,— DM of the Deutsche Notenbank. Thus, the accused Fr. accepted D.'s proposal submitted to him during his visit in West

Berlin, and sold to him about 13 000 ornamental fishes which were transported to West Berlin illegally. He received from them about 25 000 DM. The accused himself transported a part of these fishes illegally to West Berlin and delivered the balance through A. who has also been sentenced in the present case. A. was carrying on a trade with ornamental fish in the democratic sector of Greater Berlin and entertained business relations with Fr. The deliveries of Fr. to A. were covered by transport papers. However, in addition to the kinds and quantities stated in the transport papers, about 4000 ornamental fishes were transported together with these deliveries in several cases, which S. transported illegally to West Berlin for a corresponding remuneration.

The accused Fr. has carried out illegal transports of ornamental fish in the value of about 43 000,— DM of the Deutsche Notenbank, and imported this sum illegally into the German Democratic Republic.

The district court held that the illegal commercial transports of the accused, which were carried out partly without transport papers or by abuse of transport papers, and which dated back as far as to the year 1948, formed a continual crime under § 2 s. 2. c. 5, 6, and 7 of the Law for the Protection of Intra-German Trade.

.....

(It follows a description of the facts of which U. F. was accused.)

.....

The accused Fr. and U. F. have appealed from this sentence. ....

.....

The appeal led to a change in the sentence in regard to the accused Fr. and U. F.

.....

The different legal opinion formed on the punishable conduct of the two accused could not, however, lead to lower punishment. The district court, according to its sentence, has already taken into account that the illegal transports carried out by the accused Fr. date back to 1949. Also, the economic difficulties of the accused, to which he made reference in the appeal, were not so considerable that they had to lead to mitigation of the punishment, because the punishment pronounced by the district court is not excessive in view of the extent of the criminal actions and the personal circumstances of the accused. Also in regard to the accused U. F. no circumstances can be detected which could lead to lower punishment. The district court, when determining the punishment, already took into account all reasons for mitigation.

.....

(sgd.) Stegmann                      (sgd.) Rechner                      (sgd.) Etzold

\*

*The businessman E. L., who supplied colic oil from West Berlin to farmers on their urgent request, because such oil was not obtainable in the Soviet Zone, was sentenced to two years' penal servitude under price regulations,*

*although the buyers were quite satisfied with the price charged. In this case, too, the court of appeal introduced strictly political considerations and made reference to "espionage and sabotage organisations in West Berlin and West Germany" in order to justify the dismissal of the appeal.*

## DOCUMENT 117 (227)

### Sentence of the District Court of Herzberg/Elster

of May 31, 1955

— 2 Ds 33/55

K II 18/55 —

The accused is sentenced to

2 (two) years penal servitude

for violation of price regulations under § 1 s. 1 and 5 of the (Price Law) Penal Order.

The seized 102 bottles of colic oil as well as surplus profits amounting to 1900,— DM are confiscated.

.....  
.....

#### Extract from the reasons:

Until 1950 the accused worked as an agent for a firm in West Berlin, for which he had sold bottles with colic oil, among other things. The then general agent of the West Berlin firm informed the accused in 1953 that colic oil was obtainable again and that he should call upon him occasionally. A short time thereafter, the accused visited the former general agent of the West Berlin firm G. and agreed with him to take over the agency for this firm. In the following time, until the beginning of 1955, the accused went to L. about six or seven times and fetched 100 to 200 bottles of colic oil every time. The colic oil was described as such on the labels, and the price of 3,— DM per bottle was clearly printed on the revenue stamp. The accused agreed with L. on a profit margin of 30 % and then paid 2,10 DM of the Deutsche Notenbank to L. The accused sold this colic oil to peasants in his district at an extra charge of 1,— DM per bottle, stamping a "4" over the price of 3,— DM on the bottle, in order to create the impression that this was the original price. The accused thus succeeded in making a profit of 1,90 DM per bottle and secured an extra profit without license.

The accused is a business man by profession and was an independent restaurant owner for some time. He, too, experienced the perfidy of the capitalist system of economy in the years from 1926 to 1931 when he was unemployed. By joining the NSDAP in 1931 the accused hoped to find a way out of his situation and indeed found employment .....

After 1945, he became a member of the National Democratic Party (NDPD), a democratic party whose aim consists in rendering energetic help in the democratic building of the GDR. Obviously the accused camouflaged himself as an upright democrat in this party, but he did nothing in

order to support the building of democracy and the re-establishment of the unity of Germany. The accused unscrupulously accepted L.'s invitation to visit him in order to make money by extra jobs. At the trial the accused stated that L. had spoken of old stores, so that he did not hesitate to sell the bottles of colic oil. The accused did not devote any idea to the fact that the class enemy, within the scope of his preparations for war, tries to disturb economy in the GDR by all means. The enemies of our people do not shrink back from espionage and sabotage, for instance, disseminating cattle diseases in order to thereby endanger our nourishment. The accused only realised his personal advantage and thus acted unscrupulously and with gross egoism without thinking of his responsibility. He knew that the colic oil came from a West Berlin firm whose agent he was at a former timer, and that he was not allowed to make such agreements and manipulations. The accused only visualized his profit which amounted to 1900 DM to-date, although he was not professionally entitled to it.

The accused has thereby continually violated price regulations according to § 1 s. 1 and 5. At the trial, the court arrived at the conviction that the accused must suffer a hard, though just punishment in order to realise the abominable nature of his conduct and thereby to contribute towards the prevention of crimes against our democratic order.

