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Why should the Nazis bother about homosexuals? After all, some of the most loyal supporters of the Nazi movement were homosexual, and Hitler refused to condemn the sexual preference of Ernst Röhm, even after it featured prominently in the opposition's campaign against the Nazis in 1931.¹ Tolerance for homosexuals had increased in Germany during the first three decades of the twentieth century to the extent that an open gay culture flourished in cities such as Berlin in the 1920s, and parliament seemed well on the way to abolishing §175, the clause of the penal code dealing with homosexual offenses.² So why bother about them? First, because Nazi opposition to this emancipation sought to appeal to the conservative backlash that the Nazis wished to co-opt. In terms of immediate action when Hitler came to power, there were well-publicized closures of gay bars in big cities.³ But homosexuals were a somewhat elusive minority. Jews were a much easier target. They stated their religion on census forms, birth certificates, and other government records. Communists, the main target in 1933, could also be tracked down through their own party membership lists. Most homosexuals were relatively invisible. The fact was that the Nazi leadership never figured out conclusively how to define a homosexual, or how to locate them. That in itself would have made it impossible for the Nazis to implement a "gay Holocaust" were any such decision ever to have been taken.⁴

The more the leadership convinced itself of the magnitude of a homosexual conspiracy, however, the greater the likelihood of drastic action. On the eve of World War II, there were fewer than a quarter-million Jews in Germany. In 1934 the police believed there to be at least two million homosexual men in the country. By 1939 the army's chief psychiatrist was suggesting as many as three million, or four percent of the population. At the end of 1942 the figure of four million was being discussed.⁵ This was turning into a potentially huge problem, and it is hard to imagine that a demonstrably paranoid Nazi leadership would have dismissed this in the long run. The more serious the problem, the more likely it was to be met with what the Nazis generally referred to as a "radical solution," which usually meant murder. Another major complication to any quick fix, however, was the fact that many apparently racially pure and ideologically sound National Socialists, and even officers of the elite SS, turned out to be homosexuals. That was sufficiently confusing to Himmler and others as to bring the blanket application of drastic persecution into question. In its search for imagined enemies, however, the Nazi leadership knew that the entrenched refusal to accept sexual otherness in broad sectors of German society provided a bedrock upon which to build a popular anti-homosexual campaign. The propaganda machine attempted to add credibility by portraying the average homosexual as fitting a "dirty old man" image, someone who principally targeted young teenage boys.⁶

Prejudice was vividly present inside the prisons and camps of Nazi Germany, too. Both gay and straight survivors have provided testimony that homosexual inmates of the concentration camps were treated worse than prisoners of any other category apart from the Jews, not only by the guards but by other inmates. In a strange twist of fate, an SS guard, who had been the block leader of the isolation barracks in which homosexuals were housed at Sachsenhausen, was himself convicted on charges of homosexuality and eventually sent to the very same block. There the SS sergeant now in charge enquired about his crime, and on hearing that he was a pink triangle prisoner, promptly beat him up. The new victim, as a guard, had earlier meted out the same treatment to homosexual prisoners himself, so it is no surprise to learn that a few days later he was also beaten up by a large group of inmates.⁷ Saul Friedländer refers to the plight of Leopold Obermayer as an exemplary case of the "system's particular hatred of homosexuals."⁸ The letters of this middle-class, Jewish homosexual with a law degree, complaining to his own lawyer about the illegality of his being held without trial, never got past the camp commandant's office, and were simply filed away, allowing us a

precise look at his maltreatment. At Dachau, the guards, knowing of his heart problems, took to making him run round the exercise yard, when most of the other prisoners walked. Deciding that he was not running fast enough, the guards ordered healthier prisoners to run behind him and kick the backs of his knees and ankles. On one occasion an SS officer kicked him thus and then punched him in the kidneys until he fell. Obviously now sweating and with a racing pulse, Obermayer was dragged under an ice-cold shower, fully clothed, then marched back again to the courtyard to continue the exercise period. Following this he was taken to a cell, still dripping wet, where he had his ankles and wrists chained to a single ring in the floor. He was told he would be beaten if he sat down.

It may fairly be stated that Leopold Obermayer was treated with particular brutality, because he was Jewish as well as homosexual. But other detailed evidence has recently been published about the deliberate torture and murder of homosexual inmates in Sachsenhausen. The brick works attached to the camp offered an isolated location for the murderous sport of the SS guards. In one case around October 1941 five homosexual prisoners were singled out and taken to the wash room. Their hands were bound behind their backs, and they were restrained by SS men while a hose was shoved down their throats and turned full on until they drowned. Any who struggled were beaten. When all five were dead, the corpses were hung upside down until all the water drained out, making it difficult to establish that the cause of death had not been natural. Survivors from Sachsenhausen recalled that in the spring of 1942 homosexuals were intentionally selected at the gravel pit, and were tied to a loaded rail trolley car, with a noose around the neck of each. As the car hurtled down a slope, the victim was ordered to keep up with it, and those who failed to do so were dragged to death. The incomplete records of the camp reveal that in just over two years from the spring of 1940 some 400 pink triangle prisoners died. Then, in the summer of 1942, virtually all homosexual prisoners there were detailed to a special punishment squad at the brick works, and a more systematic attempt was undertaken to murder them. In July 1942 alone, seventy-nine homosexuals were deliberately killed at the brick works site, at the rate of three or four per day, and this anti-homosexual vendetta continued until September 12, 1942. It is probable that well over 200 homosexuals died in this campaign. One routine method was to kick a marked inmate away from the trolley he was helping to push; the prisoner would fall down the slope toward the perimeter fence, where he could, according to the regulations, be “shot while trying to escape.”⁹ These

are tiny numbers compared with the murder of Jews, but that is no reason to brush them aside altogether. Research has indicated a death rate of sixty percent among the pink triangle inmates of Nazi camps.¹⁰

