

Name: LAMMERS, Dr.Hans-Heinrich Reichsminister	ZS Nr. 353	Bd. II	Vermerk:
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Exhibit 43

Interrogation of DR. HANS-KRISTIAN LAMMERS, Chief of the Reich Chancery, at Ashcan Interrogation Center, 22 July 1945.

LAMMERS, an old civil servant and expert on constitutional law, was Hitler's mentor in administrative matters and more or less took over the functions of Reich Chancellor after Hitler became the Chief of State. His notes on government, administration, and legislation can therefore be considered as authoritative.

NOTES ON GOVERNMENT, ADMINISTRATION, AND LEGISLATION
DURING THE WAR
 (Emphasizing Jurisdiction and Responsibility)

I. THE REICH CABINET (REICHSKABINETT)

The Cabinet was never convoked by the Fuehrer during the war, neither to advise and decide, nor to receive information or to hear about new policies from the Fuehrer. The Cabinet held its last meeting Nov 37. In early Feb 38 there was a last brief conference of ministers, which was informed by the Fuehrer of personnel changes (particularly the Army). Legislation by the Cabinet was done in writing, except where it had been replaced by other methods of legislation (such as decrees of the Ministerial Council for National Defense, Fuehrer Decrees, etc.)

II. CONSOLIDATION OF THE ACTIVITIES OF SEVERAL DEPARTMENTS UNDER PLENIPOTENTIARIES GENERAL (GENERALBEVOLLMAECHTIGTE).

In the interest of tighter control of government and administration, some Reich Departments were consolidated under one head at the outbreak of the war. The following consolidations occurred:

1. Under the Plenipotentiary General for Administration (GBV - GENERALBEVOLLMAECHTIGTER FUER DIE VERWALTUNG) were to operate: The Reich Ministers of the Interior, of Justice, of Science, Education, Popular Instruction, & of Church Affairs, and the National Zoning Office (REICHSTELLE FUER RAUMORDNUNG). The Minister of the Interior was GBV.

2. Under the Plenipotentiary General for Economics (GBW - GENERALBEVOLLMAECHTIGTER FUER DIE WIRTSCHAFT) were to operate: the Reich Minister of Economics, the Reichsbank, the Reich Ministers of Labor and of Food and Agriculture, the Reich Forestry Office, the Reich Minister of Finance (as far as war financing was concerned),

and the Reich Minister of Transportation (as far as civilian traffic was concerned). The Minister of Economy was GBW.

3. Under the Chief of the OKW were to operate, for military traffic only, the Reich Minister of Transportation and the Reich Postal Minister.

4. The Ministries of Foreign Affairs, of Popular Enlightenment and Propaganda, and of Finance, except for war financing, remained independent.

III. MINISTERIAL COUNCIL FOR NATIONAL DEFENSE (MINISTERRAT FUER DIE REICHSVERTeidIGUNG)

A Fuehrer decree created this Council at the outbreak of the war; it consisted of

- Reich Marshal Goering, chairman
- Deputy of the Fuehrer Hesse, later replaced by the Chief of the Party Chancery, Bormann
- the Plenipotentiary General for Administration
- the Plenipotentiary General for Economics
- the Chief of the OKW
- the Chief of the Reich Chancery, as executive member (geschaeftsfuehrendes Mitglied)

The Council's main task was the issue of legislative decrees. Unlike the Cabinet, this Council did not depend on the chairmanship of the Fuehrer; it was hoped that the small number of its members would expedite the creation of laws as required by the war. I, as Chief of the Reich Chancery, was appointed executive secretary (Geschaeftsfuehrer) of the Council, because in the Cabinet, I also had to look after the formal procedure of legislation, and I could maintain liaison with the Cabinet and the Fuehrer. During the first six or eight weeks of war, the Council met several times, did profitable work, and issued numerous decrees required by the outbreak of war, which also proves that the civilian Departments had not expected the outbreak. Otherwise these decrees could and would have been prepared already. The described meetings of the Council did not concern themselves with major political questions; it especially abstained from major questions of foreign policy. Incidentally, the Fuehrer left the Foreign Minister out of the Council advisedly, as he thought it unnecessary to include him, and held it sufficient to have him consulted in topics which touched on foreign policy. (See also IV "Secret Cabinet Council" below). The same applied to the

field of propaganda. No purely military questions were considered by the Council. Only the chairman was authorized to convene the Council. During the later course of the War the Council did not meet. In its stead, however, the chairman convened several meetings of the members of the Council with large numbers of representatives of the government, party, and business; these meetings, however, were not fit to replace meetings of the Council, and were abandoned after some time. The Council held its last meeting Dec. 39. From then on the Council exercised its legislative powers only in writing; but even that was limited, as the Fuehrer did not like legislation by the Council and turned to more and more frequent regulation of war-essential problems through Fuehrer decree; the Council's procedure in writing was too slow and dragging, and often did not satisfy war requirements.

The Chairman of the Council (Goering) had no personal decree power by virtue of that office. However, he was able to take care himself of many tasks fit for consideration by the council, since he was simultaneously Commissioner for the Four Year Plan and thus had extensive decreeing and directive power over agencies of the government and Party. These extensive full powers of the Commissioner for the Four Year Plan also prevented the office and duties of the Plenipotentiary General for Economics from having effect from the very beginning, and made them illusory. The office of Plenipotentiary General for Economics, as described under II, 2, above, was deprived of all significance by the authority of the Commissioner for the Four Year Plan to give instructions to the ministries concerned either personally or through his subordinate Commissioners General of the various business fields. The Commissioner for the Four Year Plan thus could countermand instructions of the Plenipotentiary General for Economics (FUNK), and he could even give the latter instructions in the latter's capacity of Reich Minister of Economics, and President of the Reichsbank. FUNK, however, had no influence over the Four Year Plan. The possible emergency solution to appoint the Plenipotentiary General for Economics simultaneously Deputy Commissioner for the Four Year Plan was unattainable; as early as late 1939 it became therefore necessary to restrict the jurisdiction of the Plenipotentiary General for Economics to the two fields of the Minister of Economics and of the President of the Reichsbank; but FUNK enjoyed that jurisdiction anyway, since he himself was the Minister of Economics and President of the Reichsbank. The balance of the former jurisdiction of the GEW was transferred to the Four Year Plan. The office of the GEW thus virtually ceased to exist, although it was never expressly abolished, and continued a formal existence.

IV. SECRET CABINET COUNCIL (GEHEIMER KABINETTSRAT)

It was created 1938 by a Fuehrer decree published in the Reich Law Gazette. Its chairman was VON NEURATH, who had just been relieved from the office of Foreign Minister. The council was to advise the Fuehrer in foreign policy. Only the Fuehrer had authority to convene it. He never did.

V. ENCROACHMENT UPON GOVERNMENTAL AND ADMINISTRATIVE JURISDICTION THROUGH THE APPOINTMENT OF SPECIAL COMMISSIONERS (SONDERBEVOLLMAECHTIGTE), ETC.

The Fuehrer had a tendency to eliminate the competent Reich ministers from certain fields which were close to his heart, and to appoint Reich Commissioners, Reich Plenipotentiaries, Plenipotentiaries General, Inspectors General, etc. True, this was appropriate to the attainment of specific purposes in certain cases - e. g., the appointment of an Inspector General for the Construction of Super-Highways (TODT), or of a Construction Inspector General for the National Capital (SPEER). Yet these appointments had unpleasant results in one respect, particularly as their number grew during the course of the war. In spite of many an advantage, they disturbed the smooth operation of the governmental and administrative machinery, and caused many intense jurisdictional disputes; for the assignments of the special commissioners usually cut across the jurisdictions of several ministers and finally responsibilities were shifted; clear jurisdictional boundaries were missing, sometimes impossible to establish. Furthermore, the special commissioners were usually directly subordinate to the Fuehrer and therefore thought they were above the need for acting in accord with the minister concerned. They were indeed in a position to do that, because they had regular access to the Fuehrer, which most of the ministers did not have. It is therefore obvious that the shifts in responsibility and jurisdiction which accompanied the appointment of special plenipotentiaries were really known only to the initiated; they were never sufficiently apparent to the outsider. Thus it is small wonder that the occupying Allied powers blame responsibilities on former German governmental and administrative agencies, where such responsibilities do not belong. Furthermore, shifts of authority and jurisdiction between the various agencies also occurred without simultaneous appointment of a special plenipotentiary; these were even less apparent to the outsider; they were clear only to the initiated, who knew or suspected, that the man who was de iure in charge was faced with a competitor, usually more influential than the man in charge. These statements on special commissioners and competitors can be illustrated by the following examples, which could be continued at will.

The crassest example of a de facto shift in authority is the relation of the Reich Minister of the Interior and the Chief of German Police, at the time when the two offices were held by distinct persons, Dr. Frick and Heinrich Himmler, respectively. Whereas, the police is fundamentally an annex of the interior administration, and its only and integral executive instrument, the German police became an increasingly independent power in the administration from the moment of Himmler's appointment to Chief of German Police.

It finally gained such independence that it stood actually above the interior administration, and could give the latter guiding rules and instructions. Thus the Reich Minister of the Interior, Dr. Frick, had actually lost control over the police. For the outsider, however, Himmler still appeared as a State Secretary in the Ministry of the Interior, i. e., a subordinate of Dr. Frick. In reality he was independent of and even more powerful than Frick. This development was desired and welcomed by the Fuehrer. On several occasions, when Himmler and Dr. Frick had differences of opinion, the Fuehrer had me pass the instruction to Frick not to concern himself with police matters, which were in Himmler's well-qualified hands; Frick should abstain from restricting Himmler's activity. The Fuehrer did, however, not follow up with the corresponding outward action of establishment of a separate Ministry of Police or Security, headed by Himmler.