.....

(sgd.) Fitzke

(sgd.) Junge

(sgd.) Krüger

### **Businessmen of West Berlin punished for having sold Goods to Customers from East Berlin**

*In the period from April, to June, 1957, the Soviet-zonal "Office for Customs and Control of Merchandise Transports" carried through an action against businessmen from West Berlin who, passing the control points between West Berlin and the East sector, intended to drive to East Berlin by car. On the charge that they had sold merchandise for East mark to zone inhabitants calling at their shops in West Berlin, the cars were seized and fines of several thousand DM were imposed, the amount of which was somewhat below the value of the seized car. The cars were released only after the fine was paid. The payment was considered to have been made in proper form only if evidence was given that the East marks paid in were obtained from the East-zonal Deutsche Notenbank at the rate of exchange of 1 : 1.*

### **DOCUMENT 118 (231)**

**Extract from:** "Massnahmen gegen Währungsspekulanten."

In recent days, the Offices for Customs and Control of Merchandise Transports punished several businessmen from West Berlin for aiding in violations of the Order on the Regulation of Intra-German Payments. When these persons wanted to cross by car the frontier of the democratic sector, it was found at the control of the passes that they were shop owners who



sold goods to citizens of the GDR for marks of the Deutsche Notenbank in order to make currency speculations and to damage our economy. In the streets of the democratic sector, the laws of the GDR are applicable, and their violations will be punished accordingly. Under the Order mentioned, means of payment valid in the GDR are not allowed to be illegally accepted as payment in the circulation sphere of another currency.

.....  
The following tradesmen were punished for aiding in violations of the Order for the Regulation of Intra-German Payments of December 30, 1950: Cäcilie Köhler, SW 29, Schenkendorffstraße 21; Walter Kühne, Halensee, Westfälische Straße 62; Karl-Heinz Briesenick, Reinickendorf, Berliner Str. 29; Hellmuth Landendorf, SO 36, Wrangelstraße 92.

All persons mentioned above confirmed that they continually sell goods for DM of the Deutsche Notenbank in their retail shops. Partly they exchange the money coming in at exchange offices in West Berlin. The amount of the fine depended upon the extent of the punishable offences proved. In all cases, the cars of those concerned were retained as security for the fine imposed on them. The cars will be released after payment of the fine.

Source: "Neues Deutschland" of April 5, 1957.

## DOCUMENT 119 (232)

Government of the  
German Democratic Republic  
Ministry for Foreign Trade and Intra-German Trade  
Office for Customs and Control of Merchandise Transports

Office: Berlin Department  
Street Control Office  
Bln. C 2, Wallnerstr. 32/34

Berlin, 1. 6. 1957

### Writ of Punishment

To  
Mr. ....  
born on ..... in ..... residing .....  
district of .....

In exercising your trade in West Berlin, you have accepted 1000,— DM of the Deutsche Notenbank in every month since May, 1952, from persons residing in the German Democratic Republic (approx. 1000,— DM). In this way you have had a monthly income of the above mentioned amount without the necessary cooperation of a credit institute of the German Democratic Republic.

Proff: a) Result of control  
b) Your statements

By this action you have continually aided in violations of the regulations of §§ 1 and 6 of the Order on the Regulation of Intra-German Payments

of 23. 12. 1950 (VOBl. p. I 373) as well as of § 9 of the Economic Penal Order of 2. 8. 1950 (VOBl. I, p. 227).

Therefore, under § 16 of the order mentioned first and under § 9 of the Economic Penal Order and § 49 of the Criminal Code, a

fine of 5000,—, in words five thousand 00/100 DM

is imposed upon you.

This fine is payable to this office within a period of three days. In case that payment is not made in due time, it will be collected by the competent bailiff. Additional costs thereby incurred have to be born by the person concerned.

.....

You are entitled to complain of this writ. The complaint has no suspensory effect; it should be filed, stating the reasons, with our office within 2 weeks.

(Stam) (Signature)

### **Punishment for „Crimes against the Currency“**

*A large complex of the Soviet-zonal economic penal law was formed by "attacks against the currency". From some of the documents reprinted above it already appears that not only the Soviet-zonal state threatens to punish persons exporting legal tender from the Soviet Zone, but that also the import of East marks into the GDR is considered a crime.*

*There exists no official rate of exchange between the East mark and West mark. The rate of exchange quoted by West Berlin exchange offices is simply determined by the relationship between offers and demands. The Soviet zonal courts usually inflict severe punishment in cases where the accused seems to have supported the work of West Berlin exchange offices. Employees of the East Berlin Stadtkontor, for instance, were sentenced to penal servitude although their "crime" consisted in nothing but exchanging large East mark bills into small cash for West Berlin exchange offices.*

### **DOCUMENT 120 (236)**

#### **Sentence of the Town Court of East Berlin**

of June 16, 1955

— 101 b I c 44/55 —

The accused Ke., Gr. Kr., Sch., and O. were employees (cashiers, assistant cashiers, accountants) of the Berliner Stadtkontor. Since May, 1950, they had currently exchanged larger bank notes of DM of the Deutsche Notenbank into smaller bank notes for agents of the West Berlin exchange offices, to which the accused P. belonged. The exchange offices paid them a commission for this. The exchange was carried out in the following manner: The agents of the West Berlin exchange offices handed to the accused a certain amount in large bank notes as well as well as directives

for the exchange, and the sum provided for as a "commission". The accused thereupon handed them small bank notes according to the directives received.

