OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

THE GERMAN PRESS IN THE US OCCUPIED AREA
1945—1948

SPECIAL REPORT OF THE
MILITARY GOVERNOR
NOVEMBER 1948
PREPARED BY
INFORMATION SERVICES DIVISION
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MAP: Licensed Newspapers in U.S. Area of Control facing page 1

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Democratically-minded and trustworthy German editors and publishers have established a solid core of independent and democratic newspapers in the U.S. area of occupation. They have been encouraged to maintain their independence and objectivity against all attacks and to resist the encroachment of government or of other special interest groups and protect their right to bring the news of Germany and the world to the people of Germany and to comment upon it.

Controls which were imposed when the papers were first established in order to conserve scarce materials, supplies, and equipment and in order to train editors, publishers, and journalists in the tradition of a democratic, free press have been progressively lifted so that for two years at least the U.S. Zone has had a "nearly" free press. The eventual goal has been from the start an absolutely free press to the extent that this condition obtains in the United States and Great Britain or other democratic countries.

Steps have been taken by Military Government to insure tenure of newspaper publishers in the plants they now occupy for a period of five to eight years. It is believed that within that time, the publishers should be able to acquire their own plants or make satisfactory voluntary long-term arrangements with plant owners.

Publishers' and journalists' associations have been encouraged and assisted to become effective instruments in protecting and advancing the interests of the press.

Military Government has sought the passage of press laws which will protect press freedom and the right of the German people to full information on the affairs of government and in other fields and has sought to prevent the passage of laws which would hamper and restrict or destroy the right to full exercise of those freedoms.

The Establishment of a Potentially Democratic Press after Hostilities

The program planned in the field of press before V-E Day was based on the fact that the Nazis had crushed the opposition press; forced democratic editors, journalists, and publishers into exile, retirement, or concentration camps; acquired financial control of newspapers and press facilities; dictated the make-up and content of papers, and channeled all news through governmental or semi-official press agencies.

The first step was to wipe out the propaganda press which the Nazis had set up and to suspend and abolish the approximately 1,500 Nazi newspapers still being published up to V-E Day. This was done by proclamation of Military Government Law 191, which closed down existing German information services as the Allies advanced into Germany in March and April 1945. After V-E Day, this measure took effect in all of Germany occupied by the Western Allies. The second step was to fill the gap left by abolition of the newspapers and news agencies through progressive establishment of allied army publications in order that Military Government instructions and information could be communicated to the German people and in order that the news of the world and of the war, withheld or distorted for so long, could again be placed before German readers. At the same time, expert teams began the search for democratically-minded editors, journalists and publishers and seized usable Nazi printing plants, newspaper and news facilities.

As the actual licensing program of Military Government got under way, first at Aachen, before V-E Day, and then throughout all of the U.S. Zone and in Berlin, the army papers were progressively closed down, until finally only one
remained, Die Neue Zeitung - still being published in Munich as an official Military Government zone newspaper, with an edition published in Berlin. The licensing program, which began with establishment of the Frankfurter Rundschau on 31 July 1945, has been virtually completed. There are now 56 U.S.-licensed newspapers in the U.S. Zone and Berlin, with a combined circulation of approximately 4,200,000. 1/ There are competing newspapers in seven cities. The 56 newspapers own and operate cooperatively the licensed news agency, Deutsche Nachrichten Agentur (DENA), which has an incoming file of some 130,000 words daily and an outgoing news file of 30,000 words daily; a weekly feature file of 30,000 words, and a photo service.

The Military Government Mission

The mission of Military Government in the field of press, as planned and applied to date, is as follows:

1. To help democratically-minded and trustworthy German publishers and editors to build an objective, free, democratic press in the U.S. Zone in Germany and to prevent the resurgence of Nazism, militarism, racism, pan-Germanism, or nationalism in the newspaper and news agency field. 2/

2. To discourage and prevent any attempt of government or special interest groups to seize control of the press.

3. To observe the operation of the German press and the DENA news agency through post-publication scrutiny with a view to assuring that the objectives in paras. 1 and 2, above, are not being disregarded.

4. To use the authority of Military Government to strengthen the economic and community position of the democratic press and safeguard it as far as possible against attempts to destroy it in order to revive a press more to the liking of Nazis, militarists, racists and nationalists, and groups whose special interests demand a subservient press.

5. To encourage an independent press, unsubsidized by any group, whether political, economic, or governmental, and to encourage factual reporting with sharp separation between news and opinion.

6. To encourage such free flow of newspapers, news agency files and correspondents throughout the whole of Germany as is compatible with the occupation and the new print production. 3/ To encourage German editors, publishers, and journalists to establish contact with publishers, editors, and journalists of other countries and to sponsor visits outside Germany as part of a reorientation and training program.

7. To conserve and channel to best use German-produced new print and printing plants and supplies.

8. To encourage and assist the newspaper publishers' associations to become effective instruments in protecting press interest against attack or encroachment by government or special interest groups and to encourage and assist the press to develop journalistic training projects.

9. To guard against the promulgation of laws which would hamper and harass and subvert or destroy a free press and to encourage the passage of laws which will protect press freedom and independence. (NOTE: Material set forth in points 1 to 9 is expanded on the following pages.)

1/ See Annex A, List of U.S.-licensed Newspapers.
2/ See Annex B, Information Control Regulation No. 3.
Replacement of army newspapers by licensed German newspapers was planned and carried out by the end of 1945 on the theory that only Germans could effectively reeducate and recruit the Germans. Editors, publishers, and key personnel were sought, screened, and selected on the basis of their positive and concrete records of opposition to Nazism. Responsibility was placed upon publishers for the political clearance of all but the key members of their staffs.

German Responsibility

Although it had been planned to institute a system of pre-publication censorship for a trial period, this plan was abandoned with licensing of the first newspaper at Frankfurt on 31 July 1945 and never put into effect. German publishers and editors from the beginning were made solely responsible for the content of their newspapers, but there was close post-publication scrutiny followed by verbal and written warnings, corrections, reprimands and commendations. 1/ The method of placing sole responsibility on German editors and publishers at an early period, together with the advice and training given by Press Officers of Military Government, led to a rapid development of the press in the U.S. area of occupation as compared with the press in other zones. The quality of the newspapers was higher, and it was possible to relax many controls at an earlier date than was possible in the other zones as the U.S.-licensed publishers proved more and more capable of accepting the responsibility given them.

The attempt was to establish real newspapers, not Military Government gazettes, since otherwise the papers would soon discredit themselves with the German people. They are German newspapers and the publishers from the first have been told that they were working toward the time when Germany would have a completely free press.

Problems Encountered in Establishing a "Nearly-Free" Press

Military Government has been guided throughout by the realization that a German press formed merely in the image of the occupier would collapse when the occupation ended. There were disadvantages. Military Government and American news had to take its place in the competitive news field with all other news. Occasionally it seemed that some German publishers and editors, taking out political "insurance" for the future, when the occupation was ended or relaxed, gave less play to Military Government and American news than the news warranted. The Director of Information Services Division called attention to this situation in December 1945 when he told the newspaper publishers: "I suggest that, in the editorial evaluation of news, the mere fact of the occupation in this specific zone should not be counted as a factor which will give the occupier less consideration than is given to others. There are other ways of demonstrating your independence."

But the advantages of bringing Military Government policies in Germany into line with long-established American policies with respect to freedom of expression, free access to information, and free exchange of opinions and ideas outweighed the disadvantages even in occupied Germany. The most obvious advantage, of course, was that politically clean and courageous editors and publishers, who insisted upon their right to run independent, objective, and outspoken newspapers under an occupation, perhaps could be counted on to withstand pressure from German governmental, political, economic, and clerical groups when the occupation was relaxed or ended.

It was inevitable that there would be an early and continuous clash between the new German press and German politicians and governmental officials.