The case of the GBW described above likewise shows how a position of authority appeared in existence to the outside world, whereas it did not exist at all; for the GBW had lost his essential privileges to the Commissioner for the Four Year Plan; in fact, the GBW never came into possession of these privileges.

In the field of jurisdiction of the Reich Minister for Science, Education, and Popular Instruction, matters pertaining to text books were entrusted to the Chief of the Fuehrer's Chancery of the NSDAP, Reichsleiter BOUHLER. This although text books are certainly an integral part of school curriculums, and every outsider thinks the Minister of Education is responsible for them.

The Reich Minister for Church Affairs was deprived of all influence on church affairs of the annexed and occupied territories; they were handled by the territory's administrative chief or Gauleiter and the Chief of the Party Chancery.

The duties of the Reich Commissioner for the Strengthening of Germanism (REICHSKOMMISSAR ZUR FESTIGUNG DES DEUTSCHEN VOLKSTUMS), Himmler, cut across those of several ministers, particularly those of the Minister of the Interior and the Minister of Food and Agriculture.

The activities of the Reich Commissioner for Health and Medical Services continually overlapped and blurred the boundaries of jurisdiction and responsibility of the Reich Ministries of the Interior (Department Health), of Labor (Health Insurance), of Science, Education, and Popular Instruction (Appointments to Medical Schools), and others.

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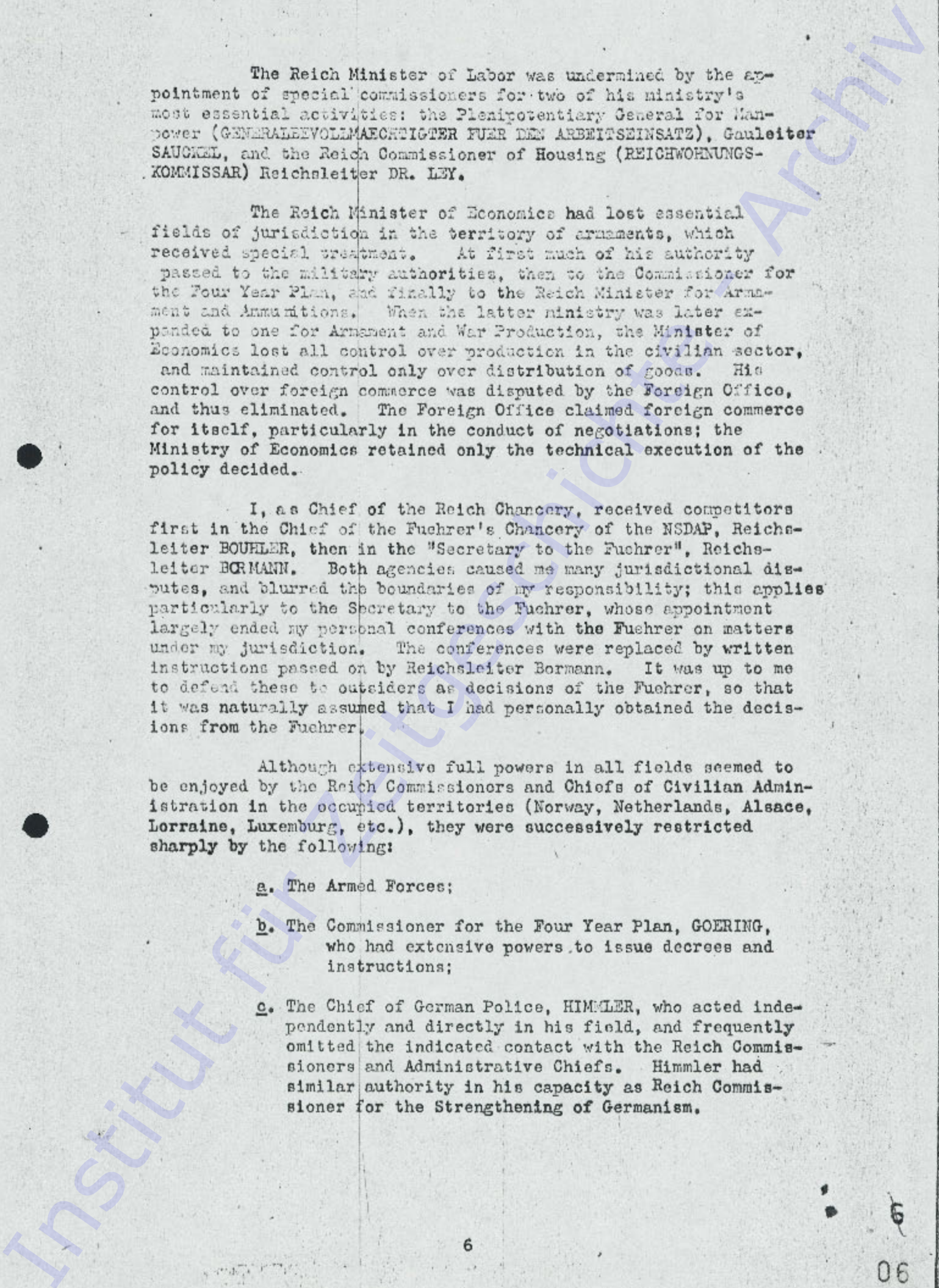
The Reich Minister of Labor was undermined by the appointment of special commissioners for two of his ministry's most essential activities: the Plenipotentiary General for Manpower (GENERALBEVOLLMACHTIGTER FUER DEN ARBEITSEINSATZ), Gauleiter SAUCKEL, and the Reich Commissioner of Housing (REICHWOHNUNGS-KOMMISSAR) Reichsleiter DR. LEY.

The Reich Minister of Economics had lost essential fields of jurisdiction in the territory of armaments, which received special treatment. At first much of his authority passed to the military authorities, then to the Commissioner for the Four Year Plan, and finally to the Reich Minister for Armament and Ammunitions. When the latter ministry was later expanded to one for Armament and War Production, the Minister of Economics lost all control over production in the civilian sector, and maintained control only over distribution of goods. His control over foreign commerce was disputed by the Foreign Office, and thus eliminated. The Foreign Office claimed foreign commerce for itself, particularly in the conduct of negotiations; the Ministry of Economics retained only the technical execution of the policy decided.

I, as Chief of the Reich Chancery, received competitors first in the Chief of the Fuehrer's Chancery of the NSDAP, Reichsleiter BOEHLER, then in the "Secretary to the Fuehrer", Reichsleiter BORMANN. Both agencies caused me many jurisdictional disputes, and blurred the boundaries of my responsibility; this applies particularly to the Secretary to the Fuehrer, whose appointment largely ended my personal conferences with the Fuehrer on matters under my jurisdiction. The conferences were replaced by written instructions passed on by Reichsleiter Bormann. It was up to me to defend these to outsiders as decisions of the Fuehrer, so that it was naturally assumed that I had personally obtained the decisions from the Fuehrer.

Although extensive full powers in all fields seemed to be enjoyed by the Reich Commissioners and Chiefs of Civilian Administration in the occupied territories (Norway, Netherlands, Alsace, Lorraine, Luxemburg, etc.), they were successively restricted sharply by the following:

- a. The Armed Forces;
- b. The Commissioner for the Four Year Plan, GOERING, who had extensive powers to issue decrees and instructions;
- c. The Chief of German Police, HIMMLER, who acted independently and directly in his field, and frequently omitted the indicated contact with the Reich Commissioners and Administrative Chiefs. Himmler had similar authority in his capacity as Reich Commissioner for the Strengthening of Germanism.



- d. The Plenipotentiary General for Manpower, SAUCKEL, also operated independently in such territories, and often without contact with the Reich Commissioners and Administrative Chiefs.
- e. Reich Minister SPEER, for technological problems of railroads and postal service.

In all these matters the Reich Commissioner or Chief of the Civil Administration concerned had no competence or responsibility. On the other hand, they were directly subordinate to the Fuehrer and thus independent of the Central Reich Authorities; the latter could put through their measures (required in the interest of the whole German sphere of power) only after negotiations with the Reich Commissioners or Administrative Chiefs, or by express order of the Fuehrer.

What has just been said about the occupied western territories applies in like measure to the occupied eastern territories, which were consolidated under the Reich Minister of the Occupied Eastern Territories, ROSENBERG. His competence and responsibility were generally subject to the same restrictions as those of the Reich Commissioners or Chiefs of Civil Administration elsewhere.

But even in cases where the Fuehrer did publish his withdrawal of authority from a high official, he often allowed the official to retain not only the title of his rank, but also the designation of his former office. After control over the Ministry of Food and Agriculture had been withdrawn from Reich Minister Darre, the latter remained nevertheless "Reich Minister for Food and Agriculture." State Secretary BACKE was appointed Reich Minister in charge of the Ministry of Food and Agriculture. It would have seemed more natural to appoint BACKE Reich Minister for Food and Agriculture, and to change DARRE'S title to "Reich Minister without Portfolio." Reich Minister von NEURATH retained the title of Reichsprotector for two years, although the office was operated by the Deputy Reichsprotectors HEYDRICH and DALUEGE. Von NEURATH was relieved of his office only when DR. FRICK was appointed REICHS-PROTEKTOR. In these cases, however, jurisdiction and responsibility were made clear to the outside.

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SOURCE : Dr. Hans Heinrich LAMMERS, Chief of the Reich Chancellery, Secretary of the Secret Cabinet Council and of the Ministerial Council for Reich Defense.
DATE : 25 July 1945
PLACE : Ashcan (PWE 32)
INTERROGATOR : Lt. Col. O. J. HALE

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September 1958.

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I. DUAL OFFICE HOLDING - PARTY AND STATE

QUESTION: Did Party administration officers always correspond to Government administration officers at the level of the Kreis and above?

