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Secret - Security Information MGNA-216

23 June 1952

Chief of Station, Frankfurt

Chief, Bonn Liaison Base *c* JFD

Operational

Motion of the German Federal Government against Otto Ernst Remer

Herewith please find for your information the statement prepared by the Federal Ministry of the Interior which presents the case against Otto Ernst REMER, Deputy Chairman of the Sozialistische Reichs Partei (Socialist Reich Party) (SRP).

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Am/June 17, 1952
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Dict.

Complete Translation
from German into English
Prepared by
XD/A/COM - Translations Unit
Control No. 816-X

The Federal Minister of the Interior

Bonn, April..., 1952

I. M o t i o n

of the Federal Government, represented by the
Federal Minister of the Interior,

versus

Brigadier General Otto Ernst R e n e r ret.

Varel/Oldenburg, Lohrstr. 3

on the grounds of having forfeited basic rights.

In the name of the Federal Government I move it be
ordered:

1. Brigadier General Otto Ernst R e n e r ret., born on
August 18, 1912 in Neubrandenburg, residing at 3, Lohr-
strasse, Varel/Oldenburg, has forfeited the basic rights
of freedom of expression of opinion, freedom of assembly
and freedom of association for a period of time to be
determined by the Federal Constitutional Court.
2. The opponent-Rener shall be dispossessed of the franchise,
the eligibility, and the ability to hold public offices
for the period of the forfeiture of basic rights.

To:

The Federal Constitutional Court

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S u b s t a n t i a t i o n

Aside from the proceedings against the Socialistic Reichsparty (SRP) pursuant to Article 21, Sub-Para 2 of the Basic Law, the Federal Government deems it necessary that motions be also filed against individual functionaries of the SRP in accordance with Article 18 of the Basic Law.

In so deciding the Federal Government takes as point of departure the principle that it is its duty to defend the libertarian democracy against all its enemies, not only against the parties which jeopardize the libertarian democratic basic order but against those persons as well who are active as originator and proclaimer of anti-constitutional party objectives and party efforts. These individual persons must also be excluded from political life inasmuch as they abuse their basic rights and engage in anti-constitutional activities.

Any political activity directed against the existence of the Federal Republic or against the preservation of basic principles of the constitution, as outlined under Para. 88, penal code, revised version, shall be considered anti-constitutional.

Whoever makes use of freedom of expression of opinion, freedom of assembly and freedom of association in order to attack the libertarian democratic basic order, based on these principles and thus abuses these basic rights, shall have to stand trial pursuant to Article 18 of the Basic Law.

The former Brigadier General

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The former Brigadier General Otto-Ernst Kemer, in the years 1950 and 1951, has abused these basic rights in attacking the libertarian democratic basic order as is revealed in detail by the following facts of the case:

- a) The Basic Law absolutely renounced the doctrines and political objectives of National Socialism as is revealed by Article 20, Para 1 and Article 28 of the Basic Law. Nevertheless, Kemer in the years 1950 and 1951, openly confessed to National Socialism in his own name as well as in the name of the BRG.

He worded these confessions as follows:

"I don't permit being called a Nazi. I was, I am and I continue to be a National Socialist." He made this confession at a rally in

1. Braunschweig - Helverde on Mar 15, 1951
2. Herzberg/Hara on Mar 16, 1951
3. Langendorf on Mar 8, 1951

Evidence: witnesses K.H. whose address for the summons will be made available at a later date.

Furthermore, Kemer also employed Naziistic gestures especially during the playing of marching music, favored by the National Socialists. When at the occasion of the "Deutscher Tag" held on June 6, 1951 at Habsen, district Luebeck, the Badenswaller March was played, Kemer in conjunction with several other men stood

at attention and

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at attention and accompanied by loud shouts of "Heil" gave the "German Salute".

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

Aside from the personal confession Reiser at (1) Tangendorf on March 8, 1951 propagated Naziistic ideology in the following manner:

"One should unconditionally adopt the good sides of the Third Reich".

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

In conjunction with these statements he honored the NSDAP in a Jan 8, 1951 rally at Wolfenbuettel as follows:

"It did achieve much more on the positive side after all than all parties of to-day."