For twelve years prior to V-E Day there had been no independent press. All newspapers and news agencies had been creatures of the government and the dominant politicians, or they ceased to exist. There was no tradition of an independent, free, democratic press. It was this tradition of a press which would establish itself in Germany as a quasi-public institution and remain independent of political party ties and economic interests, free to bring all the news and to comment upon it, that Military Government sought to create. The attacks of German political party politicians and governmental officials upon the new German press have been sharp and bitter; their demands for a political party press insistent. Attempts have been made in the various Lands to institute a form of press censorship by setting up governmental press bureaus and channeling all governmental news through them. The right of the press to comment upon pending legislation was even challenged at one time.

Military Government has encouraged and supported the press in its protection of the right of the press and German public to full and free information on the affairs of government. General Clay stated in a letter to the Director of Military Government of Württemberg-Baden in March 1948: "The German newspapers were established and supported and given an extraordinary measure of freedom and responsibility because we believe that there should be a free flow of news and information to the people of Germany, particularly on matters connected with the building of democratic government. If the newspapers of the U.S. Zone fail to carry out what is a major task of any newspaper and fail to report fully on what their governments are doing, as well as what their governments are not doing, they cease to be quasi-public institutions and betray their trust. This is a two-way process, though, and I have been disturbed at various times by the failure of German governmental officials to understand that the people of Germany have a right to know what they are planning, what they are doing, and what they are failing to plan or do. At various times, German governmental officials have attempted to control news of government through a press bureau censorship; government officials have failed to hold press conferences and meet the press frankly and freely, and have resisted criticism which is the normal lot of office-holders in any democracy."

Military Government Controls and Restrictions

In order to prevent the new press from falling into the hands of political, financial, or other special interests, Military Government restricted licensing to individual Germans and banned the holding of a financial interest in the paper by persons or groups other than the licensees themselves. Because the primary desire was to establish independent papers which would not be subservient to government or special political or economic interests and also because of a shortage of newsprint, printing facilities, and supplies, Military Government banned the licensing of political party newspapers at least until a solid nucleus of an independent press could be established and also until the German economy could achieve increased production of newsprint and printing equipment.

With improvement in production, resulting from currency reform and general recovery, Military Government offered to abandon its present licensing system, contingent upon the passage of press laws in the various Lands which would protect freedom of the press and prevent government or other domination of the press. 1/ Thus far, only Land Bremen has passed such a law, which has not yet been approved.

In the case of the cooperative news agency, DEMA, which serves 107 news-

1/ See Annex F for text of letter to U.S. Land Directors regarding passage of press law.
papers and magazines, 6 radio stations, 4 German and foreign news agencies, and 26 other clients. Military Government has insisted that it maintain its objectivity and independence to an even greater extent than in the case of newspapers. For this reason, the newspaper publisher-owners of DENA have been supported in their efforts to prevent the Deutsche Post (German post office) from taking over the Hellschreiber broadcasting system and in their opposition to the Deutsche Post claim to a monopoly in the field of news broadcasting. DENA, which grew out of the Allied and later American news agency serving army papers, was licensed as a cooperative to the licensed publishers of the U.S. Zone and Berlin on 25 October 1945. Steps had already been taken to turn certain U.S. and captured enemy equipment which DENA had been using since the summer of 1945 over to a German state agency which assumed responsibility for sale of certain U.S. supplies to German agencies for Reichsmarks, with eventual compensation to the U.S. through export credits. Although Military Government press control officers had helped to found DENA, and had supervised its output during the first 15 months of its existence from the day of licensing, a policy of post-transmission scrutiny was established and responsibility was placed on the German management of DENA for the content of the news file. Military Government press officers remained at DENA to observe and guide its operation along accepted news agency lines and to enforce Military Government regulations until July 1948, when the Press Section staff was reduced to one press officer and his functions changed to those of observation, liaison, and assistance in training the German staff in news agency techniques. The majority of the German newspaper publisher-owners of DENA recognize that the news agency must remain independent of political domination and that the news and feature files must be objective and factual. One evidence of this is that in discussions for a merger of the British Zone news agency, Deutscher Presse Dienst (DID), and DENA, the DENA representatives refused to entertain proposals that the Hellschreiber be turned over to the Deutsche Post and that the merged agency accept financial assistance from German government and become a semi-official-governmental news agency. Military Government has stated that the question of the merger is one for determination by the Germans, subject to Military Government approval of any agreement reached.

Military Government controls in connection with the operations of the German press have been progressively relaxed throughout the past three and a half years. As indicated above, pre-publication scrutiny of papers and pre-transmission scrutiny of the DENA news file, although planned, were never put into effect. With the licensing of DENA in October 1945, restrictions on news sources were also lifted; German newspapers were permitted to use other world news agencies. Full responsibility for the content of the U.S.-licensed papers was placed upon the licensees. Within the limits of general AGA and Military Government legislation and directives, they were free to exercise their editorial judgment. All efforts to increase the number of news sources by permitting entrance of foreign news agencies and publications into Germany were encouraged and approved. All major news agencies of the United States, Great Britain, and France, as well as others from Switzerland, and other European countries, are now dealing directly or through DENA with the newspapers. The only restrictions are on disposal of the Deutsche mark earnings of the foreign news agencies in Germany. Controls have been lifted on the amount of advertising space of pages permitted per week, frequency per week, and circulation. This was a result of the derationing of newpaper which made the procurement of newpaper the problem of the publisher and no longer a concern of Military Government. Currency reform and improved production provided increased supplies of newpaper so that newspapers increased their pages per week from an average of 12 to 24 and 30 and sometimes more. There are now 20 papers appearing six times weekly, 3 five times weekly, 8 four times weekly and 25 three times weekly. What the publishers do with the newpaper they get in this regard

1/ Hellschreiber is a system of news dissemination by radio broadcast, which is received on a special tape in a teleprinter which translates the radio impulses into wording, in the same manner as a teleprinter receives and types wire messages.

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is now their sole concern. The result has been a welcome increase in competition, although, for their own protection, the newspaper publishers have entered into voluntary agreements to prevent chaotic newspaper procurement. All papers plan eventually to become dailies.

Newspaper Shortage

Until the summer of 1948, the shortage of newspaper was the determining factor in shaping the German press. This shortage determined the licensing program; the make-up, size, frequency and circulation of the papers; forced the imposition of controls in the allocation of paper and its use and was a key factor in selecting licensees to run the papers since it was necessary to choose several licensees with varying political points of view rather than single licensees with a single political point of view because for a long time no more than one paper could be established in a given community. Too much newspaper was required and too little was available. For three years most newspapers appeared twice or three times weekly, were restricted to 8, 12 or 14 pages weekly, were unable to fill the demand for subscriptions or for advertising, were restricted to defined circulation areas, could dispatch only a token circulation to other zones. During this period, decreased newspaper production forced two cuts in newspaper allocation which placed the newspapers below the bare minimum requirements.

The effect of all this on the development of the new German press has been almost inestimable, particularly in the task of reeducation and reorientation.

It was not until currency reform and the removal of newspaper from the rationed list of scarce German products that German newspapers could increase frequency and pages per week to the point that they could begin to function like real newspapers instead of weeklies or semi-weeklies. The new situation permitted the removal of most of the controls, including those on business and financial management, which Military Government had been forced to maintain for three years while the German economy was struggling back on its feet. Even with improvement in the newspaper situation, some papers will have to await improvement in the production of printing equipment before they can move into the daily newspaper class. Other papers have had to struggle along without sufficient trained newspaper men because it was held inadvisable to lower political standards to the point which would permit return of Nazi propagandists to key jobs in the field of journalism. First consideration was to establish an as firm a footing as possible a nucleus of democratically minded journalists who could be trusted to fight for a democratic Germany. Military Government believes that this has been done and that the removal of controls has kept pace with the progress newspaper editors and publishers have made toward full freedom and full responsibility.

Newspaper Printing Plants

One major problem which has confronted Military Government has been the question of the extent to which newspaper licensees could be protected in their possession of newspaper printing plants which were seized at the end of hostilities, put under Military Government property control, and then turned over to newspaper licensees for their use at a rental fee.

Most if not all of the newspaper licensees of the new German press were not the owners of the plants in which their papers are published. Also they were

1/ It is customary in Germany for dailies to appear six times a week (Tuesday through Sunday), with no issue on Mondays and the day after important holidays.
unable during the Nazi regime to save enough money to invest in the needed facilities, assuming that these, in view of the ruined German economy, would have been readily available after the war.