LAMMERS: No, not if you have in mind a personal union. The Führer always maintained a theoretical standpoint on this matter. The Party was dynamic and comprehended the political elements. The State was an official administrative apparatus, somewhat in the nature of a fixed pole. Hitler desired a separation of the two. The government official was the administrator. That was especially the fact in the lower agencies, but naturally not in the higher positions. The Gauleiters, who headed the Party administration, at the same time occupied the posts of Oberpräsidenten. In practice the separation of powers was not maintained, for the Party agencies acquired eighty per cent of the administrative powers. The State administration was more and more restricted. The highest personal union was represented by the Führer himself, who was head of the State, the Party and Supreme Commander of the Wehrmacht. Also in the appointment and functions of the Reich Defense Commissioners the separation was not maintained as eventually the Gauleiters acquired the posts of Defense Commissioners. At the beginning of the Nazi regime the maintenance of channels was observed but this was disregarded more and more with the passing of time.

The channel of authority for the State administration was: Landrat, Oberpräsident, the Minister of Interior, and then to me and then to the Führer. On the Party side it was Kreisleiter, Gauleiter, Party Chancellery, to the Führer. However, more and more official matters passed through the Party channels direct to the Führer. The administration was progressively thrust aside. In my post as Chief of the Reich Chancellery I saw less and less of the Führer. At first I reported direct to him almost daily. Later not more than once every six or eight weeks. This trend was more marked as Bormann was appointed Secretary to the Führer, at the end of 1942, in addition to his post of Chief of the Party Chancellery. The Führer made all important decisions, almost completely excluding the State. When Bormann informed me that the Volkssturm would be a Party matter, I replied that then the entire war was a Party affair.

II. REMOVAL OF THE RAD FROM THE MINISTRY OF THE INTERIOR

QUESTION: Why was the RAD removed from the jurisdiction of the Ministry of the Interior when Himmler succeeded Frick in August 1943?

LAMMERS: The RAD enjoyed great popularity in Germany. One never heard complaints or criticisms of the RAD. Hierl had built up the organization and de facto it was autonomous. The Führer valued Hierl highly. Hence his appointment to Reichsminister in August 1943 and the immediate subordination of the RAD to the Führer. In my opinion the Führer did not want to place the 70-year-old Hierl under the authority of Himmler. Hence the change.

III. PARTY MEMBERSHIP AND HIGHER STATE OFFICIALS

QUESTION: Were all higher State Officials without exception active Party members?

LAMMERS: Practically, yes. Higher officials could be divided into three groups on the basis of their relation to the Party. First, many old Party leaders were appointed to the higher State posts. Second, many of the old experienced officials joined the Party. Third, the younger officials were chosen from the ranks of the Party organizations, particularly from the HJ.

IV. ADMINISTRATIVE DEVELOPMENTS DURING THE WAR

QUESTION: In your opinion what were the outstanding developments in the administrative apparatus during the war?

LAMMERS: At first the policy was to simplify administration, but there was far more improvisation than organization. This manifested itself in the appointment of many Special Plenipotentiaries (Sonderbevollmächtigten) and General Plenipotentiaries (Generalbevollmächtigten). This system severely affected the entire administrative machinery. Most of the Ministries were shorn of their power as the Plenipotentiaries were directly responsible to Hitler. There was constant friction between Ministers and Plenipotentiaries and oftentimes a bitter fight. I naturally agree that appointment of some of the Plenipotentiaries was an absolute necessity in order to speed up the work. Such were the appointments of Sauckel as Plenipotentiary for Manpower and Dr. Ley for Housing. The most absurd situation was created by the appointment of Bouhler as Special Plenipotentiary for school books, while the authority over courses of study remained with the Minister of Education. Officials did not know whether to follow the directives of one or the other. The Special Plenipotentiary for Public Health and Hygiene was in constant conflict with the Ministry of the Interior. Most of the Plenipotentiaries found that they could not perform their assigned tasks without skilled and experienced personnel, so the regular ministries were deprived of their ablest administrators. An example of an important measure of reorganization that failed or became misdirected is afforded by the appointment of General Plenipotentiaries for administration, national economy, and transport and postal services. This consisted in grouping Reich agencies with related functions under one head with a view to procuring prompt and speedy action. Three Plenipotentiaries were appointed:

- 1) General Plenipotentiary for Administration:
 Ministry of the Interior.
 Ministry of Justice.
 Ministry of Education.
- 2) General Plenipotentiary for Economy:
 Ministry of Economy
 Reichsbank
 Ministry of Labor
 Ministry of Agriculture
- 3) Supreme Command of the Armed Forces:
 Transport and Postal Services.

The Führer omitted on purpose the Foreign Ministry and the Propaganda Ministry. In practice this system of General Plenipotentiaries did not work. The Plenipotentiary for the Four Year Plan had such comprehensive powers that he could do as he wished,

with or without the concurrence of the General Plenipotentiary for Economy. Moreover, the President of the Reichsbank was at the same time Minister of Economy. Further, Speer as minister of Armaments and later as Minister of Armaments and Production reported direct to Hitler.

Another development during the war was the disappearance of the Cabinet as a functioning institution. After November 1937, the Cabinet met only once in 1938, for the formal purpose of announcing changes in the ministries. After that as Chief of the Chancellery I had to deal formally by correspondence with the separate ministries. This greatly increased the work and made the government apparatus more ineffective. I repeatedly requested Hitler to call the Cabinet but the request was always rejected. Only once again it convened to hear a report on the military situation. All ministers found the session valueless, for Goebbels gave not a report but a speech, which would have been more appropriate for the Sportpalast than for the Ministerial Council.

While the Cabinet never met and the Ministers were uninformed of policy decisions, the Führer called his Gauleiters together regularly. Except indirectly we never knew what was discussed and ordered at these conferences. The authority of the Gauleiters grew steadily, especially as Hitler accorded them the rank and pay of Ministers.

In questions of foreign policy the Reich Cabinet was never asked for advice—Austria, Sudetenland, Prague, etc.—and no Cabinet decisions preceded these actions. It was a principle of the Totalitarian state that the wishes of the Führer were decisive.

Similarly the Reich Defense Council, which was established as a policy and law making authority in the field of domestic war administration was reduced in power and such measures were handled more and more by means of Führer decrees and regulations.

V. PERSONNEL APPOINTMENTS IN STATE ADMINISTRATION

QUESTION: How were appointments in the higher administrative posts affected by Nazi Policies?

LAMMERS: Before 1933 all such appointments and promotions were discussed and approved by the Cabinet. In this field the Cabinet continued to function through 1933. Later, however, the Party claimed and exercised the right to reject appointments and promotions on the basis of the candidate's political reliability and Party membership. The Party then went a step further and proposed their candidates. Often when a politically acceptable appointment was proposed, the Party Chancellery would reply: "Oh no, we have another man for the job". I always opposed this procedure and spoke against it, but the situation became more and more difficult. When I made a nomination I considered the man's qualifications for the post. But not so the Party.

QUESTION: Under such conditions did not the quality of the technical administration decline?

LAMMERS: I can't speak categorically. But I must say that in general the administration stood the test. We had many Gauleiters who were very able. As for the others, when a Gauleiter was not up to his job he was smart enough to get an able deputy to carry on the technical administration.

VI. Relations to Bormann and Hitler.

QUESTION: Were you always able to work with Bormann without friction?

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LAMMERS: I was able to work in accord with Bormann. I saw him quite frequently. Our relations were official and not personal. As chief of the Reich Chancellery I was in a difficult position. I represented the State Ministries and had to work closely with the Party. The Party could interfere in my business but I could not interfere in Party affairs. Toward the end of the regime my relation with Bormann deteriorated. In the last eight months I did not see him personally, but transacted my business with him in writing. It became impossible for me to see the Führer. I made my last report to Hitler on 24 Sept 1944 and saw him for the last time on 27 March 1945 when he allowed me fifteen minutes to settle all the business requiring his attention.

QUESTION: What then were your relations to Hitler?

LAMMERS: I met Hitler first in 1922 when he made a speech in Berlin. On 29 Jan 1933, he called me and asked me to take the post of State Secretary in the Reich Chancellery. My personal relations with him were good and I saw him daily during the early years of the regime. After Hindenburg's death he appointed me Chief of the Reich Chancellery and in 1937 I was appointed Reich Minister. That did not change my position greatly. I was essentially the middleman between the Führer and the Cabinet. At the great meetings and in diplomatic conferences I was never present. I was not at Godesberg or at Munich.

In all matters generally the Führer was quick in decision. He also possessed quick faculties of comprehension. And yet he had a strong tendency to let things slide (auf die lange bank zu schieben). In later years my office did not control the Führer's appointments. He called whom he wished, mainly through his adjutant. When I wanted to report to him I often had to wait two or three days. The Führer disliked paper work and transacted most of his business orally. He would expect me to present the most complicated matters of legislation in fifteen minutes. Hitler worked hard. He was occupied almost the entire day and the greater part of the night. He customarily slept one or two hours during the day and then worked through the night until three or four in the morning. I always made my reports during the day.

QUESTION: Excluding Hitler who, in your opinion, was the ablest man in the Regime?

LAMMERS: That is a difficult question. I really can't think of anyone. Göring was of course very able, but he was more a man of action. There was no one abler than Hitler. There was no one among his subordinates who could have been more active and vigorous in expressing his views. Such a man would not have remained in his position long.

QUESTION: Does not Hitler in his temperament remind you of Kaiser Wilhelm II?

LAMMERS: Yes, that is true. He reminded me often of the last Kaiser. Hitler was very changeable. He could turn in a moment from easy good humor to utter harshness. Even when he was hearing reports he insisted on doing most of the talking and he would always maintain that he was right and never mistaken. However, he was not always that way, so the comparison with the Kaiser is not entirely correct.

VII Separation of Party and Administrative Posts.

QUESTION: Why was the personal unions of Party and State offices at the levels of Kreis and Stadt separated by decree in the spring of 1945?