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

Reiser at a rally in (1) Braunschweig-Melvarode, held on March 15, 1951, confessed to the economic program of the NSDAP by saying: "We confess to National Socialism" which at a rally in Diepholz on Apr 29, 1951 he had termed "nationally orientated Socialism".

At (3) Fuenfelsee on Dec 18, 1950 he asserted:

" The new Europe

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" The new Europe will take the line of National Socialism."

Evidence: witnesses N.N. whose address for the summons will be made available at a later date.

At Braunschweig-Melverode on Mar 15, 1951 he supplemented this opinion by saying: " Only a National Socialism is fit to reconstruct Germany."

Evidence: witnesses N.N. whose address for the summons will be made available at a later date.

On Mar 29, 1951 in Oldendorf, district Melle, Remer propagated the following sentence: " The time has come again for us to apply the principle of National Socialism: Common interest overrules self-interest. It will hold its place even to-day."

Evidence: witnesses N.N. whose address for the summons will be made available at a later date.

b) By the propagation of further Naziistic ideas, especially by the plight to the leader-principle and authority-principle, Remer is attacking the democratic basic order. And also in this reference Remer identifies the aims of the SRP with those of the former NSDAP. In Braunschweig-Melverode Remer brought the following demand to the knowledge of his audience: " The SRP demands the leadership principle on a democratic basis."

Evidence: witnesses N.N. whose address for the summons will be made available at a later date.

The great extent to

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The great extent to which Remy is convinced that National Socialism should again bring its influence to bear is proven by the remark he made in the Restaurant Vieck at Tangendorf near Sinsau, on Mar 8, 1951. He characterized the candidates nominated by the SRP for the Landtag-elections as follows: " We have nominated many, the best, the very best National Socialists." " The SRP is not a party but THE German peoples' movement."

Evidence: witnesses E.H. whose address for the summons will be made available at a later date.

- c) In all of his speeches, Remy is also continuously attacking the concept that the Bonn Basic Law had legally been passed by the German people. Moreover he disputes that the Federal Republic by reason of the Basic Law has become the legal successor of the German Reich. Contrary to the principles as outlined in the preamble, in Article 23, Article 123 and the following, Article 134 and Article 140 of the Basic Law, Remy repeatedly claimed in his speeches that the Weimar Constitution continues to be valid. According to international law Commander-in-Chief Doenitz would be the head of the German state because in 1945 only the Army surrendered, not, however, the German Reich. He advocated this opinion at (1) Luenoburg on Aug 28, 1950 and at (2) Oldendorf,

district Melle on

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District Helle on Mar 29, 1951.

Evidence: witnesses H.A. show address for the summons
will be made available at a later date.

- d) From these assertions Remer draws further inferences pertaining to public law and politics. He discovers that in the Federal Republic all state authority emanates from the people and among the people propagates the opinion that the history of the Federal Republic already proved the contrary. Not the German people but a few politicians had enforced the Federal Republic's coming into being; thereby the German Nation had been cut in two and the German Reich had gone to pieces. At 1) Soellingen Remer worded his ideas as follows:

" By the creation of the West German Federal Republic the German Reich had gone to pieces."

At 2) Bielefeld he went so far as to say:

" By the creation of the West German Federal Republic the Parliamentary Council became guilty of Germany's being cut in two."

On Mar 16, 1951 at 3) Remberg he repeated his statements as follows:

" The exhaustive politicians of the Parliamentary Council, by the forming of a government, have practically battered the Reich and provoked counter-action of the East, the creation of the German Democratic Republic."

At 4) Bad Hatzburg

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At 4) Bad Nurnburg, on Jan 24, 1951 he formulated them as follows:

" Bonn's exhaustive politicians created the Federal Republic and thereby brought about East Germany's founding a German Democratic Republic."

Reiser also held that the creation of the Federal Republic had been the cause that the zonal borders had become national borders.

At 5) Oldendorf on Mar 21, 1951 Reiser asserted:

" The exhaustive politicians who at that time met for an inglorious rendez-vous in the Parliamentary Council at Bonn have called the Federal Republic into being and thereby surrendered the idea of the Third Reich under the aspects of international law."

On May 4, 1951 on the 6) Dobruk, district Stade, he reiterated the same idea.

Evidence: witnesses K.N. whose address for the summons will be made available at a later date.