Former Nazi owners of printing plants, hoping for eventual clearance under denazification laws and waiting for the time when they could start their own newspapers, for the most part refused to enter into contracts for purchase or use of their plants. High taxes prevented most publishers from accumulating the capital needed.

Military Government attempted to meet this problem in two ways. In 1945, all newspapers were required to pay into a special fund 20 percent of gross receipts as payment for the many services provided by Military Government. This fund eventually reached the total of some RM 56,000,000. In 1947, payment into this fund was stopped and from it grants-in-aid were made to the newspapers and to a cooperative which the publishers created for the purpose of assisting newspapers to acquire plants and equipment as the opportunity offered.

At the same time, Military Government on 1 April 1947 issued a directive, "Interim Procedure for the Retention by Property Control of Certain Properties Operated by Information Control Licensees," 1 applies to property owned by former Nazis who had been exonerated by denazification tribunals or against whom sanctions were imposed which did not include confiscation of the property in question. In order to encourage the negotiation of fairly long term lease-contracts, since former Nazi owners refused to negotiate such leases, Military Government on 20 September 1947 issued a directive entitled, "Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division." 2

Under this directive, property held in property control custody was to be released as soon as voluntary leases had been executed between plant owners and publishers. A number of voluntary leases were negotiated. To meet those cases in which the former owner refused to negotiate, it was provided that mandatory leases could be imposed where it became clear that a voluntary lease could not be executed. The duration of the mandatory lease was for an initial period of five years beginning from the date of final approval of the lease, with the proviso that if three months before expiration it is proved to the satisfaction of Military Government that the publisher has been unable to obtain other newspaper printing facilities and these are not available or obtainable, the lease shall be extended for an additional period of three years. Payment of a fair rental was required, with provision for revision of rental fees.

This directive induced the signing of a number of voluntary leases in the fall of 1947 and during 1948. Late in 1948, however, it became evident that many newspapers had failed to negotiate voluntary leases, and delays in the imposition of mandatory leases required a further step. Instructions were issued to impose mandatory contracts at once in all pending cases where it was clear that voluntary leases could not be negotiated immediately. In December 1948, out of the 56 newspapers in the U.S. Zone and Berlin, all but 10 newspapers were publishing under lease contracts. It was expected that of the 10, at least 3 and perhaps more could be settled on a voluntary basis. The rest were to be made mandatory before 31 January 1949. 3 At the same time, Military Government, in

1/ See Annex G, Interim Procedure for the Retention by Property Control of Certain Properties Operated by Information Control Licensees.
2/ See Annex H, Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division.
3/ See Annex I, letter to U.S. Land Directors regarding pending leases.
anticipation of conditions which would be created by the Occupation Statute and with a solid nucleus of a democratic press established, terminated for newspapers established in the future the property control and lease-lease procedure. Surveys have shown that there is considerable printing equipment still available for newspaper-publishing throughout the U.S. Zone for use of future newspapers which may be established.

All leases negotiated or imposed contain the provision for extension of the lease for an additional three-year period except in a few cases where a voluntary contract was negotiated for more than the eight-year total period or where the publisher was constructing his own plant and did not require the provision to be included. Most of the leases in question were negotiated in the fall of 1947 and in 1948 so that the tenure of the publisher is protected until about 1955. By this time it is expected that production of printing equipment in Germany will have greatly increased and the availability of plants or new construction will be greater. It is believed, too, that existing newspapers will be able successfully to meet competition from newly established newspapers.
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+ Not member of party.
ANNEX B

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

AG 010-5 (IC) 3 October 1947

SUBJECT: Revision of Information Control Regulation No. 1

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

*Action subject to existing agreements with other occupying powers.

Reference and rescission: Information Control Regulation No. 1, "Control of Publications, Radio Broadcasting, Films, Theaters and Music," issued early in 1945 (to implement SHAPE Military Government Law No. 191 dealing with the same subject), is hereby rescinded and the attached Regulation No. 3 is substituted therefor, effective the date of this letter. A German translation is also enclosed.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

2 Incls: a/s

G. H. GARDE
Lieutenant Colonel, AGE
Adjutant General

NOVEMBER 1948

- 15 -
1. Information Control Regulation No. 1 is hereby rescinded and this revised Regulation is substituted therefore, to become effective on 3 October 1947.

2. This Regulation sets forth the conditions under which certain of the activities prohibited by Military Government Law No. 191 Amended (1) may take place.

3. No person as hereinafter defined shall conduct any of the following activities, except under a license granted by Military Government and in accordance with the provisions of such license and Military Government legislation and lawful instructions:

   a. Publishing of newspapers, magazines, periodicals, books, posters, pamphlets, printed music and other publications;

   b. Operation of a news service, news or photographic agency, radio broadcasting or television station or system, wired radio transmission or audio-frequency distribution system;

   c. Production of a sound recording, or the production or distribution of motion picture films;

   d. Arranging the public performance of operas, operettas, plays, musical comedies, ballets, pantomimes, variety, cabaret, or other performances using actors, performers but excluding the activities authorized in paragraphs f and g of Section 5 of this Regulation; serving as an agent for activities which require licenses; serving as owner or director of such activities.

4. No person shall commercially exhibit motion picture films, except after receiving written authorization from Military Government, and in accordance with Military Government legislation and lawful instructions.

5. The following activities may be performed by any person who has a classification of Group 4 or 5 under the Law for Liberation from National Socialism and Militarism, or who is not affected by the provisions of such law, or who has been previously approved by Military Government to engage in such activities, provided that such person conforms with the provisions of Section 5 of this Regulation, and all other pertinent Military Government legislation and lawful instructions:

   a. Distribution, selling or lending commercially newspapers, magazines, periodicals, books, pamphlets, posters, printed music and other printed or mechanically reproduced publications or matter;

   b. Printing newspapers, magazines, periodicals, books, pamphlets, posters, printed music for licensed publishers thereof and engaging in any other printing or mechanical reproduction activities;

   c. Providing to licensed producers and other persons authorized by this regulation the facilities of theaters, concert halls, opera houses, outdoor stadia and other places of public entertainment;

   d. Processing or printing motion picture film obtained from licensed film producers or other persons authorized by Military Government;

   e. Distributing, selling or lending commercially sound recordings.

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f. Operating small travelling entertainment enterprises (ambulantes Gewerbe) which are registered under Title 3 of the German Trade Code (Gewerbeordnung), such as carnivals, side shows (Schababuden), dance bands, and mechanical entertainment devices (ferris wheels, merry-go-rounds, shooting galleries, etc.);

g. Presenting music which is incidental to a religious service, or to other activities clearly non-musical in character, such as the sale of food or beverages, or the presentation of spoken drama by a theatrical producer who has been duly licensed by Military Government.

6. No person as hereinafter defined shall, except as may be specifically authorised by Military Government, publish, distribute, sell or lend commercially, nor print or otherwise mechanically produce or reproduce any newspaper, periodical, pamphlet, book, poster, printed music or other publication; nor shall any person present any radio, television, wired radio transmission or audio frequency distribution system program; nor shall any person sell or distribute any news or picture, nor produce, synchronize, develop, print or otherwise process or sell, rent or otherwise distribute or exhibit any motion picture film, nor produce, distribute or sell any sound recording, nor produce or conduct any entertainment or dramatic production or activity, nor present any music, which:

a. Incites to riot or resistance to Military Government, jeopardizes the occupying troops, or otherwise endangers military security;

b. Propagates former National Socialist or related "volkisch" ideas, such as racism and race hatred, or propagates any fascist or anti-democratic ideas, or any militarist ideas, or pan-Germanism or German imperialism;

c. Constitutes a malicious attack upon policies or personnel of Military Government, aims to disrupt unity among the Allies, or seeks to evoke the distrust and hostility of the German people against any Occupying Power;

d. Appeals to Germans to take action against democratic measures undertaken by Military Government.

7. For the purposes of this Regulation, the term "person" shall include any natural person, except natural persons subject to U.S. or Allied military law, and any juristic person existing under public or private law, including associations, corporations, partnerships or governmental agencies.