LAMMERS: This was Bormann's work but not for reasons that are apparent at first sight. A personal union was sometimes a means of avoiding the pressure of the Party Chancellery. For example, when a Landrat was at the same time the Kreisleiter he had two channels through which he could operate. When he preferred to operate through official State channels with my office he could do so as Landrat. When he chose to deal with Bormann's office he operated as a Kreisleiter. However when the offices were separate, a strong Kreisleiter could hold the reins on a Landrat and make the authority of the Party and the Party Chancellery more effective. Bormann had been moving in this direction for some time and only achieved his purpose toward the end of the regime.

VIII. REORGANIZATION OF GOVERNMENT AND PARTY DISTRICTS

QUESTION: Did the geographical boundaries of the Party Kreis always correspond to those of the government Kreis?

LAMMERS: In most instances they did. In large cities, however, the Stadtkreis would be divided into several Party Kreise. In some instances in rural areas several Landkreise might form but a single Party Kreis.

QUESTION: What were the considerations and the circumstances of the reorganization of the Government Districts (Regierungsbezirke) and the Party Gaue of Hessen-Nassau and the Province of Saxony?

LAMMERS: The boundaries of the Party Gaue, which corresponded in general with the boundaries of the Reichstageelectoral districts before 1933, were not the same as those of the Prussian provinces. Thus the Prussian provinces of Hessen-Nassau was divided between two Gaue: a) Electoral Hesse, under Gauleiter Gerland in Kassel; and Hessen-Nassau under Gauleiter Sprenger in Frankfurt A.M. Both Gauleiters were in the area of their respective Gaue, at the same time Reich Defense Commissioners; that is they were responsible for state measure of civilian Reich Defense. In order to facilitate the execution of these duties as well as their tasks of general administration in the Bezirke belonging to their respective Gaue, the Province of Hessen-Nassau was divided into two parts, the northern part (Electoral Hesse) under Gauleiter Gerland and the southern part (Nassau) under Gauleiter Sprenger. Both Gauleiters acquired the powers of Oberpräsidentin in the new provinces.

The Province of Saxony was divided between three Party Gaue: a) Magdeburg-Anhalt under Gauleiter Jordan; b) Halle-Merseburg under Gauleiter Eggeling; and Thuringia under Gauleiter Sauckel. For the same reasons that applied to Hessen-Nassau, the Province of Saxony was divided into three parts. The Province of Magdeburg under Gauleiter Eggeling as Oberpräsident; the province of Halle Merseburg under Gauleiter Eggeling as Oberpräsident; and the Government District of Erfurt in which Gauleiter Sauckel acquired the functions of Oberpräsident. Following the reorganization, the boundaries of the new provinces described the areas in which the same official was now responsible for civil administration, administration of the Party Gau, and Reich defense matters. In the new Provinces- Electoral Hesse, Nassau, Magdeburg, Halle-Merseburg, and Bezirk Erfurt- the duties of Oberpräsident, Reich Defense Commissioner and Gauleiter were united in the person of the responsible Gauleiter.

This reorganization of the Provinces of Hessen-Nassau and Saxony resulted from the desires and pressure of the Party. I regarded the reorganization as unwise during the war. Minister of Interior Frick was also opposed when the action was first proposed.

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HISTORICAL BRANCH, MID

SOURCE : Dr. Hans Heinrich LAMMERS, Chief of the Reich Chancellery, Secretary of the Secret Cabinet Council and of the Ministerial Council for Reich Defense.
DATE : 25 July 1945
PLACE : Aachen (PWE 32)
INTERROGATOR : Lt. Col. O. J. HALB

Col Rlies
Gulden

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I. DUAL OFFICE HOLDING - PARTY AND STATE

QUESTION: Did Party administration officers always correspond to Government administration officers at the level of the Kreis and above?

LAMMERS: No, not if you have in mind a personal union. The Führer always maintained a theoretical standpoint on this matter. The Party was dynamic and comprehended the political elements. The State was an official administrative apparatus, somewhat in the nature of a fixed pole. Hitler desired a separation of the two. The government official was the administrator. That was especially the fact in the lower agencies, but naturally not in the higher positions. The Gauleiters, who headed the Party administration, at the same time occupied the posts of Oberpräsidenten. In practice the separation of powers was not maintained, for the Party agencies acquired eighty per cent of the administrative powers. The State administration was more and more restricted. The highest personal union was represented by the Führer himself, who was head of the State, the Party and Supreme Commander of the Wehrmacht. Also in the appointment and functions of the Reich Defense Commissioners the separation was not maintained as eventually the Gauleiters acquired the posts of Defense Commissioners. At the beginning of the Nazi regime the maintenance of channels was observed but this was disregarded more and more with the passing of time.

The channel of authority for the State administration was: Landrat, Oberpräsident, the Minister of Interior, and then to me and then to the Führer. On the Party side it was Kreisleiter, Gauleiter, Party Chancellery, to the Führer. However, more and more official matters passed through the Party channels direct to the Führer. The administration was progressively thrust aside. In my post as Chief of the Reich Chancellery I saw less and less of the Führer. At first I reported direct to him almost daily. Later not more than once every six or eight weeks. This trend was the more marked as Bormann was appointed Secretary to the Führer, at the end of 1942, in addition to his post of Chief of the Party Chancellery. The Führer made all important decisions, almost completely excluding the State. When Bormann informed me that the Volksturm would be a Party matter, I replied that then the entire war was a Party affair.

II. REMOVAL OF THE RAD FROM THE MINISTRY OF THE INTERIOR

QUESTION: Why was the RAD removed from the jurisdiction of the Ministry of the Interior when Himmler succeeded Frick in August 1943?

LAMMERS: The RAD enjoyed great popularity in Germany. One never heard complaints or criticisms of the RAD. Hierl had built up the organization and de facto it was autonomous. The Führer valued Hierl highly. Hence his appointment to Reichminister in August 1943 and the immediate subordination of the RAD to the Führer. In my opinion the Führer did not want to place the 70-year-old Hierl under the authority of Himmler. Hence the change.

III. PARTY MEMBERSHIP AND HIGHER STATE OFFICIALS

QUESTION: Were all higher State Officials without exception active Party members?

LAMMERS: Practically, yes. Higher officials could be divided into three groups on the basis of their relation to the Party. First, many old Party leaders were appointed to the higher State posts. Second, many of the old experienced officials joined the Party. Third, the younger officials were chosen from the ranks of the Party organizations, particularly from the KJ.

IV. ADMINISTRATIVE DEVELOPMENTS DURING THE WAR

QUESTION: In your opinion what were the outstanding developments in the administrative apparatus during the war?

LAMMERS: At first the policy was to simplify administration, but there was far more improvisation than organization. This manifested itself in the appointment of many Special Plenipotentiaries (Sonderbevollmächtigten) and General Plenipotentiaries (Generalbevollmächtigten). This system severely affected the entire administrative machinery. Most of the Ministries were shorn of their power as the Plenipotentiaries were directly responsible to Hitler. There was constant friction between Ministers and Plenipotentiaries and oftentimes a bitter fight. I naturally agree that appointment of some of the Plenipotentiaries was an absolute necessity in order to speed up the work. Such were the appointments of Sauckel as Plenipotentiary for Manpower and Dr. Ley for Housing. The most absurd situation was created by the appointment of Bouhler as Special Plenipotentiary for school books, while the authority over courses of study remained with the Minister of Education. Officials did not know whether to follow the directives of one or the other. The Special Plenipotentiary for Public Health and Hygiene was in constant conflict with the Ministry of the Interior. Most of the Plenipotentiaries found that they could not perform their assigned tasks without skilled and experienced personnel, so the regular ministries were deprived of their ablest administrators. An example of an important measure of reorganization that failed or became misdirected is afforded by the appointment of General Plenipotentiaries for administration, national economy, and transport and postal services. This consisted in grouping Reich agencies with related functions under one head with a view to procuring prompt and speedy action. Three Plenipotentiaries were appointed:

- 1) General Plenipotentiary for Administration:
Ministry of the Interior.
Ministry of Justice.
Ministry of Education.
- 2) General Plenipotentiary for Economy:
Ministry of Economy
Reichsbank
Ministry of Labor
Ministry of Agriculture
- 3) Supreme Command of the Armed Forces:
Transport and Postal Services.

The Führer omitted on purpose the Foreign Ministry and the Propaganda Ministry. In practice this system of General Plenipotentiaries did not work. The Plenipotentiary for the Four Year Plan had such comprehensive powers that he could do as he wished,

with or without the concurrence of the General Plenipotentiary for Economy. Moreover, the President of the Reichsbank was at the same time Minister of Economy. Further, Speer as minister of Armaments and later as Minister of Armaments and Production reported direct to Hitler.

Another development during the war was the disappearance of the Cabinet as a functioning institution. After November 1937, the Cabinet met only once in 1938, for the formal purpose of announcing changes in the ministries. After that as Chief of the Chancellery I had to deal formally by correspondence with the separate ministries. This greatly increased the work and made the government apparatus more ineffective. I repeatedly requested Hitler to call the Cabinet but the request was always rejected. Only once again it convened to hear a report on the military situation. All ministers found the session valueless, for Goebbels gave not a report but a speech, which would have been more appropriate for the Sportpalast than for the Ministerial Council.

While the Cabinet never met and the Ministers were uninformed of policy decisions, the Fuhrer called his Gauleiters together regularly. Except indirectly we never knew what was discussed and ordered at these conferences. The authority of the Gauleiters grew steadily, especially as Hitler accorded them the rank and pay of Ministers.

In questions of foreign policy the Reich Cabinet was never asked for advice-Austria, Sudetenland, Prague, etc.- and no Cabinet decisions preceded these actions. It was a principle of the Totalitarian state that the wishes of the Fuhrer were decisive.