.....

**Extract from the Reasons:**

Since the democratic order of state has been in existence in the territory of the German Democratic Republic and the democratic sector of Greater Berlin, the imperialist war-mongers have attempted by all means to destroy or to disturb the power of the class of workers and peasants and its economic bases. Apart from the military and economic espionage directed by imperialist secret services employing a widely ramified network of agents, the means of the so-called cold war are used in order to damage or prevent the building of our democratic peaceful economy. One of the means of cold war is formed by the separate currency introduced by the imperialists in West Germany and West Berlin in the year 1948. By means of an arbitrarily fixed rate of exchange for the D-mark of the Bank der Länder, which does not in any way correspond to the actual economic conditions in West German, compared to those in the GDR, and with the aid of the exchange offices organised in West Berlin, black marketeering and racketeering are supported in order to cause heavy damage to our economy. The fake rate of exchange is used in order to buy up certain valuable products of our industry at a high trade profit for racketeers, and thereby to disturb legal trade relations to West Germany. Through malicious propaganda against our democratic order of society and slandering our economy, politically backward citizens of the GDR and of the democratic sector are induced to buy up goods in West Berlin. In this way, DM of the Deutsche Notenbank, frequently in the form of large bank notes, flow into the exchange offices. However, the exchange offices also require small cash for their operations. The exchange offices attempt to remove the shortage of cash of DM of the Deutsche Notenbank by obtaining small bank notes illegally through corrupt employees of our banks, employing mediaries for this purpose. This uncontrolled withdrawal of small bank notes causes false ideas of the real demand for such bank notes within our currency plans. The lack of small bank notes leads to difficulties in supplying small cash for the requirements of economy, as they actually occurred to some extent in recent years. In the course of recent years, all accused have operated to the benefit of the West Berlin exchange offices, partly as agents of the West Berlin exchange offices, partly as employees of democratic banks, and have thereby caused serious damage to our economy through their criminal acts.

.....

.....

All accused have endangered the carrying out of economic plans by exchanging large bank notes of DM of the Deutsche Notenbank into smaller bank notes for West Berlin exchange offices in contravention to existing service regulations. They have wilfully withdrawn from their purpose objects which were destined to economic ends.

The subject matter of the crime of the accused, which they have influenced

through their operations, i. e. through the exchange, is not the circulating money, but the subdivision of the currency of DM of the Deutsche Notenbank. Every currency, in order to fulfil its tasks as circulating money within the sphere of economy, has to be subdivided into smallest, small, larger, and large values. The kind and extent of the subdivision, related to the total amount circulating, must meet the requirements of economy. For purchases and industry and trade, for the payment of wages and salaries, but especially for the requirements of commerce, small cash must be available for consumers in certain amounts and certain subdivisions of the currency concerned. In our planned economy, the subdivision of currency, too, is not anarchic, but arranged to meet the demand as in all other spheres of economy. As the accused have withdrawn from our currency, and hence from our economy, indefinite amounts of money in small bank notes by exchanging them illegally for large bank notes, the subdivision of our currency forms the subject matter of their crime.

On the other hand, small bank notes are also objects destined to serve economic operations, because within our currency and our economy they serve the purpose of assuring the proper functioning of all payments within economy. By exchanging them for large bank notes in the interest of exchange offices, the accused have withdrawn the small bank notes from their purpose and thereby attacked the economic plans.

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.....

Another danger to the carrying out of economic plans by the attack of the accused consisted in their supporting the functioning of the West Berlin exchange offices. The exchange offices are a means of the imperialists to disturb our economy. The determination of the fake rate of exchange of the West mark is made possible by the existence of small bank notes of DM of the Deutsche Notenbank required in West Berlin for payment to their customers.

.....

All accused have caused considerable damage to our economy through their acts. They have entered into relations to West Berlin exchange offices through mediators, and by fulfilling all requirements made on them, they were reliable supports for these instruments of cold war. Their acts violate the interests and disregard the political and moral concepts of our working people. They show a high degree of dangerousness to society.

Particularly detestable are the acts of the accused Kr. G., Ke., Sch., and O. who, being employees of the Berliner Stadtkontor, have grossly abused the confidence placed in them. Although they have acted for sheer greed of gain and egotism, they were quite conscious of the series effects which their crimes had on our economy and our order of state. They were in no distress or economic difficulty. The punishment pleaded for, of **5 years' penal servitude** for the accused Kc., of **3 years and 9 months' penal servitude** for the accused G., of **3 years' penal servitude** for the accused Sch., and of **4 years and 6 months' penal servitude** for the accused P. fully correspond to the extent and to the dangerousness to society of their acts. The Senate therefore held this punishment to be justified and necessary for the education of the accused. In the case of the accused Kr.,

in spite of the large extent of the crime, the Senate reduced the punishment of 7 years' penal servitude applied for to 6 years' penal servitude, because the accused finally discontinued his punishable acts out of his own volition. The punishment pronounced is sufficient for the education of the accused. The punishment of 3 years and 9 months' penal servitude applied for the accused O. was reduced by the Senate to 3 years and 6 months' penal servitude, because the accused did not exchange the money himself, but always did so with the aid of other accused. The punishment pronounced corresponds to his share in the crime and to his other personal circumstances. The **confiscation of the property of all accused** is necessary and justified in view of the large damage which the accused have caused.