8. Any person violating any of the provisions of this Regulation shall, upon conviction by Military Government Court, be liable to such lawful punishment, excepting death, as the Court may determine.

BY ORDER OF MILITARY GOVERNMENT

2. Diese Vorschrift setzt die Bedingungen fest, unter welchen bestimmte der gemess Gesetz Nr. 101 der Militärregierung, Abänderung 1, verbote Tätigkeiten ausgeübt werden können.

3. Die nachstehend aufgeführten Tätigkeiten duerfen von jemand, der im Sinne von Ziffer 7 dieser Vorschrift als "Person" gilt, nur auf Grund einer von der Militärregierung erteilten Lizenz und in Übereinstimmung mit der darin festgesetzten Bestimmungen sowie mit den von der Militärregierung erlassenen Gesetzen und gesetzlichen Anweisungen ausgeübt werden;

a. das Herausgeben von Zeitungen, Magazinen, Zeitschriften, Büchern, Plakaten, Broschüren, Noten oder sonstigen Veröffentlichungen;

b. das Betreiben von Nachrichtendiensten, Nachrichten- oder Bildagenturen, Rundfunk- oder Fernsehendestationen oder -netzen, Drahtfunksendern und Niederfrequenz-Ubertragungsanlagen;

c. das Erstellen von Tonaufnahmen oder die Herstellung und den Vertrieb von Lichtspielfilmen;

d. das Veranstalten öffentlicher Aufführungen, wie Opern, Operetten, Schauspielen, Singspielen, Ballettvorstellungen, Pantomimen, Varietés, Kabaretts oder andere Vorstellungen, in denen Schauspieler oder Artisten mitwirken, mit Ausnahme derjenigen Tätigkeiten, die gemess Ziffer 5 dieser Vorschrift, Absatz 1 um g., zulässig sind; ferner die Betätigung als Agent lizenziertiger Unternehmen und als Besitzer oder Regisseur solcher Unternehmungen.


5. Unter der Voraussetzung, dass die in Ziffer 6 dieser Vorschrift festgesetzten Bedingungen sowie alle anderen einschlägigen Gesetze und gesetzlichen Anweisungen der Militärregierung erfüllt sind, dürfen Personen, die gemess dem Gesetz zur Befreiung von Nationalsozialismus und Militarisimus in Gruppe 4 oder 5 eingestuft worden sind, oder die von den Bestimmungen dieses Gesetzes nicht betroffen werden, oder denen die Ausübung einer solchen Tätigkeit bereits vorher von der Militärregierung gestattet worden ist, folgende Tätigkeiten ausüben:

a. das Vertreiben, Verkaufen oder gewerbliche Verleihen von Zeitungen, Magazinen, Zeitschriften, Büchern, Broschüren, Plakaten, Noten und sonstigen Veröffentlichungen;

b. das Drucken von Zeitungen, Magazinen, Zeitschriften, Büchern, Broschüren, Plakaten, ebenso far die entsprechenden lizensierten Verleger und jede andere Art von Betätigung auf dem Gebiet des Druckwesens oder der mechanischen Vervielfältigung;

c. das Zurverfügungstellen von Theatern, Konzertbühnen, Opernhäusern, Freilichtbühnen und anderen öffentlichen Unterhaltungsstätten an lizensierte Veranstalter oder an andere gemess dieser Vorschrift zugelassene Personen;

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d. das Verarbeiten oder Kopieren von Lichtspielfilmen, die von lizenzierten Filmherstellern oder anderen von der Militärregierung zugelassenen Personen bezogen worden sind;

e. das Verbreiten, Verkaufen oder gewerbliche Verleihen von Tonaufnahmen;

f. das Betreiben kleiner, der lustbeheit dienender Wanderunternehmen, wie sie unter Titel III der deutschen Gewerbeordnung aufgeführt sind, z.B. Kirmes, Schauabenden, Tanzgruppen, der lustbeheit dienende mechanische Einrichtungen (Riesenradler, Karusselle, Schilfsabenden usw.);

g. das Darbieten von Musik im Rahmen eines Gottesdienstes oder anderer Veranstaltungen, die eindeutig keinen musikalischen Charakter tragen, wie z.B. die Verbreitung von Speisen und Getränken oder die Aufführung gesprochener Theaterstücken durch einen von der Militärregierung ordnungsgemäß lizensierten Theaterunternehmer.

5. Ohne die besondere Erlaubnis der Militärregierung darf niemand, der im Sinne von Ziffer 7 dieser Vorschrift als Person gilt, Zeitschriften, Broschüren, Buecher, Plakate, Noten oder sonstige Veröffentlichungen herausgeben, vertreiben, verkaufen oder gewerblich verleihen; noch drucken oder auf andere Weise mechanisch herstellen oder vervielfältigen; noch Rundfunk-, Fernseh-, Drehfunk- oder Wiederfrequenz-Programme darbieten; noch Nachrichten oder Bildaufnahmen verkaufen oder vertreiben; noch Lichtspielfilme herstellen, synchronisieren, entwickeln, kopieren oder auf andere Weise verarbeiten oder verkaufen, verleihen oder auf andere Weise vertreiben oder vorzuführen; noch Tonaufnahmen herstellen, vertreiben oder verkaufen; noch eine dramatische oder der Unterhaltung dienende Vorstellung oder Darbietung vorzuführen oder leiten; noch Musikstucke aufzuführen, wohe:

a. zu Unruhen oder zum Widerstand gegen die Militärregierung aufstacheln, die Besatzungstruppen gefährden oder die militärische Sicherheit auf andere Weise bedrohen;

b. die ehemalige nationalsozialistische oder verwendete "volkische" Gedanken, wie z.B. die Rassenlehre und den Rassenkampf, oder faschistische oder undemokratische Anschauungen verbreiten oder den Militärs, Pangermanismus oder den deutschen Imperialismus fördern;

c. einen böswilligen Angriff auf die Politik oder das Personal der Militärregierung darstellen oder darauf abzielen, die Einrichtung unter den Alliierten zu zersetzen, oder dazu angetan sind, das Misstrauen und die Feindseligkeit der Bevölkerung gegenüber den Besatzungsmachten hervorrufen;

d. die Bevölkerung auffordern, den von der Militärregierung ergriffenen demokratischen Wachsen Widerstand entgegenzusetzen.

7. Fuer die Zwecke dieser Vorschrift bezeichnet der Ausdruck "Person" alle natürlichen Personen mit Ausnahme derjenigen, die der amerikanischen oder alliierten Militärgerichtsbarkeit unterliegen, sowohl als auch alle juristischen Personen des öffentlichen und privaten Rechts einschließlich Vereinigungen, Gesellschaften, Korporationen oder Behörden.


IM AUFTRAGE DER MILITÄRREGIERUNG

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ANNEX C

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

AG C10.6 (IC) 17 July 1947

SUBJECT: ACA Directive No. 55

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

Attns: Land ICD’s and Berlin Sector IC Dir.

1. Attached for your compliance is ACA Directive No. 55 "Intersessional Exchange of Printed Matter and Films" signed by the Control Council on 25 June 1947, together with an instruction by the Political Directorate to the Information Committee for the implementation of Directive No. 55. Attention is directed to the fact that ACA Directive No. 55 pertains only to the distribution of information and in no way modifies ACA Directive No. 40, dealing with the content of published matter.

2. Accordingly, and pursuant to the authorization contained in para 1 of Directive No. 55, the appropriate German publishers of newspapers, magazines, periodicals, and books published in the U.S. Zone and U.S. Sector of Berlin should be informed of this authority for the free intersessional exchange of such media.

3. Any instance of confiscation or interference in other zones with the distribution of newspapers, books, periodicals or magazines published in the U.S. Zone and U.S. Sector of Berlin should be reported through functional channels to the Director of Information Control Division, CMGUS.

4. Normal German channels of procurement and distribution will be utilized for the intersessional exchange of newspapers, books, periodicals and magazines.