2. NIAS Berlin tape recording.

On Jan 8, 1951 at Wolfenbuettel, Reiser again pledged himself to the aforementioned assertion.

Evidence: witnesses K.N. whose address for the summons will be made available at a later date.

In his statements regarding the creation of the Federal Republic Reiser distanced himself from any sanctioning that led to

the Republic"

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the Republic's coming into being. He moreover asserts that he in conjunction with Dr. Doris' had protested in due time the creation of the Federal Republic. On Oct 5, 1950 at 1) Soelligen he held:

" It has been our duty (Remer's and Dr. Doris') to enter, for the first time after the collapse, a protest against Germany's final division by our politicians, who established the Federal Republic."

On Jan 10, 1951 at 2) Lebenstedt he maintained his standpoint as follows:

"We were then protesting Germany's having been divided in two, which had not come about as a consequence of the demarcation line, but had been brought about by our Parliamentarians in Bonn."

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

- e) Neither is Remer exercising objective or profitable criticism on the constitutional order with the aim to improve it. By the defamation of persons and institutions it is his intention moreover, to weaken the libertarian democratic order.

By the assertion made on Jan 10, 1951 at Lebenstedt, he defamed the state form of the Federal Republic as follows:

" We want a German democracy in the meaning of a peoples rule and not a mob-rule."

Evidence:

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Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

He used the same expression for defaming the Federal Republic in his speech delivered on March 8, 1951 at Taugendorf (1). He then stated:

" The democracy which we want to shape shall be a German one. A democracy in which, in order to be assigned an office, it is mandatory that you have been a member of the resistance movement, is not a democracy in the meaning of a peoples rule, but moreover a mob-rule which we 100 percent disapprove of." He advocated the same opinion at Herzberg/Harz (2) on March 16, 1951.

Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

On Dec 18, 1950 at Puenzelse he impaired the authority of the Bundestag by asserting:

" Not a single delegate has any sense of honor." He furthermore said that he was convinced that a number of high-ranking German politicians had already packed their bags for escaping.

Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

The personal reproaches Reuter levels time and again must also be considered as within the meaning of a defamation and not an objective criticism.

On Dec 21, 1950 at

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On Dec 21, 1950 at Puchmulse he asserted:

" Whether Pieck or Adenauer, it's all the same, they both carry on Germany's sell-out."

Evidence: witnesses H.K. whose address for the summons will be made available at a later date.

The defamations Kemer made on Feb 23, 1951 at Eisen rank still were violent. There he called the present politicians:

" Foreign scabs, exhaustive politicians, profiteers of the surrender, and club of the 75-year olds."

Evidence: witnesses H.K. whose address for the summons will be made available at a later date.

On March 9, 1951 at Bleckede Kemer by saying the following, showed his insulting irony and presumptions:

" The club of the 75-year olds in Bonn sounds like grandma's record player from the attic. Why is nothing being done? The "Tattergruise" (mentally and physically infirmed old men) lack ^{the} courage."

Evidence: witnesses H.K. whose address for the summons will be made available at a later date.

With the intention to impair the reputation of the parties and their leading members, Kemer on Jan 8, 1951 at Wolfenbuettel repeated his statements as follows:

" Here we found the old men of the Weimar Epoch who had been a complete failure then and they spoke as if grandma'

had retrieved an

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had retrieved an old record."

Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

On Jan. 10, 1951 at Lebenstedt, he almost used the same words and said:

" Now we have the old Weimar parties which had been a complete failure already prior to 1933 and which now make up the club of the 75-year old men."

Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

- f) Kemer is likewise incessantly levelling heavy reproaches against the Federal Government, not only as regards its present composition, but also as regards its capacity as special agency of executive power, which Kemer strives to replace by an institution correspondent to the leader principle. He calls in question the honesty of the political endeavors strengthened by the Federal Republic and arouses suspicion. On Oct 8, 1950 at Vechelde and Waggum, he asserted that he would not dream of "packing his emigration bag like the others." This allusion referred to a news item of the Hearst-Press regarding the preparation of emergency quarters for the Federal Government, information, which he had passed on but which had officially been denied.

Evidence: witnesses M.H. whose address for the summons will be made available at a later date.