Similarly the Reich Defense Council, which was established as a policy and law making authority in the field of domestic war administration was reduced in power and such measures were handled more and more by means of Fuhrer decrees and regulations.

V. PERSONNEL APPOINTMENTS IN STATE ADMINISTRATION

QUESTION: How were appointments in the higher administrative posts affected by Nazi Policies?

LAMMERS: Before 1933 all such appointments and promotions were discussed and approved by the Cabinet. In this field the Cabinet continued to function through 1933. Later, however, the Party claimed and exercised the right to reject appointments and promotions on the basis of the candidate's political reliability and Party membership. The Party then went a step further and proposed their candidates. Often when a politically acceptable appointment was proposed, the Party Chancellery would reply: "Oh no, we have another man for the job". I always opposed this procedure and spoke against it, but the situation became more and more difficult. When I made a nomination I considered the man's qualifications for the post. But not so the Party.

QUESTION: Under such conditions did not the quality of the technical administration decline?

LAMMERS: I can't speak categorically. But I must say that in general the administration stood the test. We had many Gauleiters who were very able. As for the others, when a Gauleiter was not up to his job he was smart enough to get an able deputy to carry on the technical administration.

VI. Relations to Bormann and Hitler.

QUESTION: Were you always able to work with Bormann without friction?

LAMMERS: I was able to work in accord with Bormann. I saw him quite frequently. Our relations were official and not personal. As chief of the Reich Chancellery I was in a difficult position. I represented the State Ministries and had to work closely with the Party. The Party could interfere in my business but I could not interfere in Party affairs. Toward the end of the regime my relation with Bormann deteriorated. In the last eight months I did not see him personally, but transacted my business with him in writing. It became impossible for me to see the Führer. I made my last report to Hitler on 24 Sept 1944 and saw him for the last time on 27 March 1945 when he allowed me fifteen minutes to settle all the business requiring his attention.

QUESTION: What then were your relations to Hitler?

LAMMERS: I met Hitler first in 1922 when he made a speech in Berlin. On 29 Jan 1933, he called me and asked me to take the post of State Secretary in the Reich Chancellery. My personal relations to him were good and I saw him daily during the early years of the regime. After Hindenburg's death he appointed me Chief of the Reich Chancellery and in 1937 I was appointed Reich Minister. That did not change my position greatly. I was essentially the middleman between the Führer and the Cabinet. At the great meetings and in diplomatic conferences I was never present. I was not at Godesberg or at Munich.

In all matters generally the Führer was quick in decision. He also possessed quick faculties of comprehension. And yet he had a strong tendency to let things slide (auf die lange bank zu schieben). In later years my office did not control the Führer's appointments. He called whom he wished, mainly through his adjutant. When I wanted to report to him I often had to wait two or three days. The Führer disliked paper work and transacted most of his business orally. He would expect me to present the most complicated matters of legislation in fifteen minutes. Hitler worked hard. He was occupied almost the entire day and the greater part of the night. He customarily slept one or two hours during the day and then worked through the night until three or four in the morning. I always made my reports during the day.

QUESTION: Excluding Hitler who, in your opinion, was the ablest man in the Regime?

LAMMERS: That is a difficult question. I really can't think of anyone. Göring was of course very able, but he was more a man of action. There was no one abler than Hitler. There was no one among his subordinates who could have been more active and vigorous in expressing his views. Such a man would not have remained in his position long.

QUESTION: Does not Hitler in his temperament remind you of Kaiser Wilhelm II?

LAMMERS: Yes, that is true. He reminded me often of the last Kaiser. Hitler was very changeable. He could turn in a moment from easy good humor to utter harshness. Even when he was hearing reports he insisted on doing most of the talking and he would always maintain that he was right and never mistaken. However, he was not always that way, so the comparison with the Kaiser is not entirely correct.

VII Separation of Party and Administrative Posts.

QUESTION: Why was the personal unions of Party and State offices at the levels of Kreis and Stadt separated by decree in the spring of 1945?

LAMMERS: This was Bormann's work but not for reasons that are apparent at first sight. A personal union was sometimes a means of avoiding the pressure of the Party Chancellery. For example, when a Landrat was at the same time the Kreisleiter he had two channels through which he could operate. When he preferred to operate through official State channels with my office he could do so as Landrat. When he chose to deal with Bormann's office he operated as a Kreisleiter. However when the offices were separate, a strong Kreisleiter could hold the reins on a Landrat and make the authority of the Party and the Party Chancellery more effective. Bormann had been moving in this direction for some time and only achieved his purpose toward the end of the regime.

VIII. REORGANIZATION OF GOVERNMENT AND PARTY DISTRICTS

QUESTION: Did the geographical boundaries of the Party Kreis always correspond to those of the government Kreis?

LAMMERS: In most instances they did. In large cities, however, the Stadtkreis would be divided into several Party Kreise. In some instances in rural areas several Landkreise might form but a single Party Kreis.

QUESTION: What were the considerations and the circumstances of the reorganization of the Government Districts (Regierungsbezirke) and the Party Gaue of Hessen-Nassau and the Province of Saxony?

LAMMERS: The boundaries of the Party Gau, which corresponded in general with the boundaries of the Reichstageselectoral districts before 1933, were not the same as those of the Prussian provinces. Thus the Prussian provinces of Hessen-Nassau was divided between two Gaue: a) Electoral Hesse, under Gauleiter Gerland in Kassel; and Hessen-Nassau under Gauleiter Sprenger in Frankfurt A.M. Both Gauleiters were in the area of their respective Gau, at the same time Reich Defense Commissioners; that is they were responsible for state matters of civilian Reich Defense. In order to facilitate the execution of these duties as well as their tasks of general administration in the Bezirke belonging to their respective Gau, the Province of Hessen-Nassau was divided into two parts, the northern part (Electoral Hesse) under Gauleiter Gerland and the southern part (Nassau) under Gauleiter Sprenger. Both Gauleiters acquired the powers of Oberpräsident in the new provinces.

The Province of Saxony was divided between three Party Gaue: a) Magdeburg-Anhalt under Gauleiter Jordan; b) Halle-Merseburg under Gauleiter Eggeling; and Thuringia under Gauleiter Sauckel. For the same reasons that applied to Hessen-Nassau, the Province of Saxony was divided into three parts. The Province of Magdeburg under Gauleiter Eggeling as Oberpräsident; the province of Halle-Merseburg under Gauleiter Eggeling as Oberpräsident; and the Government District of Erfurt in which Gauleiter Sauckel acquired the functions of Oberpräsident. Following the reorganization, the boundaries of the new provinces described the areas in which the same official was now responsible for civil administration, administration of the Party Gau, and Reich Defense matters. In the new Provinces- Electoral Hesse, Nassau, Magdeburg, Halle-Merseburg, and Bezirk Erfurt- the duties of Oberpräsident, Reich Defense Commissioner and Gauleiter were united in the person of the responsible Gauleiter.

This reorganization of the Provinces of Hessen-Nassau and Saxony resulted from the desires and pressure of the Party. I regarded the reorganization as unwise during the war. Minister of Interior Frick was also opposed when the action was first proposed.

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Interrogation of Lammers

Lammers

Hans-Heinz Lammers was born 27 May 1879 in Lublinitz (Upper Silesia) He studied law and political science. He was a judge at the court of appeals in Beuthen (Upper Silesia) from 1912-1914. He served in the World War and achieved the rank of a captain. 1919 he was called into the ministry of the interior. He became Oberregierungsrat in 1920, Ministerialrat in 1922, and was considered an expert for laws pertaining to the German constitution and administration. When an expert for the codification of constitutional and administrative laws was needed by Hitler, Lammers was appointed Staatssekretär in the Reichs Chancellery. He became ~~the~~ thus the highest official in Germany to hold a purely administrative function; he was in charge of the registration of all laws, decrees, ordinances, and other legal documents which were issued during the Hitler administration. When Hitler assumed the office of the president of the Reich in addition to that of a Reichskanzler after the death of Hindenburg in 1934, Lammers was appointed the chief of the Reichs Chancellery, because Hitler did not want to concern himself with the administrative details of his Chancellery (budget, salaries, disciplinary actions, etc.) Lammers' influence ~~of~~ on ~~matters~~ political matters did not increase with this new position, not even after in November 1937 the title of a Reichsminister was conferred upon him. This title was given to him when Funk became Reichsminister and asked to have the same title conferred upon Lammers whose subordinate he had been, and who was his senior by many years. Therefore this new title was meant to be merely a token of appreciation of Lammers' person and his work.

"I had no department (Geschäftsbereich) of my own as a minister, had no subordinate offices, no executive power of my own, and no authority over other Reichsministers or other state officials. It was my task to be the intermediary between the Reichskanzler and Reichsministers or state officials who were immediately subordinate to the Reichskanzler. There were two exceptions to that rule:

1) Such persons to whom the Führer had granted immediate access to his office, (e.g. Foreign Minister, Propagandaminister, the Minister for War Production, Reichsführer SS in matters of the Secret State Police),

2) If the access to Hitler had to be requested through other channels, (through the secretary of the Führer, Reichsleiter Bormann, or through the personal adjutant of the Führer)."

"All orders, directives, decisions that were issued from the Reichs Chancellery had been approved by Hitler as the Reichskanzler; important matters were discussed with the Führer previously or were decided by him personally, while matters of a purely administrative character were treated according to general directives which had been established by the Führer. I was not entitled to represent the Führer or sign documents as his representative." There is one single exception from the latter restriction: Checks drawn on the Reichsbank within the budget of the Reichskanzlei could be signed by Lammers.