5. All proposals for the distribution in the U.S. Zone of films produced elsewhere in Germany will be referred to Film, Theater and Music Branch, Information Control Division, CMGUS for approval before implementation.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

2 Incs: a/s

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948
ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

DIRECTIVE NO. 55

INTERZONAL EXCHANGE OF PRINTED MATTER AND FILMS

1. In accordance with the decision of the Council of Foreign Ministers at Moscow to facilitate further development of the democratic German press, and in order to establish in all of Germany a free exchange of information and democratic ideas, the Allied Control Authority authorizes the free exchange of newspapers, magazines, periodicals, films and books published in the different zones of occupation and in Berlin.

2. This exchange shall not be limited by Zone Commanders except by the requirements of military security, the needs of the occupation, the necessity of ensuring that Germany carries out her obligations to the Allies and the necessity of preventing a resurgence of national socialism and militarism. Each Zone Commander will retain the right to take such measures as he may deem necessary against any publications or any persons who violate these provisions, subsequently informing the Allied Control Authority of his actions; he shall in addition have the right if he so chooses, to raise the question of the application of such measures before the appropriate body of the Allied Control Authority - the Information Committee of the Political Directorate.

3. This exchange of information and democratic ideas shall not be subject to any pressure of any sort, administrative or economic, on the part of the Central Government or Land Governments.

Done at Berlin on the 25th day of June 1947.

R. NOIRET, Major General
M. I. DRATVIN, Lt. General
F. A. KATINO, Major General
B. H. ROBERTSON, Lt. General

Incl. 1

NOVEMBER 1948
Draft Instruction by the Political Directorate to the Information Committee for the Implementation of the Directive Relating to the International Exchange of Newspapers and Films

In order to ensure the full implementation of Directive No. 66, the Information Committee shall, if requested by one of its members, promptly institute quadripartite investigation of any alleged interference with the free exchange of information and democratic ideas in Germany. A report of the investigation shall be forwarded to the Political Directorate in case of disagreement over the alleged violation and corrective action to be taken.
Policy Instruction Number 3

to all Licensees in German Information Services

1. General

Military Government believes that free exchange of opinions and ideas is basic to the establishment in Germany of a democratic society in which the individual is conscious of his responsibilities. To this end it is the purpose of Military Government to allow increasing freedoms and responsibilities in the information services at such time and in such measure as those responsible for the operation of information services give evidence of their readiness and their fitness to assume them. The length of the phases through which the German press, theater, publishing industry, etc., must pass in order to qualify for complete freedom will therefore depend, in part, on the conduct of the licensees. Each licensee is thus a trustee for a vital part of Germany’s future. In applying for and accepting a license, he has affirmed his intention to work in the public interest, to the end that freedom under democracy may be attained.

2. Freedom of Expression

Freedom of press and of speech is encouraged, subject to the necessity for maintaining military security and the interests of Allied Military Government and preventing Nazi, or militarist activity or propaganda.

a) Maintenance of Military Security

Dissemination of any type of news, information or editorial, which incites to riot or resistance to Military Government, jeopardizes the occupying troops, or otherwise endangers military security, is prohibited.

b) Nazi and Militarist Propaganda

Dissemination of Nazi and militarist propaganda, including the propagation of National Socialist or related “voelkisch” ideas, such as racism and race hatred, any Fascist or anti-democratic ideas, and any militarist ideas, pan-Germanism and German imperialism is prohibited.

c) Criticism of Military Government Policies or Personnel

Dissemination of any type of news, information or editorial, which constitutes a malicious attack upon policies or personnel of Military Government, aims to disrupt unity among the Allies, or seeks to evoke the distrust and hostility of the German people against any Occupying Power, is prohibited.

3. Equitable Opportunity for Expression of Varying Points of View

Because of shortage of facilities and materials the number of licensees will necessarily be limited. Therefore, licensees will insure that equitable opportunity of expression is given all important parties and points of view, except when specifically exempted from this provision by the terms of their license, or when the nature of the medium is such that political opinions are not ordinarily expressed.

30 September 1946
4. Selection of Personnel

The licensee must select his personnel from among those whose past records show them to be capable of assisting in the building of a sound, democratic society in Germany. Eligibility for employment shall be governed by the law for Liberation from National Socialism and Militarism except that under no condition will any person be employed in a policy-making, editorial or other position in which he substantially influences the information presented to the German people, who has been a proved or an avowed believer in Nazism or racial and militaristic creeds, an officer in any party formation or a member of any organization found to be a war criminal by the International Military Tribunal, unless duly registered for such employment or granted special permission by the Office of Information Control.

5. Permissible Source Material

Licensees are permitted to use the services of foreign news and publishing agencies and other business enterprises licensed to do business in the U. S. Zone of Germany in accordance with the terms of their contracts with such agencies and enterprises. Subject to the provisions of German copyright law, licensees may quote or paraphrase from newspapers and periodicals licensed or otherwise authorized for sale or distribution within the U. S. Zone of Germany. Foreign radio broadcasts may likewise be quoted; in such cases the broadcast in question must be accurately transcribed and the transcription must be available for reference check.

6. Responsibility in the Use of Source Material

Licensees will be held responsible for observance of all provisions of this instruction in the use of material from foreign sources. The fact that the material is contained in a news file or publication licensed or otherwise authorized to do business in the U. S. Zone of Germany in no way constitutes relief from this responsibility. The source of all news except local reporting will be clearly identified. Where several sources are used, the source of each portion of the article must be clearly indicated. Editorials and commentaries must bear the name or initials of the author. News stories where main appeal is sensational must be played in balance and not over-played at the expense of important but less sensational news.

7. Violations of Instructions

For violations of these instructions a licensee is subject to temporary limitation or suspension of his operations, or to revocation of his license. This action in no way prejudices the right of Military Government to take such other action and to administer such further penalties, including fine or imprisonment, as the offense may warrant.

8. This instruction supersedes all previous policy instructions to licensees which have been issued.

BY ORDER OF MILITARY GOVERNMENT.
Richtlinien für alle Lizenzträger im Deutschen Nachrichtenwesen
Nummer 3

1. Allgemeine Richtlinien

Die Militärregierung ist der Ansicht, daß der freie Austausch von Meinungen und Ideen der Schaffung einer demokratischen Gesellschaftsform in Deutschland, in welcher der einzelne sich seiner Verantwortlichkeit voll bewußt ist, zugrunde liegen muß. Es liegt daher in der Absicht der Militärregierung, zunehmende Freiheit und Verantwortlichkeit im Nachrichtenwesen zu einer solchen Zeit und in einem solchen Umfange einzuräumen, wie die für die Handhabung des Nachrichtenwesens Verantwortlichen ihre Bereitwilligkeit und Eignung zur Übernahme derselben bekunden.


2. Freiheit der Meinungsäußerung

Pressefreiheit und Redefreiheit werden unter Berücksichtigung der erforderlichen Aufrecht-erhaltung militärischer Sicherheit, Wahrung der Interessen der Alliierten Militärregierung und Verhütung aller nationalsozialistischen oder militaristischen Umttriebe oder Propaganda gefördert.

a) Aufrechterhaltung der militärischen Sicherheit

Die Verbreitung von Nachrichten, Mitteilungen oder Leitartikeln jeglicher Art, die zu Unruhen oder zum Widerstand gegen die Militärregierung aufreizen, die Besatzungstruppen in Gefahr bringen oder sonst die militärische Sicherheit gefährden, ist verboten.

b) Nationalsozialistische und militaristische Propaganda

Die Verbreitung von nationalsozialistischer und militaristischer Propaganda, einschließlich der Propagierung nationalsozialistischer oder verwandter „völkischer“ Ideen, wie Religions- und Rassen- haß, jeglicher faschistischer oder antidemokratischer Ideen sowie aller militaristischer Ideen, des Pan-Germanismus und deutschen Imperialismus, ist verboten.

c) Kritik an Richtlinien oder Personen der Militärregierung

Die Verbreitung von Nachrichten, Mitteilungen oder Leitartikeln jeglicher Art, die einen böswilligen Angriff auf Richtlinien oder Personen der Militärregierung darstellen, eine Störung der Einigkeit unter den Alliierten bezwecken oder verursachen, Mißtrauen und Feindseligkeiten des deutschen Volkes gegen eine der Besatzungsmächte zu erregen, ist verboten.