However, on Jan 8, 1951, at the rally at Wolfenbuettel, Kemer restricted his previous statements on the emergency quarters in

that he

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that he claimed he had merely related the reports without giving his own opinion thereon.

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

At the aforementioned rally, he furthermore asserted:

"The Zonal Government is not a bit better than for instance Mr. Bertinger, the Foreign Minister of the East Zone."

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

That Heuer made this comparison likewise with the intent to defame, is revealed by the speech he delivered at Herzberg on March 16, 1951, where he said:

"Bertinger, the East Zonal Foreign Minister has chattered away German territory in the East and the Federal Government, has done the same thing with the West."

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

On April 2, 1951 at Hannover-Doehren, Doehrener Maschpark, he furthermore claimed:

"Bertinger and Minister President Lofmann are traitors to their country just like Adenauer."

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

The idea of

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The idea of self-preservation and self-defense of the Federal Republic was undermined by Kemmer in that he incessantly pointed out to the uselessness of all such endeavors. In this conjunction he propagated the idea:

" Before we are swamped by the Russians, it would be better for us to do traffic police duty so that the Russians may march through Germany as quickly as possible."

He made statements to this effect at 1) ~~Married~~ district Norden, on Nov 27, 1950, at 2) Wolfenbüttel on Jan 8, 1951 and at 3) Bad Harzburg on Jan 24, 1951.

Evidence: witnesses N.H. whose address for the summons will be made available at a later date.

Aside from criticism on the on-goings, Kemmer, with the same ideas in mind, also attacks members of Federal Institutions and thus attacks the Federal Institutions themselves. On Dec 18, 1950, at Fuenfelve he made the assertion:

" I am most certainly not a pacifist. I would be willing to become a soldier to-morrow, however, the 402 Bundestags' delegates would first have to prove their readiness for action in that they were willing to jump and fight as paratroopers behind the Russian front."

Evidence: witnesses N.H. whose address for the summons will be made available at a later date.

b) By spreading a new stab-in-the-back lie, Kemmer strengthened continuous efforts to revive nationalism and to deepen contrarities

in this way

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In this way within the people.

On Oct 9, 1950 at 1) Soellingen, Romer, having the afore-mentioned intent in mind, pointed out:

" Just a few days before the invasion got started important arms were removed from the Atlanticwall by higher orders."

On Apr 3, 1951 at 2) Alfeld he accused the former chief of staff Halder in the following manner:

" Even before the war, the chief of staff Halder was in contact with England and gave the assurance to assassinate the head of the state."

Evidence: witnesses N.5. whose address for the summons will be made available at a later date.

On May 4, 1951, on the Dobruk near Stade, Romer called General Speidel dishonorable and gave the following reasons:

" We deem it dishonorable if General Dr. Speidel - of course a resistance fighter as anyone has to be nowadays - if he wants to get a good job - sits at the same table with the crusader Eisenhower while his own brother who had been detained in Landsberg as a war criminal, was only recently sentenced to 12 years of hard labor."

Evidence: tape recording of KIM Berlin.

This remark indicates another target of Romer's attacks, the resistance fighters against National-Socialism. Romer continuously calls them traitors to their country and said of them that their morale is inferior. On Oct 5, 1950, at 1) Soellingen he asserted:

" The major

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" The larger part of the big band of the real German movement were also traitors to their country, and acted upon orders from abroad."

and on Jan 29, 1951 at 2) declares:

" The rebels of July 20, 1944 were persons, morally inferior. They committed high treason and treason to their country. I would have hung them too."

On Jan 8, 1951, at 3) Welfenbuttel he disowned the fighters of the resistance movement of any decency of opinion:

" They who call themselves resistance fighters nowadays were foreign-paid traitors to their country."

Evidence: witness H.H. whose address for the summons will be made available at a later date.

On March 20, 1951 at (1) Kellierfeld he pointed out:

" It was an already unsuccessful attempt to overthrow the government and a capital traitor respectively a traitor to the country, will only be extolled if his address prove successful, if not, he has to draw the consequences. High treason conditions breach of oath and is only expiable by a bullet through the head."

Still more defaming was the opinion he advocated at (2) Seesen on March 21, 1951 where he pointed out:

" The rioters will one of these days make history as capital traitors and traitors to the country. The persons, today heading the nation, belong to these traitors, who - while the honest Germans were fighting hard at the front and at home - negotiated with the

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with the enemy." On May 4, 1951 at (1) Bobrak he spoke of
"worthless traitors to the country, who are paid by
foreigners."