Source: "Neue Justiz", 1955, p. 669.

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*The import of East mark is punished also if the person importing it into the Soviet Zone did not acquire it through exchange by the West Berlin exchange offices.*

## DOCUMENT 121 (237)

### Sentence of the Circuit Court of Spremberg

of May 24, 1955

— 5 Ds 70/55

K II 71/55 —

The accused is sentenced to

**2 years' penal servitude**

for having committed a crime under the 13th Order on the Import and Export of legal tender of the Soviet Zone of Occupation of Germany and of foreign legal tender from and into zones of foreign occupation of Germany and other countries of March 23, 1949 (ZVOBl. p. 211) in conjunction with § 9 of the Economic Penal Order.

The time spent in custody from April 20, 1955, to May 24, 1955, is deducted from the punishment. The seized money amounting to 6240,60 DM is confiscated. The accused has to bear the costs of the proceedings.

### Extract from the Reasons:

Owing to his marriage, the accused entered into distant relations to one Mrs. L. who has deceased in the meantime. Mrs. L. obtained from the insurance company of employees of the Evaluation Office of the Reich's Monopoly Administration for Brandy a monthly pension of 208,20 DM which this monopoly administration sent into the territory of the GDR by mail until the entering into force of the Act on Intra-German Payments. After the effective date of this act, these post remittances could no longer be made, and the accused declared to be willing to fetch the monthly pension personally in Berlin West for the late Mrs. L. He did

so about 31 or 32 times, so that a total amount of 6240,60 DM was illegally imported into the territory of the GDR by the accused. Mrs. L. refunded to the accused his traveling expenses as well as a daily allowance of 10 DM. He sent to Mrs. L. 90 DM every month and paid the balance into an account opened under the name of his late daughter. Mrs. L., too, had a saving account, and the two accounts were later combined into an account book issued "to the bearer".

The punishable offence of the accused constitutes a violation of the 13th Order on the Import and Export of legal tender of the Soviet Zone of Occupation of Germany and of foreign legal tender from and into zones of foreign occupation of Germany and other countries of March 23, 1949. The accused has violated § 1 s. b of this Order, as he imported German marks of the Deutsche Notenbank from other zones of occupation of Germany.

According to § 12 of this Order, violations against the latter are punished under § 9 of the Economic Penal Order, for the accused has violated a decree of our administration of economy and has thereby endangered our financial plans.

The accused acted wilfully, as appears from the fact that he carried out this punishable offence 31 times. In view of this large number and especially in view of the fact that the accused is a bank employee and was acquainted with all legal regulations, the Chamber considered this to be a serious case within the meaning of § 9 s. 2 of the Economic Penal Order. The accused in his capacity as a co-worker of various credit institutes realised daily that his actions were criminally punishable, which fact he admitted himself.

The court could not accept the public prosecutor's application to inflict 4 years' penal servitude upon the accused, for the following reasons: In determining the punishment it is necessary to take into account the actual or potential danger, and coincidentally therewith the damage caused to our social order by the punishable offence committed. The Berliner Bank confirmed that only marks of the Deutsche Notenbank were paid out and that the accused hence made no manipulations or speculations with this money.

It is true that the Monopoly Administration has obtained the money of the Deutsche Notenbank from the criminal profits of exchange offices. However, it has to be taken into consideration that this money was not transported to Berlin West by the accused.

It is obvious also that the accused did not commit the punishable offence in his own interest, but credibly stated that an obsolete family tradition was his motive. He received from Mrs. L. his traveling expenses as well as a daily allowance of 10 DM, but had no other profit from the money he fetched. Even in Mrs. L.'s will, nothing was bequeathed to the accused, Mrs. L. having left her estate to her niece, Mrs. K.

The fact that the accused was so strongly bound to an obsolete family tradition, reveals his undeveloped consciousness; but one cannot state that the accused committed his punishable offences for speculative reasons. For these reasons, and especially because no great damage was caused to our social order, the court inflicted upon the accused the

punishment pronounced, which is to demonstrate to him the punishable character of his actions at the same time. The money obtained by the punishable offence was confiscated according to § 16 of the Economic Penal Order.

The time spent in custody was deducted from the sentence according to § 219, s. 2, of the Criminal Procedures Act; the decision as to costs is based upon § 353 of the Criminal Procedures Acts.

(sgd.) Bittner (sgd.) Henschel (sgd.) Jehnisch

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*The following sentence of the circuit court of Brand-Erbisdorf against the pensioner P. L. shows how light-heartedly the Soviet-zonal courts discard the defence of the accused that he did not know that he violated legal regulations by his acts.*

## DOCUMENT 122 (238)

### Sentence of the Circuit Court of Brand-Erbisdorf

of March 2, 1956

— 2 Ds 14/56 —

K II 5/56

.....  
1. The accused is sentenced to

1 (one) year 6 (six) months' imprisonment

for an offence under the Act for the Regulation of Intra-German Payments committed by 2 independent acts, one of them having been committed continually.

2. The time spent in custody since January 10, 1956 is deducted from the sentence.

3. 512 DM of the Deutsche Notenbank as well as the seized goods from West Berlin are confiscated.

4. He has to carry the costs of the proceedings.

### Extract from the Reasons:

As to the personality of the accused and the family of the accused, it must be said that their attitude shows a strong tendency towards the West. This appears from the fact that when the house was raided, the radio receiver was set to a Western news reel. It is true, however, that the accused was in custody already at that time.

