Law, Justice, and the Holocaust:

How the Courts Failed Germany, 1933-1945

Photograph: U.S. Holocaust Memorial Museum

Chancellor Adolf Hitler and President Paul von Hindenburg. Potsdam, Germany, 1933.

Photograph: courtesy of Bundesarchiv Koblenz

A police officer and a member of the SS on patrol. Berlin, Germany, March 5, 1933.

Photograph: courtesy of Bundesarchiv Koblenz

"I am a Jew and I will never again complain to the police."

Members of the SA humiliate Dr. Michael Siegel, a Jewish attorney Munich, Germany, March 10, 1933.

Dr. Erwin Bumke,
President of the German Supreme Court, 1929-1945.

Photograph: Courtesy of Bundesarchiv Koblenz

Photograph: courtesy of Ullstein Bild/The Granger Collection, NY

"I swear I will be true and obedient to the Führer of the German Reich and people, Adolf Hitler, observe the law and conscientiously fulfill the duties of my office, so help me God."

Photograph: courtesy of Friedensbibliothek-Antikriegsmuseum der Evangelische Kirke Berlin-Brandenburg

Prosecutor Martin Gauger

After his resignation he worked as an attorney for the Confessing Church.

" After careful consideration I find, in good conscience, that I am not able to swear the loyalty oath to the Reich Chancellor and Führer, Adolf Hitler…"From Martin Gauger's resignation submitted to Chief Judge of the State Court in Wuppertal on August 25, 1934.

Photograph: courtesy of Bundesarchiv Koblenz

The Parliament Arson Trial defendant, Marinus van der Lubbe testifies before the Supreme Court in Leipzig, Germany, September 1933.

Justice
Or
Paragraph Dictatorship?

The Reich Law Office of the NSDAP is fighting for a new German people's law. Let's make it a fact soon: it's what we want and what the people desire.

NS- Justice Mirror
The Struggle Page for German People's Law
New Edition for 25 Cents off the shelf

Central Publishing House of the NSDAP, Munich 22, Thiersch Street 11.

Paragraph 1666, German Civil Code of 1931

Court measures where the welfare of the child is endangered:

"child endangerment could be proven if, under parental influence, a young person behaved (or was likely to behave) in an immoral or dishonorable fashion."

Photograph: U.S. Holocaust Memorial Museum

Elisabeth, Hans Werner, and Paul Gerhard Kusserow at the family home in Bad Lippspringe, Germany. In 1939, the German police put them in foster homes for "reeducation."

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Courts Redefine Child Endangerment

"the task of parents is… raising their children in German customs and beliefs that morally and intellectually reveal the spirit of National Socialism."

Decision of the Karlsruhe District Court, Civil Law Chamber I, Karlsruhe v. [Franz Josef Seitz] and Willi Seitz, April 15,1937, case no. 1 ZFH 33/37

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Photograph: courtesy of Staatsarchiv Aurich

"I am a defiler of the race."

A couple is publicly humiliated for violating Nazi race taboos. Norden, Germany. July 1935.

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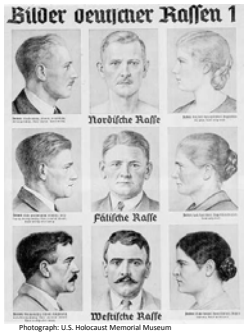
"Those actions of judges that seeks to limit the political decisions of the Führer …are in direct opposition to the central legal conception of the National Socialist state, namely the Führer Principle"
-State Secretary Dr. Stuckart, *Deutsche Verwaltung* 12 JG 1935, p. 161

Photograph: U.S. Holocaust Memorial Museum

Wilhelm Stuckart (1902-1953), Nazi jurist responsible for the Nuremberg Laws.

Photograph: courtesy of Staatsarchiv Bamberg

Chart indicating the determination of Jewish racial ancestry in Nazi Germany under the Nuremberg laws.



Photograph: U.S. Holocaust Memorial Museum

The Law for the Protection of German Blood and German Honor, September 15, 1935

"…purity of the German Blood is the essential condition for the continued existence of the German people..:
…
Article 2
Extramarital relations between Jews and subjects of the state of German or related blood is forbidden."

Supreme Court rulings on the Law for the Protection of German Blood and German Honor:

- Any act that satisfied the sex urge violated the law
- Crime established even if the sexual act occurred abroad
- Intent was irrelevant in determining penalties.
- Just a verbal proposition for sex violated the law
- Crime did not require bodily contact

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Photograph: courtesy of the Library of Congress

A Jewish man kneels before a mass grave during an execution of Ukrainian Jews by Einsatzgruppe D (mobile killing unit D).

Vinnitsa, Soviet Union, 1941-1943.

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Decree Against Public Enemies (*Volksschädlinge* literally Folk Pests) of September 1, 1939

Almost any criminal act …could be punishable with death if the court determined the offender--by character or by actions--was a "pest".

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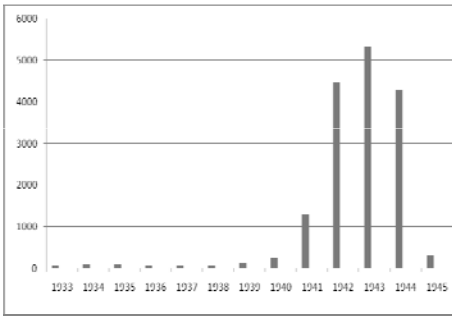
Hitler: Protecting the Community at War Requires Broad Application of Death Sentences



Total 16,560

Death Sentences 1933-1945

Photograph: courtesy of Forum Justizgeschichte e.V.

In October 1944 Erna was 19 years old when she was found taking used clothing and jewelry from a bombed out house.

She was executed as a "Public Enemy" in November 1944.

DIGITAL VIDEO HERE

Photograph: courtesy of Walter Meyer

Walter Meyer
Born 1927, in the Rhineland, Germany. Arrested: April 1943

Photograph: U.S. Holocaust Memorial Museum

"…the judge is the expert in the law, the prosecutor speaks for the state administration and the lawyer speaks on behalf of the Folk comrade…"
Otto Thierack.

Otto Thierack Minister of Justice, 1942 until 1945.

The touch stones of German justice… Arbeiter-Illustrierte Zeitung. -- 1934

"The murderer's dagger was hidden beneath the robes of the jurist."

Judgment of the Justice case, Nuremberg Trials. December 4, 1947