Evidence: witnesses H.B. whose address for the summons
will be made available at a later date.

2. tape recording.

"One of these days it shall be our duty to have these gentlemen
sentenced by objective courts," thus he threatened all fighters
of the resistance movement on the Bobrak (1) and in doing so re-
peated a statement which always accompanies his orations regarding
the incidents on July 20, 1944. Amongst others he had also made this
threat public at Herzberg am Harz (2) on March 16, 1951.

Evidence: tape recording

2. witnesses H.B. whose address for the summons
will be made available at a later date.

1) Moreover Ranzor also denigrates state institutions as such; he
either makes the assertion that they are irrational in their economic
affairs or that they are incapable of fulfilling their duties. On
Jan 10, 1951 at 1) Lebnstedt he formulated these attacks as follows:

"The present administration costs rank much higher than those
of the Grossdeutsches Reich inclusive of the SA and the SS.
On each milestone on the road from Bonn to Lebnstedt we could
seat a minister whose salary we pay for."

On March 20,

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On March 26, 1951 at 2) Wellerfeld. and on May 4, 1951 on the
3) Döbrak near Stade he repeated the same assertion.

Evidence: witnesses H.E. whose address for the summons
will be made available at a later date.

2) tape recording with Berlin.

On Feb 16, 1951 at 1) Norden he made the following remark on
the activities of the officials:

" There in former times 2 half idiots were doing a job, there
are three complete idiots now."

On April 2, 1951 at 2) Hannover-Doehren, Doehrener Maschpark
he advanced in the same way:

" But it so happens that nowadays in the administrations a
third and fourth has to be added to the two half idiots in
order to be able to expect from these three the same what was
formerly done by one man."

Evidence: witnesses K.H. whose address for the summons
will be made available at a later date.

k) Reier likewise denied that the basic rights were observed by
the existing state authority. On March 16, 1951 at 1) Harsberg he
so asserted:

" The way democracy suppresses freedom of opinion surpasses the
epoch of National Socialism."

On April 5, 1951 at 2) Alfeld he recorded the same assertion as
follows:

" The democracy

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"The democracy of today allows for still less freedom of press than did the Third Reich."

"The decrees on the political activities of members of the public service, as passed by the Federal Government, constitutes a crime against the democratic basic order."

"The boycott declaration against the GDR on the part of the Federal Government is an unlawful act which constitutes a crime."

Evidence: witness E.K. whose address for the moment will be made available at a later date.

- 1) In all of his speeches and political utterances Koser does not wish to exercise objective criticism on the constitutional order and the Basic Law with the aim to improve this order, but his intention unequivocally tends to attack the democratic basic order at any rate. With this attitude he deludes, as already shown above, all those who do not pledge themselves to his ideas. In doing so he does not refrain from personal attacks and calls those he attacked, inferior in morale, called them traitors to the country etc. He thus proves that he does not wish to enforce his own objectives by means of intelligence or a more reasonable shaping of conditions. More than once he expressed that he were willing to bring his ideas to recognition by force if necessary.

On Jan 14, 1951 at 1) Hannover, Fuertensinger, he announced his plans in this direction as follows:

"Now is the time

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" Now is the time for us to also go out into the streets, push ahead the objectives of the SNP and effect their realization."

When on Jan 16, 1951 at E) Alfeld he was denied the right to speak at a rally, he went so far as to announce:

" Within the near future I shall hold a public meeting at Alfeld. It will take place in any event even if I have to come with 2,000 men and have to break the terror."

The Apr 5, 1951 rally at Alfeld proved that these were not mere words; at this rally Remer had 15 men, dressed in field jackets and knee-length boots, take their posts in front of his speaker's stand. He thus showed that he could also carry through his intention to break a would-be terror by force.

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

Almost all Landar restricted Remer from speaking. Notwithstanding this he did everything to evade these bans. And so, in spite of restrictions imposed on him, Remer on August 15, 1951 in the course of a secret meeting at Bad Hersfeld allegedly a rally of SNP members, spoke for several hours and had amongst others charged the Generals Dr. Speidel and Heusinger with treason.