3. Gleiche Möglichkeit zur Äußerung verschiedener Meinungen

Infolge des Mangels an technischen Einrichtungen und Materialien kann die Zahl der Lizenzträger notwendigerweise nur beschränkt sein. Daher müssen die Lizenzträger dafür sorgen, daß allen
bedeutenden Parteien und Meinungen die gleiche Gelegenheit zur Äußerung geboten wird, es sei denn, daß die Lizenzträger auf Grund ihrer Lizenzzustände von dieser Bestimmung ausdrücklich ausgenommen sind oder daß in dem betreffenden Nachrichtenorgan politische Meinungen gewöhnlich nicht geäußert werden.

4. Auswahl des Personals

Der Lizenzträger muß seine Mitarbeiter aus dem Kreise derjenigen wählen, die auf Grund ihrer Vergangenheit nachweislich dazu geeignet sind, an der Schaffung einer gesunden, demokratischen Gesellschaftsform in Deutschland mitzuwirken. Die Eignung zur Anstellung unterliegt dem Gesetz zur Befreiung vom Nationalsozialismus. Keinesfalls darf jedoch jemand in einer maßgeblichen, leitenden, redigierenden oder anderen Stellung, in der er die dem deutschen Volk gebotenen Nach- richten wesentlich beeinflussen kann, beschäftigt werden, der jemals erwiesener oder überzeugter Anhänger des Nationalsozialismus, einer rassistischen oder militaristischen Anschauung oder Funktionär- irgendeiner Parteigliederung oder Mitglied irgendeiner Organisation war, die vom Internationalen Militärgerichtshof als verbrecherisch erklärt wurde, es sei denn, daß er für eine solche Anstellung entsprechend registriert oder durch eine Sondererlaubnis des Amtes für Nachrichtenkontrolle zugelassen worden ist.

5. Zugelassenes Quellenmaterial


6. Verantwortlichkeit bei Gebrauch von Quellenmaterial

Bei Benutzung ausländischen Quellenmaterials werden die Lizenzträger für die Einhaltung aller Bestimmungen dieser Richtlinien verantwortlich gemacht. Die Tatsache, daß das Material einer Nachrichtenquelle oder einer Veröffentlichung entstammt, die für die amerikanische Zone Deutschlands zugelassen oder sonst genehmigt ist, befreit in keiner Hinsicht von dieser Verantwortlichkeit. Die Quelle aus der die Nachrichten stammen, ist, mit Ausnahme der Lokalberichterstattung, klar anzuführen. Wenn mehrere Quellen benutzt sind, ist die Quelle eines jeden Teils des Artikels in klarer Form anzugeben. Leitartikel und Kommentare müssen mit dem Namen oder den Initialen des Verfassers gezeichnet sein. Nachrichten, die sich in erster Linie an das Sensationsbedürfnis wenden, dürfen nur in angemessenem Verhältnis zu wichtigen, wenn auch weniger sensationellen Nachrichten gebracht, jedoch nicht überbetont werden.

7. Verletzung der Vorschriften

Ein Lizenzträger kann für Verstöße gegen diese Richtlinien durch zeitweilige Einschränkung oder Stillegung seines Betriebes oder durch Entzug seiner Lizenz bestraft werden. Dies schließt in keiner Weise das Recht der Militärregierung aus, dem Verstoß entsprechende Maßnahmen anderer Art zu ergreifen und weitere Strafen, einschließlich der Geldstrafe oder Haft, zu verhängen.

8. Hierdurch werden alle früher herausgegebenen Richtlinien für Lizenzträger außer Kraft gesetzt.

IM AUFTAGE DER MILITÄRREGIERUNG.

NOVEMBER 1948 - 26 -
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)
Office of the Military Governor
APO 742

AG 010.6 (IC) 3 February 1947

SUBJECT: ACA Directive No. 40

TO Directors, Office of Military Government for Bavaria
Office of Military Government for Greater Hesse
Office of Military Government for Wurttemberg-Baden
Office of Military Government for Bremen
Office of Military Government for Berlin Sector

1. The attached Directive No. 40 of the Allied Control Authority will be implemented as follows:

   a. Par 1 does not alter, but substantially repeats, present U. S. Military Government policy on German information services, as set forth in AG letter AG 000.7 (IC), "Instructions for German Information Services", under date of 30 September 1946.

   b. Par 2a and 2b of ACA Directive No. 40 are to be considered substantially identical in intent with paragraphs 2a, 2b and 2c of AG letter referred to above.

   c. Activities referred to in paragraphs 2c and 2d of ACA Directive No. 40 should be considered as specific examples of actions prohibited under present regulations regarding German information services. Such activities may be prosecuted under Directive No. 40.

   d. Members of German political parties should refrain from making public statements which would be prohibited publication under AG letter referred to above.

2. Violations of this Directive may be prosecuted under Sec 43 of the Military Government Ordinance No. 1 (MGR 23-214). Reports of violations will be channeled through Information Control in cases involving German information services and Civil Administration Division in cases involving members of German political parties. Prosecutions envisaged under this paragraph will be undertaken only after consultation with Office of Military Government for Germany (U.S.).

3. The Military Government Prosecutor in charge of the locality where the offense occurred will initiate proceedings when prosecution is requested by Information Control or Civil Administration Division.
ACA Directive No. 40,
AG 000.6 (IC), CMGUS, 3 February 1947

4. Prosecution by a Military Government Court will be requested only if other sanctions (reprimand, suspension, prohibition of activity, etc.) are considered inadequate.

5. ACA Directive No. 40 should be brought to the attention of representatives of German political parties and full publicity given to it in German press and radio.

6. Further implementing instructions will be issued in the light of subsequent experience.

BY DIRECTION OF THE MILITARY GOVERNOR:

[Signature]

G. E. GARDE
Lieutenant Colonel, AGD
Adjutant General

1 Incl: a/s

NOVEMBER 1948
ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

Directive No. 40

Policy to be followed by German Politicians
and the German Press

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

1. With due consideration to the necessity for maintaining
   military security, the German democratic parties and the German press
   shall be allowed to discuss freely German political problems. Comments
   on the policy of the Occupying Powers in Germany are allowed. The
   publication in the German press of factual information on world events,
   including informative articles taken from the foreign press is also
   allowed.

2. Members of German political parties and the German press must
   refrain from all statements and from the publication or reproduction
   of articles which:

   a. contribute towards the spreading of nationalistic, pan-
      Germanic militarist, fascist or anti-democratic ideas;

   b. spread rumors aimed at disrupting unity amongst the
      allies, or which cause distrust and a hostile attitude on the part of
      the German people towards any of the Occupying Powers;

   c. embody criticism directed against the decisions of the
      Conferences of the Allied Powers on Germany or against the decisions
      of the Control Council;

   d. appeal to Germans to take action against democratic
      measures undertaken by the Commanders-in-Chiefs in their zones.

3. Offenders will be prosecuted for any breach of this Directive.
ANNEX F

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

AG 000-78 (15) 30 September 1948

SUBJECT: Legislation on Freedom of the Press.

TO: Directors, Office of Military Government for Bavaria
Office of Military Government for Hesse
Office of Military Government for Wurttemberg-Baden
Office of Military Government for Bremen

1. The question of licensing political party newspapers has once more been raised for consideration and the decision has been taken not to issue licenses for such political party newspapers. However, US Military Government is now preparing to relinquish its licensing powers in the field of newspapers, books, periodicals and other publications as soon as adequate legislation to protect the freedom of the press has been enacted in the various Länder.

2. The present US Military Government licensing system will be terminated progressively by Länder as acceptable legislation becomes effective. Moreover, it is not contemplated that a German licensing system be instituted when Military Government Licensing ceases. It will then be possible for individuals or groups, such as political parties, labor unions, religious organization or educational bodies to enter the publishing field without the necessity of obtaining a special license to publish.