"I continued my literary work in the law field. I held the office of the president of the Reichsverband der deutschen Verwaltungsakademie, and lectured there as well as in the Hochschule für Politik. I wrote a commentary on the German Staatsgerichtshof, and a book on the Constitution ~~of~~ of the German Reich (together with the late former president of the German Supreme Court, Dr. Simons), and another work on the "Rechtsprechung des Staatsgerichtshofes," (together with Staatssekretär Pfundtner). Moreover I edited a collection on the Verwaltungsakademie which comprised three volumes.

I entered the NS party in 1932."

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Niemöller

"From my memory, after a lapse of 11 years, I can testify to the following: in 1934, or perhaps 1933, when the president von Hindenburg was still alive, Hitler received a deputation of 12-15 clergymen, among them pastor Niemöller, in my presence. Hitler received the men standing. A bishop spoke first, after him Niemöller. The reception lasted 15-20 minutes. The reason for the reception, as I recall it, was that the clergymen had directed certain complaints and requests to the president Hindenburg, or his office; and that the president had suggested that Hitler receive these clergymen. Shortly before the meeting, the Führer was informed of a telephone conversation of Niemöller's which had been overheard. I ~~do~~ do not know with whom Niemöller had conducted this conversation. I can only recall that it referred to the impending meeting with Hitler, and the previous contact with Hindenburg, and contained some disparaging and unwarranted remarks about Hitler, viz. that he - Niemöller - was on his way to Hitler "and would give him the last ointment". The Führer was very much upset about these remarks of Niemöller's, and took him ~~harshly~~ sharply to task. Niemöller denied - I don't recall whether the conversation as such or just the libelous part of the conversation. The Führer expressed to Niemöller his indignation about the conversation, and the fact that a parson was telling him a lie.

At that time Niemöller was not arrested; this happened at a later time. I cannot recall the exact date. I just know that he was imprisoned on remand, and later brought to trial. The charge against him was that the sermons and speeches of Niemöller constituted crimes according to the existing criminal laws. The court sentenced Niemöller, as I recall it, to 7 months of prison, and considered this sentence as absolved through his imprisonment on remand which had lasted just about 7 months. Niemöller was released from prison. The Führer considered this sentence an insult and a demonstration against himself, and therefore had Niemöller arrested by the Gestapo, because he constituted a political danger. I myself couldn't approve of the sentence which I read at the time. It was at least doubtful whether a crime had been committed. If the court did not consider Niemöller guilty of a crime, it had to acquit him. It is not the task of a regular court to sentence a man who has committed no crime, but holds political views which are dangerous for the state. If the court judged that a crime had been committed, it should have punished Niemöller more severely. By sentencing Niemöller to 7 months, and releasing him from prison, ~~the Führer~~ the court gave Hitler the impression that it had not possessed the courage to acquit Niemöller, but just the same wanted to set Niemöller free immediately. Had the court given him a sentence of 2 years, 1 year or even 1 year, the Führer would not have got the impression ~~that~~ of a demonstration against his person. It is regrettable that Niemöller had to suffer from all this. It is not within my competence to judge whether Niemöller's second arrest was necessary for political reasons. This was decided by the Führer and the Reichsführer SS Himmler without my assistance.

In later years, Niemöller or his wife sent several petitions requesting his release from protective custody. Although I should have directed these petitions to Himmler I gave them to Hitler directly. Hitler refused to release Niemöller. I do not recall whether I sent the decisions on these petitions to Niemöller directly or through Himmler. Once I intervened successfully on Niemöller's behalf, and made it possible for him to be present at his father's funeral."

(gez.)

Dr. Lammers
27/7. 1945

10

Representation and Succession of Hitler

When the offices of the Reichskanzler and Reichspräsident were united in Hitler's person after Hindenburg's death, a law was created to sanction this act of state. In a general election the people voted in favor of this law. Part of the law was a clause which decreed that the Führer had to appoint a deputy to his office. The succession to Hitler's office was the subject of another law which was issued but not published. According to this law the Führer himself should be entitled to appoint his successor. Two official documents - based upon these two laws - were drafted by Hitler himself and authenticated by Lammers. They were both kept in Lammers' custody. In these documents which achieved their final version in 1941, Reichsmarschall Goering was appointed Hitler's deputy, in case the Führer was prevented - permanently or temporarily - from performing his offices; He also was appointed Hitler's successor, in case ~~the Führer~~ of the Führer's death. "These documents were in my possession together with an order by Hitler to act upon them whenever necessary. The documents were never rescinded, as far as I know. I repeatedly made sure - especially during the war, and last in 1945 - whether a change of these documents was desired. My questions were always answered in the negative. I guarded these documents most carefully, and constantly carried them with me in the last months of the war; I had them with me when I moved to Berchtesgaden on 1 April 1945.

On 23 April 1945 I visited the Reichsmarschall Goering in Berchtesgaden. Quite unexpectedly, the conversation turned to the question whether the military situation in Berlin warranted Goering's representation, since the Führer was encircled in Berlin, intended to remain there to the end, was deprived of his freedom of action, and prevented from performing his offices. As the custodian of the document concerning the Führer's representation I believed that I had the right, and even the duty, to advise Goering on the subject. However, I could not make any decision whether the premises for a representation were given or not. Yet, I could not see any objection to Goering's sending a radio message to the Führer, in which he asked whether the Führer would agree to Goering's acting as his deputy. This message - for the wording of which I cannot be held responsible - set a time limit for Hitler's answer, and also contained the proposal that Goering as a deputy would try to negotiate with the Western powers about an armistice. The Führer considered this message an act of high treason, and had Goering and me arrested in the evening of the same day. On 26 April 1945 I was set free again; the Reichsmarschall was moved under guard to some other location. On 30 April the following radio message, signed by Bormann, was received in Obersalzberg: "The crisis here (i.e. in Berlin), has reached its climax. When we are dead, the traitors of April 1945 are to be shot immediately by order of the Führer." Klopfer who was the Staatssekretär of the Chief of the Parteikanzlei, and who was present at Obersalzberg, gave me this radio message after he had prevented its execution. The garrison of Obersalzberg which was on the point of leaving, was no longer interested in the execution of this order. The order of execution probably included my person - it did not specify the persons which were included in the term "traitor of April 1945." I noticed that I was kept under guard even I was released from arrest.

In the evening of 30 April 1945 or 1 May, I learned through the radio about the Führer's death, and the fact that Hitler had appointed Grand Admiral Doenitz his successor. The latter fact was of great importance to me, since the document concerning Goering's succession was still in my possession, and was as yet unrevoked. I tried to get more detailed information about the order by which Doenitz was appointed Hitler's successor. From a military office I secured a copy of the message of Reichsleiter Bormann which read: "The Führer has nominated you, Herr Grossadmiral, as his successor. A written confirmation of this order is on its way. You will immediately prepare to take all steps which the present situation demands. (Sie haben sofort alle Mass-

Institut

nahmen zu treffen, die die gegenwärtige Lage erfordert.) Bormann did not inform me at all. - This was all I could find out about the succession.

Legally the problem of Doenitz' succession ~~must be considered~~ offers the following line of thought:

The ~~document~~ document appointing Goering as Hitler's successor could become void:

1) if it was revoked (which it wasn't)

2) if the Führer, in a legally valid order appointed another successor. The question arises here a document with the Führer's signature would be necessary for such an act of state, or if an oral order given by Hitler and repeated over the radio by Bormann would be sufficient. I do not know whether or not a document with the Führer's signature exists. If it exists, or has existed at one time, there can be no doubt about the legal validity of Doenitz' appointment. If a document did not exist, even an oral order given by Hitler is valid, because the law did not prescribe a rigid form for the appointment of a successor. But then it must be proven beyond any doubt that the Führer has ordered the succession of Doenitz as it was radioed by Bormann.

There remains one consideration: The radio ^{announced} at the time that the Führer had relieved Goering of all his offices. The German press, on the other hand, only stated that the Reichsmarschall was relieved of his command of the Luftwaffe. If the latter statement is correct, Goering's succession was still in force. If the former is correct, his succession was also revoked, since the Führer had appointed Goering ~~was~~ his successor not as an individual, but in his quality as a Reichsmarschall, i.e. the second ^{altered} man in the state. The decision about Doenitz' succession, however, is not ~~affected~~ ^{altered} by this consideration.

The question whether Doenitz is the legal successor of Hitler has also to be judged in the light of the subsequent events, and therefore has to be answered in the affirmative. At first, Doenitz' succession was contested by Goering. Yet, Goering later desisted from his protestations. Among the German people, no objection was raised against Doenitz as Hitler's successor. But before all, the Allied powers recognized Doenitz succession, by demanding that the persons who were appointed to sign the armistice had to show an authorization with Doenitz' signature. Such an authorization could be signed by Doenitz only in his position as Hitler's successor, head of the state, and Commander in Chief of the Wehrmacht. Only an authorization issued by a man in such a position could be satisfactory to the Allied powers. Moreover, the Allied powers later recognized Doenitz and his government by negotiating with him and his cabinet. When later, through the arrest of Doenitz and his government, his and his government's activities were de facto terminated, the legality of his former actions remained unimpaired.

Aufzeichnung

- 1) Zur Person. Aufgaben.
- 2) Stellvertretung und Nachfolge des Führers.
(Menschen Verhaftung, Erschießungsbefehle).
- 3) Anwesenheit Menschen.

Seite bis 20.

O. Rommel
(Dr. Lammers)

27/7. 1945.