Furthermore, a number of western film magazines and a book of Jehovah's witnesses, which belonged to the wife, were found in the flat. The accused, who boasted of being an old party comrade has hardly had any functions in the workers' movement hitherto. He explained this as due to his bad condition of health. On the other hand he accepted func-

tions by which he earned 120,— DM a month. The accused has in no way educated his family by progressive enlightening work. How else could it happen that the accused being an old comrade, brings cigarettes from West Berlin for his daughter-in-law?

In no case is the accused as progressive as he wishes to make it appear, and in point of fact he is simply an owner of a party membership book.

On the basis of the evidence taken at the trial, the following facts were regarded as established:

Since 1928, the accused had been employed as a clerk by the former Allianz Insurance Company in D. There, he concluded an additional old-age insurance contract with this company. As the accused had been unable to work since the year 1944, the insurance company paid him a monthly pension.

After the breakdown in the year 1945 the branch office of the Allianz insurance company in D. discontinued its activities. The business was taken over by the Allianz Insurance Office in West Berlin. Since 1945 the accused's pension was sent to him by mail from West Berlin. This was continued until about the year 1951. From that time on up to the year 1953 the money was regularly sent to the accused by mail through intermediaries living in the GDR. When the accused had received the money for the first time, he returned it to the sender. The sender's name was fictitious, and accordingly, the sender could not be ascertained. The money was sent back to the accused. As it was just equal to the amount of his pension, he kept the money, and in the course of time up to the year 1953 his pension was sent to him currently by dubious middlemen. The accused pretends that he did not know these middlemen, however, the sender had always been in D. or in the environments of D. Nothing else could be proved against the accused.

Suddenly, the payments through the middlemen ceased to be made, and in the beginning of the year 1953 the accused himself went to the insurance company in West Berlin and called for his pension. The accused received a pension of 135,— DM of the Deutsche Notenbank; accordingly, the Allianz Insurance Company in West Berlin did not pay West marks, but DM of the Deutsche Notenbank. Since that time, the accused went to West Berlin every six months and called for his pension. In toto, he received at least 4860,— DM from the insurance company at six such visits. At his last trip he sent 300 DM of the Deutsche Notenbank from West Berlin to his daughter in West Germany, and he used a part of the pension received in West Berlin to do some shopping in West Berlin. Since 1953, the accused imported about 4000,— DM to 4400,— DM illegally into the territory of the GDR.

Since the entering into force of the legal provisions for the regulation of intra-German payments in December 1950 up to the present time, a claim for 8775,— DM has arisen. As already mentioned, the accused received this money through middlemen in the beginning, and called for it personally later. The accused was under the obligation to report this monetary claim, which he did not do.

The accused has therefore made himself punishable, in so far as he did



not report to the Deutsche Notenbank the monetary claims which he had against a corporation having its seat in West Berlin.

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By illegally importing DM of the Deutsche Notenbank, the accused has also made himself punishable for a violation of the Order for the Import and Export of Legal Tender of March 23, 1949, to wit, paragraph 1 thereof. In this case, too, the punishment had to be determined according to § 9 of the Economic Penal Order as provided for in § 12 of the first mentioned Order.

If the accused states that he did not know that such an action is prohibited, this does not eliminate his offence. As a citizen of our state of workers and peasants, the accused had the duty to make himself acquainted with the legal regulations. In addition, the accused has worked as an accountant for many years. The accused wished to circumvent the proper settlement through the Deutsche Notenbank and therefore imported the money illegally, and hence acted wilfully.

This case consists of two independent acts, and one global punishment had to be fixed under § 74 of the Criminal Procedure Act.

The public prosecutor pleaded for 1 year and 5 months in regard to the illegal import of DM of the Deutsche Notenbank from West Berlin into the territory of the GDR. There were no objections to this punishment, and the Chamber followed this plea. At all events, the accused has imported illegally more than 4000 DM and continued his acts by going to Berlin West, at least six times using a reduced ticket for incapacitated persons.

In regard to the omission of reporting the claim to the Deutsche Notenbank, the public prosecutor pleaded for 6 months' imprisonment. Here, the council's defence could be accepted that this act was not so serious that a punishment of 6 months' imprisonment was necessary. If the accused fails to report his claim, this is his own fault, and he cannot count on receiving his money or collecting his claim, unless this is done in the way the accused did it by importing the money illegally. The principal point therefore is the illegal import rather than the omission to report the claim. Accordingly, a punishment of 6 months was too high, for the publication of February 14, 1955, by the Ministry for Finances provided for certain facilitations, whereby it was no longer necessary to report certain claims. The Chamber held that 3 months' imprisonment were a sufficient punishment in this case.

In view of the fact that the Chamber deviated from the public prosecutor's plea in the case of the failure to report the claim, the global punishment had to be changed accordingly.

The punishment of 1 year and 5 months' imprisonment, and the 3 months' imprisonment were combined into 1 year and 6 months' imprisonment.