Evidence: official information of the Hesse Ministry of the Interior

1 public SNP meeting

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A public SRP meeting scheduled for July 25, 1951 at Bad Harzburg in the course of which Remer was to speak, was prohibited for police reasons by the Ober-Kreisdirektor. Nevertheless the SRP held the meeting, allegedly as a meeting of its members, and Remer delivered a propaganda speech. The police thereupon dismissed the meeting of the members. While the assembly room was being cleared the manager announced that another assembly would take place at 0⁰¹ hours on July 26, 1951. This announcement was made because the ban had merely been pronounced for July 25, 1951. The participants of the meeting did appear again at the announced time, however, the police also dismissed this assembly.

Evidence: witnesses H.R. whose address for the summons will be made available at a later date.

The SRP with Remer's participation, displayed the same attitude towards the measures of the authorities in Württemberg-Baden. In spite of the aforementioned restriction of the Württemberg-Baden Ministry of the Interior, the SRP had invited for participation in a meeting scheduled for Aug 25, 1951 at Waiblingen. This meeting, however, was not to take place at Waiblingen. Therefore the management had everybody who had appeared for the meeting, get into cars and they were taken to Esch, district Waiblingen. An alternate meeting was to be held there. At this meeting Remer spoke for about 45 minutes on the question of guilt in both World Wars. Then the

criminal police,

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criminal police, after having disclosed the site of the alternate meeting place, wanted to dismise the meeting, Reuer as well as the Landesgruppenfuehrer Heilien attempted to prevent these measures. It was not until the criminal police had energetically stated its cause that the meeting was closed. The participants remained in the assembly room, however, for a "social get-together" and in the presence of the police sang the songs "Nur der Freiheit gehoert unser Leben" and "Singend wollen wir marschieren, Otto Reuer soll uns fuehren." While this "social get-together" went under way, Reuer, in spite of police instructions, from the center of the assembly room, answered what were claimed to be questions of the participants in the meeting.

Evidence: witnesses H.H. whose address for the summons will be made available at a later date.

By this conduct Reuer proved how he felt about the realization of his assertion which he had made on Dec 18, 1930 at Puenzmaes:
" the fight of the National Socialists calls for sacrifices."

Evidence: Witnesses H.H. whose address for the summons will be made available at a later date.

The afore-mentioned statements and Reuer's conduct at other occasions prove which consequences might have been called forth if Reuer had continued to hold the rank of leader of the Reichsfront, to which post he had been appointed by decision of the party management. The Reichsfront had been called into being by the NSD as an active movement and had

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movement and had been assigned the major duty of assuming responsibility for the maintenance of order at rallies and to be available for "special assignments".

Evidence: Periodical "Deutsche Welt" No. 2 of Feb 4, 1951, p. 7
Circular No. 1/51 of the Landesverband Niedersachsen.

On June 19, 1951 the SRP held a mass-meeting at Luebeck in the Auktionshalle in the course of which the SRP-spokesman Kemmer had delivered a speech.

Following this meeting a larger number of members and SRP followers rallied. This group of 25 to 30 persons discussed the election campaign of the SRP in Lower Saxony. Within the scope of this discussion Dipl.-Ing. Hermann Groth, Luebeck, 16 Saphienstrasse spoke on an economic program of the SRP. In this conjunction the SRP member Zschau put the question to Brigadier General Kemmer ret., how the SRP felt about a general strike. Kemmer held that the SRP considered a general strike as a means to attack the state and would therefore approve of it. His words were as follows:

" We agree to any means to overthrow this state. We are just waiting for it."

Evidence: witnesses X.B. whose address for the summons will be made available at a later date.

This statement of Kemmer's proves that he does not only feel he has to champion the thesis, " terror has to be counter-acted by terror" but that the parties' objectives as pronounced by him, aim at overthrowing the Federal Republic by all means. In conjunction with

this thesis

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this thesis Remer propagates that his party is not (only) willing to accomplish its objectives by means of an election campaign but that it will accomplish them also by force. Such objectives violate binding constitutional principles (para 33, sub-para 1, 2 and 6 of the Penal Code, revised version).