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Herrn-Heinrich Lammers, geboren am 27. 5. 1879 in
Kubitz O./S. Studium der Rechts- und Staatswissen-
schaft. 1906 Gerichtsassessor, Hilfsrichter in Breslau.
1912 Landrichter, später Landgerichtsrat in Beuthen O/S.
1914 bis 1918 Kriegsdienst als Hauptmann u. a. u. a.
1919 Zurückberufung in das Reichsministerium des
Inneren. Hier 1920 Oberregierungsrat und 1922 Minister-
rat, Rechtsberater für Staats- und Verwaltungsrecht.
Wird der Führer für die Leitung der Gesetzgebungs-
und Verwaltungsarbeit der Reichsbanklei einen solchen
Fachmann zu benötigen glaubte, 1933 zum Staats-
sekretär in der Reichsbanklei berufen. Ich habe mir
den Ehrgeiz bewahrt, in der Politik eine große Rolle zu
spielen, und bei meiner Ernennung zum Staatsse-
kretär in der Reichsbanklei hiermit gar nicht rechnen
können. Ich sollte dort der oberste Verwaltungsbe-
amte der Reichsregierung sein und der Inkun-
dante für Gesetze, Verordnungen, Erlasse und andere
wichtige Rechtsakten. 1934 nach dem Tode des Reichs-
präsidenten von Hindenburg, als der Führer zu dem

lute des Reichsbankers im Amt des Reichspräsidenten
 hinzubekam, wurde ich ^{als Reichsbankler} Chef der Reichsbanklei-
 tel im Führer, den bisher der eigentliche Chef der
 Reichsbank war, sich von der damit verbundenen,
 ununterbrochenen Verwaltungswelt (Etat- und Besol-
 tungssachen, Disziplinarsachen usw.) befreien wollte.
 Einem größeren Einfluss im Saiken der grossen Poli-
 tik hielt ich dadurch nicht. Dies geschah auch
 nicht, als der Führer mir im November 1937 die
 Bezeichnung "Reichsminister" verlieh. Sie erfolgte bei
 der Gelegenheit der Ernennung des Staatssekretärs
 zum Reichswirtschaftsminister. Fimb war
 früher als Ministerialdirektor und Reichspressechef
 mein Untergebener gewesen, war erheblich jünger als ich,
 so dass er den Führer bat, mich auch zum Reichs-
 minister zu machen, was der Führer acceptierte.
 Diese meine Ernennung zum Reichsminister war also
 eine Ehrengabe meiner Person und meiner Arbeit. Einen
 eigenen Geschäftsbereich als Minister hatte ich nicht,
 unterstanden keine nachgeordneten Behörden,
 auch hatte ich keine eigene Exekutive sowie keine eigene
 Befehlsgewalt und keine eigenen Weisungsbefugnisse
 gegenüber den Reichsministern und sonstigen staatli-

den Amtsträgern. Meiner Aufgabe war es, den amtlichen Verkehr zwischen dem Führer als Reichskanzler und der Reichsregierung sowie dem Führer unmittelbar unterstellten staatlichen Amtsträgern zu vermitteln. Hiervon zwei Ausnahmen:

- 1) Soweit sich der Führer den unmittelbaren Verkehr selbst vorbehalten hatte (z. B. mit dem Außenminister, dem Propagandaminister, dem Reichsführer SS im Rahmen der Geheimen Staatspolizei).
- 2) Soweit sich der Verkehr mit dem Führer durch andere von ihm hierzu bestimmte Personen vollzog (z. B. durch den „Sekretär des Führers“ Reichsleiter Baumbach oder durch die persönliche Adjutanten des Führers). Alles, was an Befehlen, Weisungen und Entscheidungen aus der Reichskanzlei herausging, geschah also im Auftrage des Führers als Reichskanzler, und zwar in allen wichtigeren Angelegenheiten nach vorheriger Einholung der Auffassung oder Entscheidung des Führers, in den laufenden Verwaltungssachen auf Grund paralleler Richtlinien und

Beispielen des Führers. Dem Führer als Reichs-
verwalter zu vertreten war ich nicht befugt,
auch durfte ich nicht in seiner Vertretung zeich-
nen. Einzige Ausnahme von letzterem: Pächter
auf die Reichsbank im Kassensachen der Reichsbanz-
er.

Zu hobe mich vor und nach 1933 wissenschaft-
lich betätigt, war Führer des Reichsverbandes der
deutschen Verwaltungsabteilungen, habe an diesen
und an der Hochschule für Politik Vorlesungen
gehalten. Verfasser eines Kommentars zum
Gesetz über den Staatsgerichtshof und eines
Buches über die Reichsverfassung. Herausgeber
zusammen mit dem verstorbenen Reichsgerichts-
präsidenten Dr. Simons) der „Rechtsprechung
des Staatsgerichtshofs“ und (zusammen mit
Staatssekretär Pfundner) eines dreibändigen
Handbuchs „Die Verwaltungsabteilung“
nebst einem Abgrenzwerk hierzu.

Positivmitglied seit 1932.

Stellvertretung und Nachfolge des Führers.

Als nach dem Tode des Reichspräsidenten von Hindenburg dessen Amt mit dem des Reichskanzlers in der Person des Führers vereinigt wurde, bestimmte das hierfür erlassene Gesetz, das auch der Volksabstimmung unterlegen hatte, dass der Führer seinen Stellvertreter zu bestimmen habe. In einem späteren, nicht veröffentlichten Gesetz war bestimmt, dass der Führer seinen Nachfolger zu bestimmen befugt sein solle. Dieses Gesetz wurde 1934 oder 1935 erlassen. Auf Grund dieser beiden Gesetze waren - nach mehrfachen Änderungen früherer Urkunden - zwei vom Führer vollzogene offizielle Urkunden, von mir kopiert, in meiner Verwahrung. In diesen Urkunden - vom Jahre 1941 - war für den Fall einer - wenn auch nur vorübergehenden - Verhinderung des Führers der Reichsmarschall Göring als Stellvertreter

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 des Führers und für den Fall des Todes des Führers gleichfalls Göring als sein Nachfolger eingesetzt. Diese Urkunden befanden sich bei mir mit der mir vom Führer gemachten Auflage, von ihnen eintretendenfalls den erforderlichen Gebrauch zu machen. Sie sind mir gegenüber nie widerrufen worden. Ich habe mich - besonders während des Krieges und zuletzt noch im Jahr 1945 - beim Führer dessen verpeküßert, ob er etwa eine Änderung der Urkunden vornehmen wolle. Diese Anträge wurden stets verneint. Ich habe die Urkunden stets sorgfältigst gehütet und in den letzten Monaten des Krieges immer mit mir geführt, auch als ich mich am 1. April 1945 nach Berchtesgaden begab.

Am 23. April 1945 besuchte ich ohne besonderen Auftrag in Berchtesgaden den Reichswarschall Göring. Zunächst unvorbereitet geriet ich bei ihm in eine Besprechung, in der er die Frage erörterte, ob der Fall eingetreten sei, in dem er die Stell-

Vertretung des Führers übernehmen müsse, weil
 dieser in Berlin eingeschlossen sei, dort bis zu
 seinem Tode verbleiben wolle und keine Handlungs-
 freiheit mehr besitze, also in der Ausübung seiner
 Ämter verhindert sei. Als Verwahrer der Urkunde
 über die Stellvertretung und der mir hierzu von
 Führer gegebenen Weisung glaubte ich nicht nur
 das Recht, sondern sogar die Pflicht zu haben,
 Göring beratend zur Seite zu stehen. Über
 die Frage, ob der Fall der Stellvertretung vor-
 lag oder nicht, stand mir eine Entscheidung
 nicht zu. Einen von Göring an den Führer ge-
 richteten Funkspruch, in dem Göring den Führer
 anfragte, ob der Führer mit der Stellvertretung
 durch Göring einverstanden sei, hielt ich für
 unbedeutlich. Den Funkspruch, für dessen Ab-
 fassung ich nicht verantwortlich sein kann,
 enthielt eine - vielleicht nicht angebrachte -
 Fristsetzung an den Führer und den Hinweis
 von Göring im Falle der Übernahme der Stell-

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 Vertretung vorstehen wollte mit den Westmäch-
 ten über einen Waffenstillstand zu verhandeln.
 Der Führer fasste diesen Fehlspruch als Hoch-
 verrat auf und liess mich am dem Abend des-
 selben Tages Göring und mich verhaften. Durch
 einen Fehlspruch des Reichsleiters Bormann
 ● den Befehl des Führers übermittelte. Am
 6. April 1945 wurde ich wieder aus der Haft
 entlassen, der Reichsmarschall wurde unter Be-
 wachung an einen anderen Ort gebracht. Am
 10. April 1945 ging auf dem Obersalzberg ein
 von Bormann gezeichneter Fehlspruch ein
 ● etwa folgenden Inhalts: „Die Krise hier
 (d. h. in Berlin) hat ihren Höhepunkt erreicht.
 Wenn wir nicht mehr am Leben sind, sind
 die Hochverräter vom April 1945 auf Befehl
 des Führers sofort zu erschiessen.“ Staatssekre-
 tär Klopfer (beim Leiter der Parteikanzlei),
 der auf dem Obersalzberg war, hat mir diesen

Funkspand zum Lesen gegeben, nachdem er seine Ausführung verhindert hatte. Die Besetzung des Oberstabsbogens, die im Abdrücken war, hatte an der Ausführung kein Interesse mehr. Dem Verschiebungsbefehl musste ich nach seiner allgemeinen Fassung auch auf mich beziehen, zumal ich feststellen musste, dass ich trotz meiner Entlassung aus der Luft immer noch unter Bewachung stand. (Geman 1. Mai 1945)

Am Abend des 30. April 1945 erfuhr ich durch den Rundfunk den Tod des Führers und die Tatsache, dass der Führer den Grossadmiral Dönitz zu seinem Nachfolger bestellt hatte. Letzteres war für mich von Bedeutung, da die Urkunde über die Nachfolge Görings in meinem Besitz und bisher nicht widerrufen war. Ich legte Wert darauf, bald Näheres über die vom Führer angeordnete Nachfolge Dönitz zu erfahren. Von einer militärischen Stelle beschaffte ich mir Abschrift des zunächst mass-

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 gebenden Funkspruch des Reichskontors Bormann
 an Dönitz. Er lautete etwa: „Der Führer hat
 Sie, Herr Grossadmiral, zu seinem Nachfolger
 bestimmt. Schriftliche Vollmacht ist unterwegs.
 Sie haben sofort alle Massnahmen zu treffen,
 die die gegenwärtige Lage erfordert.“ Bormann
 hatte mich überhaupt nicht verständigt. Mehr
 habe ich über diese Nachfolgeangelegenheit nicht
 erfahren.