(sgd.) Grumpelt

(sgd.) Pöhland

(sgd.) Schubert

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*On Sunday, the 13th of August 1957, the Soviet Zone government suddenly ordered that the bank notes then in circulation had to be exchanged for new bank notes. The reason given for this measure was that "monopolists and militarists in West Germany had obtained certain amounts of these bank notes in order to speculate, to organise disturbances in our economy, and to finance agents' and espionage organisations". In fact, this action, which was prepared secretly, served to reduce the quantity of bank notes circulating and thereby to diminish the purchasing power.*

## **DOCUMENT 123 (239)**

### **Order on the Issue of new Bank Notes and the Invalidation of Bank Notes of the Deutsche Notenbank valid to-date of October 13, 1957 (Law Gazette p. 603)**

#### **§ 1**

#### **Issue of new Bank Notes**

- (1) With reference to § 2 s.2 of the Act of October 31, 1951 on the Deutsche Notenbank (Law Gazette p. 991), the Deutsche Notenbank is authorised and ordered to issue new Bank notes, date of issue 1955, in the nominal values of

DM 5,—  
DM 10,—  
DM 20,—  
DM 50,—  
DM 100,—

- (2) These bank notes shall be the sole legal tender for the above mentioned nominal values as of October 13, 1957, 20.00 hours.

#### **§ 2**

#### **Invalidation of Bank Notes valid to-date**

- (1) The circulating bank notes, date of issue 1948, in the nominal values of

DM 2,—  
DM 5,—  
DM 10,—  
DM 20,—  
DM 50,—  
DM 100,—  
DM 1000,—

(old bank notes) will become invalid on October 13, 1957, at 20.00 hours. From that time on they shall be no longer legal tender. From that date on they may no longer be given nor accepted as payment.

§ 8

**The Exchange**

- (1) Every person entitled to exchange shall on October 13, 1957, during the time from 12.00 hours to 22.00 hours receive against payment of old bank notes, an amount of up to DM 300,— of new bank notes at the rate of 1 : 1.
- (2) If a person entitled to exchange shall pay in a higher amount of old bank notes, the amount exceeding DM 300,— shall be brought to the credit of an account to be newly opened under his name with the Deutsche Notenbank.
- (3) The amounts of such credits shall be placed at the free disposal of the owner of the account from October 19, 1957 on, provided that there exists no suspicion that they originate from speculations.
- (4) If in individual cases the suspicion exists that the amounts credited are of a speculative origin, an investigating commission shall examine the case.

.....  
§ 9

**The Examination**

- (2) Amounts requiring to be examined by the investigating commissions of the Councils of the Circuits, shall be blocked until these commissions have taken their decisions.
- (5) Credited amounts, in respect of which the competent investigating commission has decided that they are of a speculative origin, shall be remitted to a special account of the Government of the German Democratic Republic. The Government will submit to the People's Chamber a bill providing that this money shall be used to the benefit of the German Reconstruction Work.

.....  
§ 22

**Penal Provisions**

Any person who shall pay in, or attempt to pay in under his own name bank notes which do not belong to him ....., or who in connection with the payment shall make false entries in account books, shall be punishable for fraud, unless other penal provisions are violated.

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*In the period after October 13, 1957, many inhabitants of the Soviet Zone and of East Berlin were charged of having committed criminal actions in connection with the exchange of bank notes. As far as the indictments could not be based upon § 22 of the "Order on the Issue of new Bank Notes", the sentences were pronounced on the basis of the Order on the Import and Export of Legal Tender and on the Economic Penal Order.*

**DOCUMENT 124 (240)**

**Bill of Indictment  
of the Public Prosecutor of the Circuit of Demmin**

of November 11, 1957  
— K II 218/57 Dem. —

I accuse the veterinary W. G.

of having attacked the currency system of the GDR. On October 13, 1957, at the money exchange action in the territory of the GDR and of the Democratic Sector of Berlin, he imported 2095,— DM from the West Sectors into the Democratic Sector of Berlin for the purpose of exchanging them.

Offence under §§ 1, 2, 12 of the Order on the Import and Export of Legal Tender of March 23, 1949, in conjunction with § 9 of the Economic Penal Order (WSTVO).

**Essential Result of Investigations**

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On September 27, 1957, the accused and his wife set out for a holiday trip. He had the intention of spending some days of his leave in West Germany. As the couple did not wish to take their 1½ years old son with them for the holiday trip, they took him to the parents-in-law of the accused in West Berlin. The accused had taken with him about 2000,— DM of the Deutsche Notenbank. He deposited an amount of about 1500,— DM with his mother who also lived in West Berlin, in order not to take this sum with him to West Germany. When passing the frontier at the Marienborn Control Point, on September 28, 1957, the married couple deposited 250,— DM. The sum which they could take to West Germany and which was entered in the passports, amounted to 100,— DM for the accused and 82,— DM for his wife. On October 4, 1957, the accused returned from West Germany and received the sum of 250,— DM at the Marienborn Control Point. The accused as well as his wife continued their journey to West Berlin bearing with them 432,— DM in toto. It was planned to spend the rest of the holidays which lasted till October 14, 1957, in the Harz mountains together with the boy. However, the accused and his wife diseased of influenza when they stayed with their relatives in West Berlin. When the accused heard of the money exchange on October 13, 1957, he wished to exchange the cash he had in hand. He took the 1500,— DM of the Deutsche Notenbank, which he had deposited with his mother, as well as the 432,— DM within him into the Democratic Sector.

He had a total amount of 2095,— DM in his possession. At a control carried out by the people's police 1795,— DM of the Deutsche Notenbank were confiscated, while 300,— DM were exchanged in order that he might pay for his journey back to J.

By this act the accused made himself guilty of a violation of the Order on the Import and Export of Legal Tender. He imported money of

the Deutsche Notenbank from the West Sectors into the Democratic Sector. This import is prohibited by § 1 of the Order.