3. It is, therefore, directed that you consult with the Minister-President in your Land in order to secure the enactment of legislation protecting freedom of the press. Such legislation shall apply to all products of the printing press and shall conform with Military Government policy as follows:

a. Such legislation shall implement the general guarantees of the free press as expressed in Land constitutions and shall exclude the institution of any system of special licensing not required of all other business enterprises.

b. Such legislation shall protect the press from governmental domination or domination by special interests.

c. Such legislation shall guarantee the prerogatives of a free press in obtaining and publishing information of public interest.

d. Such legislation shall guarantee that there be no arbitrary interference by the police or other administrative bodies in the free flow and dissemination of news and printed matter.

e. Such legislation shall specifically exclude the revival of honor courts, press chambers, or other forms of organized press control exercised by the Nazi Regime.

f. Such legislation shall prohibit censorship or control of the content of news and published material except through legal process in the event of a violation of existing laws regarding libel, defamation, fraud, indecency or breach of the peace (Landesfriedensbruch).
4. It is requested that this headquarters be advised of action taken in connection with this letter and that progress be reported weekly to the Director, Information Services Division and Director, Civil Administration Division.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General
ANNEX G
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
APO 742

AG 336 (IC) 1 April 1947

SUBJECT: Interim Procedure for Retention by Property Control of Certain Properties Operated by Information Control Licensees

TO: Directors, Office of Military Government for Bavaria
    Office of Military Government for Hesse
    Office of Military Government for Wurtemberg-Baden
    Office of Military Government for Berlin

Action subject to existing agreements with other occupying powers.

1. The following interim procedure will, until further notice, be followed with respect to retention by Property Control of properties operated by Information Control registrants and licensees which are owned by persons who have been exonerated by demazification tribunals or against whom sanctions have been imposed which did not include confiscation of property.

2. You are hereby authorized and directed to retain in property control custody such owners' property as is operated by licensees of Information Control. You will release in accordance with established procedures, and will not resume custody of such owners' property as is operated by Information Control Registrants (printers, book sellers, cinema and theater operators). Property Control, at Land level, will give prior written notice to Information Control, at Land level, of the release of properties operated by registrants where the owner is exonerated in a demazification proceeding or sanctions are imposed which do not include the confiscation of property.

3. You are hereby further authorized and directed to release to such owners in accordance with established procedures the accrued rentals, profits or other income from property operated by Information Control licensees, such as properly belong to the owners. Future rentals paid by Information Control licensees or other proceeds or income from such properties, properly belonging to such owners, will not be subject, by reason of the custody retained over the property, to property control custody or blocking control.

4. In all cases such owners will pay or assume the payment of the unamortized portion of the cost of all repairs and improvements to and all capital investments in property during the time that such properties were under property control custody or were otherwise operated by or in the interest of Military Government.

       BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. E. Garde

G. E. GARDE
Lieutenant Colonel, AGD
Adjutant General

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ANNEX H
OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
Berlin, Germany
AFO 742

AG 601 (IC) 20 September 1947

SUBJECT: Advance Notice of Amendment to Title 21 -
Procedure for the Retention or Taking of Property Control Custody
of Certain Properties Operated or Required for Operation by
Newspaper Licensees of the Information Control Division.

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

Action subject to existing agreements with other occupying powers.

1. Reference and Rescission:

Letter, OMGUS, "Interim Procedure for Retention by Property Control of
Certain Properties Operated by Information Control Licensees," AG 386 (IC),
1 April 1947, is hereby rescinded.

2. The following procedure will, until further notice, be followed with
respect to the retention or taking of custody by Property Control of properties
operated, or required for operation, by newspaper licensees of the Information
Control Division which are owned by persons not affected by the Law for Liberation
from National Socialism and Militarism or who, being subject to the law, have
been exonerated by demobilization tribunals or have received sentences which did
not include confiscation of property. The property of such an owner will not be
held in property control custody after the execution by such an owner of a voluntary
lease agreement as hereinafter described.

3. A voluntary lease between such an owner and a newspaper licensee of the
Information Control Division is to be preferred over a mandatory lease made between
a property control custodian and a newspaper licensee. You will give every encourage-
ment and opportunity to such owners and newspaper licensees to enter into voluntary
agreements. A mandatory lease will not be transacted until it is clear that a
voluntary lease is unobtainable. However, if no voluntary lease has been concluded
by thirty (30) days after the licensee's first offer to negotiate a lease, then the
presumption arises that the owner has no real intention of concluding a voluntary
lease and a mandatory (involuntary) lease will be concluded forthwith by Military
Government. The terms and conditions of voluntary leases will be determined by
the agreement of the parties to the lease except that the minimum term of the
lease shall be the same as is provided for in the case of mandatory leases. Where
an owner having voluntarily entered into a lease agreement violates the lease in
such substantial manner as to constitute a breach of the contract of lease and as
to justify its rescission, property control custody may be re-asserted over the
property and a mandatory lease thereupon made through a Property Control custodian.

4. You are hereby authorized and directed, whenever it appears that a German
owner, as described in paragraph 2 hereof, is unwilling or unable to enter into
a voluntary lease agreement, to retain or to take into property control custody the
property of such owner that is operated by, or is required for operation by, a news-
paper licensee of the Information Control Division.

5. The duration of a mandatory lease made through a Property Control custodian will be for an initial maximum period of five (5) years beginning from the date of final approval of the lease. Such lease shall provide, however, that if, three months prior to the termination of the lease, the newspaper licensee proves to the satisfaction of Military Government that he has without success made every reasonable effort to obtain other newspaper printing facilities and that such facilities are not available or obtainable under reasonable conditions, considering all the circumstances, then the lease shall be extended for an additional period of three (3) years.

6. A mandatory lease made through a Property Control custodian shall require the payment of a fair rental by the newspaper licensee. The rental rate shall be subject to review and revision in the light of changing economy and financial conditions at the close of each 12-month period, starting with the effective date of the lease and in case of a major change, such as the introduction of a new currency, as soon as practicable after such major change takes place. The rental rate shall be fixed in conformity with applicable local ordinances or regulations of the community in which the property in question is located by mutual agreement between the parties concerned or, if they are unable to agree, by such non-judicial body or agency, consisting of persons experienced and skilled in business and commerce, which normally performs arbitration services in business and commercial disputes, or by such other methods as may be designated by Military Government.

7. In cities where only one newspaper printing plant is available and more than one Information Control newspaper licensee is established, all newspaper licensees shall have equal printing privileges or equal opportunities of management and control of the property. This shall be accomplished by either of the following methods:

a. The property shall be directly managed and operated by the Property Control custodian who will print the newspapers of the licensees upon a job contract basis. The custodian will grant equal treatment to all newspaper licensees and will fully perform his contract with such licensees before doing printing work for others.

b. The property shall be managed and operated by an independent printer who will lease the property from the Property Control custodian upon the same conditions as is provided for in the case of other mandatory leases. The independent printer shall print the papers of the newspaper licensees upon a job contract basis. The terms of the printer's lease will be such that he will be required to grant equal treatment to all newspaper licensees and to fully perform his contracts with such licensees before undertaking printing work for others.

c. The newspaper licensees will join together in the formation of a printing company or partnership in which they will all have equal capital participation. The printing company will lease the property from the Property Control custodian upon the same terms as provided for in the case of other mandatory leases.

8. The property in question may in some instances consist primarily of printing equipment suitable for general contract printing and only secondarily and in a minor part, consist of equipment suitable for the printing of a newspaper. Where that part of the equipment for newspaper printing is thus relatively small compared to that part of the equipment devoted to general printing, the owner may be allowed to remain in possession of the property and given opportunity to contract with the licensees for the printing of the newspaper on a job contract basis. Such a contract will be subject to the same conditions as apply herein to voluntary leases.

9. All mandatory leases shall contain a stipulation to the fact that the lease may be cancelled by the authority of Military Government at any time without prior notice.

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10. Where the property of an owner, described in paragraph 2 hereof, is held in property control custody solely for the purpose of making such property available through a mandatory lease to a newspaper licensee of the Information Control Division, all accrued rentals or other income, such as property belong to the owner, shall be released to such owner. Future rentals paid by the Information Control Division licensee or other proceeds or income from such property properly belonging to the owner, will not be subject, by reason of the custody of the property, to being retained in property control custody or to blocking control under Military Government Law No. 52.