Auf die Frage, wie ich sie staatsrechtlich
 beurteile, kann ich nur bemerken: Die Unken-
 de für Göring konnte ihre Rechtswirksam-
 keit verlieren, wenn durch eine ausdrücklichen Wider-
 spruch, der nicht erfolgt ist, z. B. auch da-
 durch, dass der Führer rechtsgültig einen
 anderen Nachfolger bestimmte. Die Frage ist
 nun, ob man hierfür ein von Führer eigen-
 händig unterschriebenes Urkunde verlangen muss
 oder ob auch ein mündliches, nur in einem
 Funkspruch Bormanns niedergelagte Anordnung des

Führer gerügt. Wenn vom Führer gezeichnete Urkunde vorhanden ist, entzieht sich meiner Kenntnis. Ist sie vorhanden oder war sie nachgewiesenermaßen wenigstens vorhanden, mag sie auch verloren gegangen sein, so kann an der Bestimmung von Döritz zum Nachfolger kein Zweifel bestehen. War aber eine solche Urkunde überhaupt nie vorhanden, so kann auch eine Mündliche vom Führer zu seinen Lebzeiten getroffene Anordnung über die Nachfolge Döritz als gültig betrachtet werden, da nach deutschem Staatsrecht eine bestimmte Form für die Bestimmung des Nachfolgers nicht vorgeschrieben war. Es muss dann aber natürlich einwandfrei feststehen, dass der Führer die von Bormann durch Fuchs sprachlich übermittelte Nachfolge Döritz zu Lebzeiten verfügt hat. Die Richtigkeit des Bormann'schen Fuchs sprachlich ist bisher nicht angezweifelt worden.

bejahen. Die Kaufmann Dönitz ist von Anfang an
 Anfangs wohl bekräftigt worden, doch hat er seinen
 Protest später nicht mehr aufrecht erhalten. Im
 Deutschen Volk hat sich ein Widerspruch gegen diese
 Maßnahme nicht erhoben. Vor allem aber haben
 die alliierten Mächte Dönitz als Karlfolger des
 Führers Dönitz anerkannt, dass sie verknüpft
 haben, dass ^{die} Unterschrift der Kapitulation
 erschienenen Personen eine von Dönitz unter-
 schriebene Vollmacht vorlegten. Eine solche Voll-
 macht konnte Dönitz nur als Karlfolger des Führers
^{d. h. als Staatsoberhaupt} und nachfolgender Oberster Befehlshaber der Wehr-
 macht ausstellen. Nur eine solche Vollmacht konnte
 für die alliierten Mächte von Wert sein. Die alliierten
 Mächte haben Dönitz und seine Regierung
 auch später noch anerkannt, indem sie mit
 ihm und seiner Regierung verhandelten. Hieran
 hat sich dadurch, dass Dönitz und seine Re-
 gierung weiterhin auch ihre Verhaftung de facto
 in ihrer Tätigkeit außer Kraft gesetzt wurden
 nichts geändert.

Kienmüller

Aus der Erinnerung nach einer Zeit von etwa 11 Jahren kann ich folgendes bekunden: Nach zu Lebzeiten des Reichspräsidenten von Hindenburg - im Jahre 1934, vielleicht auch 1933 - Empfang der Führer in meinem Beisein eine Deputation von Geistlichen, unter denen sich auch der Pfarrer Kienmüller befand. Es waren etwa 12-15 Geistliche erschienen. Der Empfang fand stehend statt. Erst sprach ein Bischof, dann auch Kienmüller. Dauer des Empfanges etwa 15-20 Minuten. Den Empfang war, wie ich mich zu entsinnen glaube, darauf zurückzuführen, dass die Geistlichen sich vorher mit gewissen Beschwerden und Anliegen an den Reichspräsidenten oder dessen Büro gewandt haben und von dort die Ausgegung erfolgt war, dass der Führer die Geistlichen empfangt. Kurz vor

dem Tuppang war dem Führer eine Meldung
 überbracht worden über ein von Kienmöller vorher
 geführtes und abgehörtes Telefongespräch. Mit
 dem Kienmöller dieses Gespräch geführt hat, weiß
 ich nicht mehr. Ich kann mich nur entsinnen,
 dass es sich auf den bevorstehenden Tuppang
 Kienmöllers beim Führer und die vorausgehenden
 Füllungsmaßnahmen Kienmöllers mit dem Reichsbrä-
 ueramt bezog und abfällige und ungetreue
 Aussagen über den Führer enthielt, in
 denen die Aussage, dass er - Kienmöller -
 sich jetzt zum Führer begeben und ihm die
 letzte Belohnung gebittet werde. Dem Führer, der
 über dieses Telefongespräch sehr erregt war,
 stellte Kienmöller hierauf. Dieser leugnete,
 ob das Gespräch als solches überhaupt oder
 nur seinen verletzenden Inhalt, dessen kann
 ich mich heute nicht mehr entsinnen. Der Führer
 brachte Kienmöller gegenüber in scharfen Worten

seiner Zuspöhung über den Inhalt des Beschlusses zum Ausdruck und auch darüber, dass Kiemüller als Pfaffen zur Lüge greife.

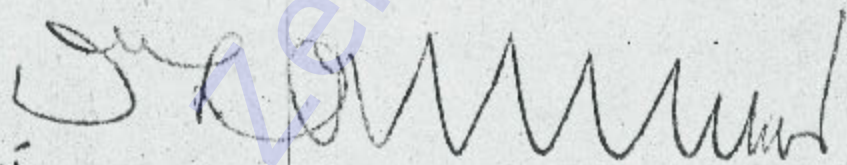
Kiemüller wurde damals nicht verhaftet, sondern erst geraume Zeit später. Ein genaues Datum kann ich nicht angeben. Ich weiss nur, dass er später in Untersuchungshaft genommen und vor das ordentliche Gericht gestellt wurde. Gegenstand der Anklage waren Predigten und Reden Kiemüllers, in denen man Tatkraft erblickte, die nach den allgemeinen Grundsätzen schaffbar waren. Das Gericht verurteilte Kiemüller, wie ich nur aus der Erinnerung und daher vielleicht nicht ganz genau angeben kann, zu sieben Monaten Gefängnis und erachtete diese Strafe durch die Untersuchungshaft, die etwa gerade so lange gedauert hatte, als verübt und erfüllt ist, als der Haft. Den Führer hat dieses Urteil als einen Affront, als eine Demütigung

geben sich aufpfanst und dies deshalb Kienöller,
 den er in politischer Hinsicht für gefährlich hielt,
 nach die Geheime Staatspolizei verhaftet. Ich
 habe das erwähnte Gerichtsprotokoll, das ich damals
 gelesen habe, nicht recht billigen können. Ob ein
 krimineller Tatbestand gegeben war erschien
 mir mindestens zweifelhaft. Betrachtet das Gericht
 ihn nicht für vorliegend, so musste es Kienöller
 freisprechen. Denn wenn man von einem ordent-
 lichen Gericht nicht verlangen kann, dass es einen
 Angeklagten, bei dem ein kriminelles Delikt
 nicht vorliegt, für politisch für gefährlich
 gehalten wird, um deshalb zu Strafe verurteilt.
 Hält das Gericht aber einen kriminellen Tat-
 bestand für erwiesen, dann hätte es Kienöller
 zu einer erheblich höheren Strafe verurteilen
 müssen. Dadurch dass man auf sieben Monate
 Gefängnis erkannt hat, ist diese Strafe als verhältniß-
 mäßig, Kienöller also sofort auf freien Fuß
 gesetzt worden, entstand beim Führer der Ordnung,

dass das Gericht zu einem Freispruch nicht
 den Mut gehabt hätte, gleichwohl aber Niemöller
 sofort in Freiheit setzen wollte. Hätte das Gericht
 statt auf sieben Monate Gefängnis zu erkennen,
 auf 2, auf $1\frac{1}{2}$, ja vielleicht auch nur auf 1
 Jahr Gefängnis erkannt, wäre beim Führer
 wohl der Eindruck einer gegen ihn gerichteten
 Demonstration des Gerichts nicht entstanden.
 Dass Niemöller hierunter zu leiden hatte ist be-
 dauerlich. Die Frage, ob gegen Niemöller nach
 dem beendeten Gerichtsverfahren seine erneute
~~die~~ Verhaftung aus politischen Gründen nötig
 war, gehörte nicht zu meiner Zuständigkeit.
 Sie ist ohne meine Beteiligung vom Führer
 gegenüber dem Reichsführer SS Himmler ent-
 schieden worden.

In späteren Jahren gingen von Niemöller
 unge- vielleicht 2 oder 3 - Besuche auf Ent-

Lösung aus der Haft ein, vielleicht auch vor seiner
 Befreiung. Obwohl ich diese Gesuche in Erwartung
 lang eigener Zuständigkeit an Krenweller hätte
 abgeben können, legte ich sie dem Führer vor,
 dessen Lehnte die Entlassung aus der Haft ab.
 Ob ich die Bescheide hierüber Krenweller
 unmittelbar oder auf dem Wege über Krenweller
 hätte zugehen lassen, weiss ich heute nicht.
 Mehr. Einmal habe ich mich mit Erfolg
 dafür verwendet, dass Krenweller die Teil-
 nahme an der Beerdigung seines Vaters
 mit dem Führer genehmigt wurde.



10/17. 1945.

(Dr. Kammerer).