It had been possible for the accused to deposit his money with the Control Point in case he did not wish to take all his money to West Germany. The dangerousness of the punishable act is to be seen in the fact that the accused exported DM of the Deutsche Notenbank from the currency sphere of the GDR and deposited it with his mother. Our currency is based upon careful plans and regulation of the money circulation. In order to protect its stability which it has thereby secured, from diverse attacks, and in order to thereby secure the undisturbed planning of national economy, our State of Workers and Peasants has passed the corresponding laws. The accused should have known that he was not allowed to deposit money of the Deutsche Notenbank in West Berlin in order to re-import it. The accused has to be made responsible for this punishable act. Especially citizens of an academic education are expected to know the law accurately. He must be taught by judicial proceedings that he has to be have in the future in accordance with the laws of our State of Workers and Farmers.

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#### DOCUMENT 125 (241)

Sentence of the Circuit Court of Oranienburg  
of December 18, 1957

— 3 Ds 332/57

K II 620/57

The accused is sentenced to

4½ (four and one half) months'

imprisonment for having committed an economic offence under § 9 of the Economic Penal Order.

The accused's money amounting to 6500 DM (six thousand and five hundred) blocked by the Investigating Commission of the Council of the Circuit of Oranienburg is confiscated.

The accused shall bear the costs of the proceedings.

#### Extracted from the Reasons:

The 44 years old accused, son of a workman, having been dismissed from school, underwent an apprenticeship as a bricklayer. He carried out this profession up to the present day, apart from the years 1939 to 1947 when he had been drafted to the army and was discharged as an English prisoner of war. In the year 1955, he accepted a position with a building firm in West Berlin, where he earned 40,— West marks and 60,— East marks weekly. According to his statements, of the West money earned, he exchanged 20,— West mark on the average weekly against DM of the

Deutsche Notenbank at the fake rate of exchange of the Exchange offices in Berlin. He imported this money — averaging to approximately 400,— DM monthly, into the territory of the German Democratic Republic. The sum illegally imported into the territory of the German Democratic Republic from 1955 till October 1957, amounted to about 12 000,— DM. On October 13, 1957, he paid in 6500,— DM for purposes of exchange. This was a part of the money he had illegally imported into the territory of the German Democratic Republic.

By this action, the accused violated § 1 of the Order in the Import and Export of Legal Tender of March 23, 1949. According to this provision it is prohibited to export German marks of the Deutsche Notenbank from the GDR to West Berlin, West Germany, or foreign countries, or to import them from West Berlin, West Germany, or foreign countries into the German Democratic Republic. According to § 12 of the above mentioned Order, the accused is punishable under § 9 of the Economic Penal Order.

The action of the accused was directed against the laws and orders issued for the protection of our currency. It is most dangerous to society because it causes damage to the interests of our working people, and because the illegal import and export of our legal tender provides the West Berlin agents' and espionage organisations with money of our currency for their criminal purposes. This was sufficiently known to the accused also. The accused also knew that there is a great shortage of building workers of all kinds in the GDR. The accused also knew that the enterprisers in West Berlin are continually endeavouring to tempt cheap and yet able workmen from the GDR into West Berlin in order to use them there for cutting wages. The accused also knows that there is great unemployment among the West Berlin building workers. The accused disregarded this unscrupulously. He helped the West Berlin enterprisers to strengthen their power against the West Berlin workers and unemployed, and he did not consider it necessary to support the peaceful work of building our State of Workers and Peasants. Hence he cannot expect that his conduct and his wilful violation of our laws remains unpunished or is punished mildly.

The court therefore accepted the public prosecutir's plea and pronounced sentence for 4½ (four and one half) years' imprisonment. There is no reason to allow the accused to enjoy the possession of the money which he has illegally acquired and imported into the GDR.

Referring to § 16 of the Economic Penal Order, the court has therefore confiscated the amount of 6500,— DM blocked by the Investigating Commission of the Council of the Circuit.

The accused cannot expect that he and his family only enjoy the advantages offered by his living in the German Democratic Republic without doing anything himself for the building up of our State of Workers and Peasants, for the interests of our working people.

The decision as to costs follows from § 353 of the Criminal Procedures Act in conjunction with the Order on Costs in Criminal Cases of March 15, 1956.

(sgd.) Oberdiek

(sgd.) Rehse

(sgd.) Hirsch

**DOCUMENT 126 (242)**

**Sentence of the Circuit Court of Angermünde  
of December 17, 1957**

— 3 Ds 250/57 —

K II W 226/57

.....  
The accused W. K. is sentenced to

6 months' imprisonment

for fraud.

The time spent in custody since October 27, 1957, is deducted from the sentence.

The accused shall bear the costs of the proceedings.