11. Upon expiration or termination of a mandatory lease the owner will pay or assume the payment of the unamortized cost of all repairs and improvements to and all capital investments in the property during such time that the property was under property control custody. All fixtures added to the property and all replacements of machines and other equipment or facilities made by the newspaper licensee shall revert to, and become the property of, the owner. All mandatory leases shall contain provisions to this effect. This letter is advance notice of amendment to Title 21.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948
AMT DER MILITÄRREGIERUNG FÜR DEUTSCHLAND (U.S.)
Amt des Militärgouverneurs
Berlin, Deutschland
APO 742

Aktenzeichen AG 601 (IC) 20. September 1947

BETRIFFT: Vorauskündigung der Revision des Titel 21 - Verfahren fuer die Beibehaltung oder Einführung der Verwaltung durch das Amt fuer Vermogenkontrolle (Property Control) hinsichtlich gewisser Vermögenswerte, die fuer Betriebe von Zeitungslizenzsträgern der Information Control Division gebraucht werden oder erforderlich sind.

AN: die Leitung der folgenden Aemter:

Amt der Militärregierung fuer Bayern
Amt der Militärregierung fuer Württemberg-Baden
Amt der Militärregierung fuer Nassau
Amt der Militärregierung fuer Bremen
Amt der Militärregierung fuer den Sektor von Berlin

*Etwaige Massnahmen erfolgen unter Berücksichtigung bestehender Vereinbarungen mit anderen Besetzungsmaechten.

1. Besprechung und Aufhebung:


2. Das nachstehend beschriebene Verfahren findet bis auf weiteres auf die Beibehaltung oder Einführung der Verwaltung durch das Amt fuer Vermogenskontrolle (Property Control) hinsichtlich solcher Vermögenswerte Anwendung, die fuer Betriebe von Zeitungslizenzsträgern der Information Control Division gebraucht werden oder erforderlich sind, und die Personen gehoeren, welche nicht durch das Gesetz fuer die Befreiung von Nationalsozialismus und Militarismus betroffen sind oder die zwar von diesem Gesetz betroffen sind, aber durch eine Sonderkammer entlastet oder im Urteil nicht zur Vermögenserschliessung verurteilt worden sind. Vermögen derartiger Eigenhuemer ist der Verwaltung durch das Amt fuer Vermogenskontrolle nicht mehr unterworfen, sobald der betreffende Eigenhuemer eine freiwillige Pachtverei

Zwangsvertrag vorgesehen ist. Verletzt ein Eigentümer, der eine freiwillige Verpachtung abgeschlossen hat, den Pachtvertrag so erheblich, dass dies einer Verletzung des Pachtvertrages gleichkommt und dessen Aufhebung rechtfertigt, so kann der Vermögensgegenstand wieder unter die Verwaltung durch das Amt für Vermögenskontrolle gestellt und daraufhin ein Zwangsvertrag durch einen Treuhaber des Amtes für Vermögenskontrolle abgeschlossen werden.

4. Sie werden hiermit erneut erachtet und angewiesen, in allen Fällen, in denen ein in Absatz 2 beschriebener deutscher Eigentümer nicht bereit oder in der Lage ist, einen freiwilligen Pachtvertrag abzuschliessen, sein Vermögen, soweit es für Betriebe von Zeitungslizensträgern der Information Control Division gebraucht wird oder erforderlich ist, unter Verwaltung durch das Amt für Vermögenskontrolle zu belassen oder zu stellen.


7. In Staaten, in denen nur eine Anlage für den Druck von Zeitungen zur Verfügung steht, oder mehr als eine Zeitungslizensträger der ICD eine Niederlassung hat, sollen alle Zeitungslizensträger die gleichen Druckrechte und die gleichen Möglichkeiten für die Ausübung ihres Gewerbes und der Kontrolle der betreffenden Anlage haben. Dies ist durch eine der folgenden Methoden zu bewirken:

- Die Anlage wird unmittelbar von dem Treuhaber des Amtes für Vermögenskontrolle verwaltet und betrieben; dieser druckt die Zeitungen der Lizensträger auf Grund eines Werkvertrages.
- Der Treuhaber muss allen Zeitungslizensträgern die gleiche Behandlung zuteil werden lassen und muss vor der Übernahme von Druckarbeiten für andere Personen zuzüglich seine vertragliche Verpflichtung gegenüber den Lizensträgern voll und ganz erfüllen.

Die Zeitungsleihmänner schliessen sich zu einer Druckereigesellschaft oder -gemeinschaft mit einem fuer alle Partner gleichen Kapitalanteil zusammen. Die Druckereigellschaft hat die Anlage von dem Treuhander des Amtes fuer Vermoegenskontrolle zu den fuer andere Zwangsverpachtungen geltenden Bedingungen zu pechten.


10. In Fallen, in denen sich das Vermoegen eines in Absatz 2 beschriebenen Eigentumers nur deshalb unter der Verwaltung des Amtes fuer Vermoegenskontrolle befindet, damit es im Wege der Zwangsverpachtung einem Zeitungsleihmester der Information Control Division zur Verwendung gestattet werden kann, sind alle auf Grund dieser Pacht faellige Pachtnahmen und sonstige dem Eigentumer rechtmassig zustehende Ertrage diesem freizugeben. Die Tatsache, dass der Vermoegengegenstand einen Treuhander untersteht, bewirkt als solche nicht, dass kunstliche Pachtzahlungen des Zeitungsleihmesters der Information Control Division sowie sonstige Erlasse oder Ertrage des betreffenden Vermoegensgegenstandes, welche dem Eigentumer rechtmassig zustehen, der Verwaltung durch das Amt fuer Vermoegenskontrolle oder der Beschlagnahme gemass Gesetz Nr. 82 der Militaerregierung unterliegen.


AUF ABWEISUNG DES MILITAERGOVERNURS:

(rgd) G. K. Garde

G. K. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1946

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ANNEX I

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

AG 000.76 (III)

SUBJECT: Leases in Behalf of US Licensed Newspaper Publishers

TO: Directors, Office of Military Government for Bavaria
    Office of Military Government for Wurttemberg-Baden
    Office of Military Government for Hesse
    Office of Military Government for Brunsen
    Office of Military Government for Berlin Sector

1. Reference and reaffirmation:

   Letter, GAGSUS, "Advance Notice of Amendment to Title 21 - Procedure
   for the Retention or Taking of Property Control Custody of Certain Properties
   Operated or Required for Operation by Newspaper Licensees of the
   Information Control Division," AG 601 (III), 20 September 1947 is hereby reaffirmed.

2. Whereas it was specifically provided in subject AG Letter that a
   mandatory (involuntary) lease was to be concluded by Military Government in
   instances when a voluntary lease had not been concluded by thirty (30) days
   after the licensee's first offer to negotiate a lease (Paragraph 3), the con-
   clusion of such leases has in many instances been unduly delayed.

3. You are hereby authorized and directed to initiate such action as may
   be necessary in order to execute all leases pending in your Land in connection
   with subject AG Letter by 31 January 1949. It is understood that execution of
   certain of the pending leases has been delayed because denazification proceedings
   against owners of the properties involved have not yet been concluded. You are
   hereby instructed that subject AG Letter of 20 September 1947 is to apply to
   such cases, and mandatory leases are to be executed forthwith in such cases, within
   the terms of subject AG Letter, unless voluntary leases can be obtained. Voluntary
   leases in pending cases involving owners against whom denazification proceedings
   have not yet been concluded, will be entered into by the custodian with the written
   approval and ratification by the owner of the terms of the lease. This provision
   will not prejudice or affect the validity of leases already entered into in

4. The authority to take properties into custody, contained in AG Letter
   601, will not be exercised after 31 January 1949. Thereafter, no properties
   will be taken into custody for the sole purpose of executing a lease with a
   newspaper licensee. In the interim, until 31 January 1949, with the exception
   of properties operated or required for operation by newspapers already licensed
   by Information Services Division, no properties shall be taken into custody for
   such purpose.

BY DIRECTION OF THE MILITARY GOVERNOR:

(agg) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948

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