On Nov 11, 1951, in the course of an interview Remer granted to Dr. Harms, a referee of the Staatl. Prozessalle, Maastricht, he said amongst others:

" If we should be banned we shall descend into the catacombs like the early Christians. Our preparations for the illegality are concluded. Die vierte Garnitur steht " (the fourth set stands prepared).

Evidence: witnesses E.R. whose address for the summons will be made available at a later date.

This interview too shows that Remer, in his capacity as deputy chairman of the SRP, announces the disobedience of laws and measures in case the SRP should be banned.

VI. According to the state of affairs as presented, the motion against Remer, pursuant to Article 18 of the Basic Law, is well founded.

Remer has incessantly made use of the freedom of expression of opinion as has been established, in order to attack the national order stipulated by the Basic Law, by any means and in any direction.

In this

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In his propaganda speeches Remer has repeatedly stressed that he wishes to replace democracy by the Fuehrer-principle and replace liberty by unrestricted state authority. These objectives, however, are incompatible with Article 20 and 23 of the Basic Law. Furthermore Remer, when he speaks of the "Fuehrerstaat" and the realization of the power principle, views them as they were in times past when they corresponded to conceptions of National Socialism, even though he does occasionally speak of a "Fuehrerstaat". In his entire way of thinking and acting Remer is engrossed in national socialist ideology and makes it subject of his propaganda speeches. He cannot interpret the political concepts emphasized by him as being of decisive importance, differently than they were interpreted in the era of the Third Reich. From this attitude alone may be explained his continuous reference to the allegedly great achievements of the NSDAP and his confession to have been and to continue to be a National Socialist, as well as the revival and imitation of Naziistic salutes and other formalities.

These circumstances are the more remarkable for Remer's judgment since he, according to his statement, was at no time been a member of the NSDAP.

Aside from his personal confession Remer identifies the principles of his political conception and that of the NSD with the ~~principles~~ of the former NSDAP-Program. For this reason Remer propagates the so-called Fuehrer- or Fuehrerstaat, the nationally

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orientated socialism and National Socialism. The occasional allowances he makes to the effect that National Socialism is not to be restored and that the NSP would only adopt what had been good in the national socialist past, are mere technical allowances, to which may not be attributed any decisive importance and which are intended to be and actually are understood as such by the audience.

As regards the nature of the political fight, Remer likewise advocates an opinion which to a large extent is in conformity with Naziistic ideas. His words of the "breaking of terror" and of the "continuation of the political fight in the street" are thus given a special menacing meaning.

Remer is also attacking the democratic basic order by asserting that the former Commander in Chief Doenitz is still supposed to be the head of the state and that the Weimar Constitution is still supposed to be in force. These ideas are not being made available for objective discussion but are being circulated as propaganda thesis in order to give the defraction of the government and the parliament the appearance of greater credibility. All parties, politicians and state institutions which according to Remer's opinion do not approve of the objectives of the NSP are being assaulted and attacked without exception. They are being declared state enemies, people of inferior morale or even traitors. Remer in condemning other opinions is just as unscrupulous and rude as were the propagandists of the former NSDAP. On the other hand Remer

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order and if it is the objective of this attack to exercise the basic rights. In subjective respect it will be sufficient to establish that the offender intentionally attacks the libertarian democratic order. The consciousness that the exercise of basic rights as mentioned under Article 18 constitutes an abuse, need not be accompanied by his knowledge and intent. The facts as mentioned herein reveal that hence by his bearing at his propaganda speeches, objectively abused the basic right of freedom of expression of opinion as mentioned under Article 19 for his attack against the libertarian democratic basic order, and that he subjectively also wanted to carry through this attack.

In this attack hence makes use of the basic right of freedom of expression of opinion as well as of the basic right of freedom of assembly and freedom of association. Hence launches his anti-state attacks foremostly at public meetings. Inasmuch as he was prohibited from propagating his doctrines at public meetings, he made use of the right of freedom of association to call in so-called closed meetings in order to deliver at these meetings his instigating speeches.

The facts of Article 18 of the Basic Law thus seem to be present, in objective as well as in subjective respect. The action, pursuant to Article 18 of the Basic Law in conjunction with Para 13, Sub-Para 1 and Paras 36 and the following of the BVGG, is therefore well founded.

(stamp)



/s/ Dr. L e h r

Certified:
Signature
 Civil Employee