**Extracted from the Reasons:**

At 8.30 hours in the morning of the 13th October, 1957, the accused was told by a neighbour that he had to be in the Bank at 9 o'clock. The democratic radio had directed this demand to all employees of the credit and money institutes because of the exchange of bank notes taking place on that day. The accused, who also possessed a radio receiver but had not switched it on, then went to the Bank für Handwerk und Gewerbe in A., whose manager he had been since 1952. When the Council of the Town telephoned him in the Bank telling him that he should appear at the Town Hall at 9 o'clock, he called on the accountant, the witness St., who was still in her home, to fetch her, and went with her to the Town Hall. There the accused learned that from 12 o'clock on, the old bank notes would be exchanged, and that the Bank had to be opened for the purposes of the exchange like all other institutes. He was also told that he had to come to the Council of the Town at 11 o'clock again in order to obtain further instructions. When the accused arrived at the Bank again after 9 o'clock, he prepared everything for the exchange, as did also the other employees who, having been informed by other persons, had appeared at the Bank in the meantime. Until about 11 o'clock the accused allowed several customers to make payments into their accounts, current accounts and saving accounts, although the Bank had not been opened for such business, but only for the purposes of the exchange. Questions of his co-workers as to whether payments could still be accepted, he answered with "yes" and ordered that receipts for these payments should be provided with the date of October 12, 1957. After 11 o'clock, the accused and the accountant St. went to the Town Hall again in order to be informed there of further details. When he had arrived again at the office of the Bank after 12 o'clock, he allowed, on request, in spite of the informations obtained, that further persons made payments into their accounts and that receipts were issued bearing the date of October 12, 1957. In this manner payments amounting to 60 303,— DM were made into the accounts of citizens who were customers of the Bank, in contradiction to the provisions of § 4, c. 5 of the Order of October 13, 1957 on the Exchange of Bank Notes. According to the depositions of the witnesses, the payments were

no genuine payments into saving accounts, but were made because the witnesses allegedly had heard that the money saved and kept at home would be invalidated and become useless. When payments were made, the accused ordered the sums paid in to be brought to the credit of the various accounts and caused his co-workers to state the previous day as the date of payment in the receipts to be given.

These findings are based upon the statements of the accused and of the witnesses B., L. Sch., and St. who were interrogated at the trial.

The accused has thus violated the provisions of § 22 of the Order of October 13, 1957 on the Exchange of Bank Notes of the Deutsche Notenbank in conjunction with § 263 of the Criminal Code in every respect.

The accused maintains that he was unclear about his authority still to accept payments into accounts. Probably he had understood only a part of the information at 11.30 hours, at which time he appeared in the Town Hall. Although he had received these rules and the Law Gazette of October 13, 1957, page 603, he had not read the law or the order and only inspected the form sheets and the rules. It was only some days after the exchange of bank notes that he thought about the reason for which this measure was carried through. This is in contradiction to the fact that he, having been informed and having received the law gazette of the German Democratic Republic, did not only approve of further payments being made and caused the 12th of October, 1957 to be stated as the date of payment in the receipts, but that he also told the witness L. and the witness B. that they should not speak about having made the payments on Sunday. The accused explains this as due to the fact that he wished to prevent a further rush of customers of the Bank. The court is of the opinion that first of all, the accused as manager of a bank knew that ordinary bank transactions are not done on Sundays and furthermore, that he also was aware of the punishable character of his actions and that he therefore caused the witnesses B. and L. not to talk about the fact of the payments. The court therefore considers it as proved that the accused is also subjectively guilty of having violated the provisions of § 4 of the Order of October 13, 1957, and in conjunction therewith, is guilty of fraud.

The accused has violated the bank limit in so far as the cash limit amounts to 25 000 DM only. He has furthermore attempted to frustrate the controlling activities of our state organs by trying to make it impossible to examine the origin of the money. According to what is stated in the Order, the exchange of bank notes was carried out in order to invalidate the legal tender withdrawn from our economy through speculation. The accused did not observe this order. However, it cannot be admitted that the managers of individual bank institutes disregard the will of our workers and peasants which is formulated in our laws and orders. The accused has been a bank expert long enough and therefore knows that payments into accounts have not to be accepted on Sundays. If he did so nevertheless, he always violated the provisions of labour law and in this particular case, the provisions of the Order of October 13, 1957 as well as a criminal law. It is necessary to make it clear to the accused upon whom our state conferred the function of a bank manager seven years after the collapse of Hitler fascism in spite of his membership in the NSDAP, that the laws



of our German Democratic Republic are binding upon him also and that he, like all citizens, is expected to regard the interests of our diligent population, for whose sake the exchange of bank notes was made. The courts considers it an idle excuse if he states that he had accepted these amounts only in view of the saving campaign although the Bank was not opened for such transactions. If the accused relies on merely having studied the form sheets but not the law handed to him, he has to take into account that he is exposed to retaliation if he acts in contravention to the order handed to him. For this reason the court has pronounced the punishment provided for in the sentence and it believes this measure to be sufficient in order to prevent the accused from violating the law in the future.

The time spent in custody was taken into account according to § 219 of the Criminal Procedure Act.

The decision as to costs is based upon § 353 of the Criminal Procedure Act in conjunction with §§ 1, and 2 of the Order of March 15, 1956.

(sgd.) H. Schmid

(sgd.) Krone

(sgd.) Protschke

*The above sentence of the circuit court of Angermünde against the former bank manager W. K. reveals that the reasons which the Soviet Zone Government stated for the exchange of bank notes, were just a pretext. Not even the Soviet zonal circuit court dares to state that the people who made payments into the Bank in Angermünde on October 13, 1957, were speculating West German monopolists or militarists or their helps. The sentence unambiguously shows the perfidious character of this action which was directed against the population, so that it must appear logical indeed that a man like the bank manager W. K. who wanted to safeguard the justified interests of the customers of his bank, is sentenced to imprisonment. In this case too, the court light-heartedly disregards the accused's defence that owing to the general confusion he had not taken notice of the contents of the order of October 13, 1957, and the last paragraphs of the sentence are a typical example of the fact that in the Soviet zonal economic penal law a few general phrases are sufficient to prove the accused's malice.*