There can be no question that many homosexuals, and also men unjustly accused of being homosexuals, suffered appallingly in the Third Reich. But why would homosexuals have been singled out in this way? What was the genesis of Nazi opposition to homosexuals? While homophobia was widespread but not universal, it was the attitude of a handful of leaders who shaped the crusade against homosexuals under the Third Reich. Since the murderous antisemitism was driven above all by Adolf Hitler himself, we should start our investigation of anti-homosexual policy with him. Unlike his constant ravings about Jews, Hitler said little in public or in private about the subject of homosexuality, despite the claim of some of his opponents that it simmered just below the surface of the whole Nazi movement. From the start the all-male, paramilitary world at its core had been infused with a certain homoeroticism. The leaders, and above all, Hitler demanded fanatical devotion, indeed adoration! This placed his male followers in a bind, because that love could not cross a certain, never-discussed threshold.¹¹ Hitler reserved his sharpest condemnation of homosexuality for acts that he described as pederasty, though his definition of this is not clear. The term pederasty was used quite generally (at least by the police and the courts) in the 1920s to denote any kind of homosexual behavior, and did not carry the connotation of an assault on a minor. “Pure pederasty,” said Hitler somewhat mysteriously, “seems to me entirely un-Germanic. I feel that it is filth of the lowest order. Pederasts should be expelled from the community of the Volk.”¹² If we accept Otto Wagener’s reporting of this as accurate, it is noteworthy that Hitler used the qualifier, “*pure* pederasty” here.¹³ It could be that Hitler wished simply to distinguish *homosexuality* from mere *homoeroticism*. It appears that Hitler *did* approve of close and affectionate relations between older and younger men, and found a compelling theory to legitimize this in Karl von Reichenbach’s half-baked ideas on personal magnetism, or “Odic force,” as Reichenbach termed it in the mid-nineteenth century.

Otto Wagener describes how Hitler became positively thrilled as the former explained Reichenbach’s scheme—“Hitler grasped my arm and looked at me as if he were facing a glittering Christmas tree.” What had caught Hitler’s imagination so immediately? Reichenbach postulated that there was an actual, magnetic, “Odic force” that humans produced, most strongly when they were young. The old could produce

only inadequate amounts of the force, but they were able to soak up the overproduction of the young through contact with them, though only if both parties were compatible (—the force did not flow randomly). Hitler did not understand this necessarily to be physical contact, but he did view the flow of these magnetic waves as the very key to the success of any military or para-military unit. The officer and his men ideally formed an “Odic community.” The same would be true for the Nazi Party as well: “Wagener, the mystery of the political organization and the organization of the SA has been solved! It’s not racially determined, it’s grounded in this problem!” The more Hitler thought about it, the more he became convinced that he had felt this Odic force: “...it’s the same when I spend time with young men. I have always said that I draw strength to continue my work from the beaming eyes of my young storm troopers. It’s the very same thing.”¹⁴

Countless contemporaries have reported the mesmerizing effect of Hitler’s staring deeply into their eyes. And that is the extent to which one would expect the intimacy to go, given the later homophobia of the Nazi state. But in 1930 Hitler apparently gave a cautious endorsement to more physical contact. He had rushed off to read Reichenbach’s book, and reported to Wagener that he was applying the ideas to his own thinking. Speaking explicitly of the attraction that young men and boys must feel for a suitably creative older man to whom they wish to transmit their surplus Odic force, the Nazi leader stated: “In my judgment, this has nothing to do with sex. But since the transference of Od energies occurs with greater force and more immediately through physical touch—shaking hands, caressing, even kissing—the urgency of the Od contact also releases a desire for this kind of touch.” Hitler did not consider this inappropriate, as long as it did not deteriorate into a sexual encounter, and there he drew a definite line: “It seems to me all the more abominable if the older man allows this cuddling on the part of the younger man to seduce him into lewd acts or even to go so far as to exploit him for that purpose.” The extraordinary point about this remark is that Hitler does not seem to view a clearly erotic embrace between two men to be reprehensible *per se*. It was simply a means through which to stimulate the flow of Odic waves. It is remarkable, to say the least, that Hitler should believe that an act such as the cuddling of two men, or more particularly of man and youth, might *not* be in any way sexual, when such a standpoint was explicitly rejected by his criminal justice system following the Röhm Purge in 1934.

From all we can tell, though, Hitler did not spend a lot of time thinking about the “homosexual problem.” His remarks were negative, but infrequent.¹⁵ The main protagonist here was the man at the head of the SS, and who also became chief of the entire German police force. The young Heinrich Himmler was rather prudish about sex, and felt most comfortable in the shelter of all-male army or fraternity circles. When he encountered the subject of homoeroticism in his reading, Himmler was demonstrably confused. The topic likely would have hit rather close to home, but one easily can imagine that he did not want to believe that he was subject to any sexual feelings toward other men himself. In March 1922 he threw himself into a rambling philosophical discussion with a fraternity brother; they spoke of “land reform, degeneration, homosexuality, and the Jewish question.” His diary does not record the details of this exchange, but the juxtaposition of the topics, a regular grab-bag of right-wing bêtes noires, makes it not improbable that links were drawn.¹⁶ After all, the portrayal of homosexuality as a marker of the degeneracy of society had already been a staple of Socialist propaganda before the First World War during the Krupp and Eulenburg scandals.¹⁷

With Himmler, unlike any other Nazi leader, we have the advantage of knowing not only the books he was reading, but his opinion of them, because he recorded his thoughts in a notebook. We therefore have a fascinating insight into the ideas that were shaping his thinking and his prejudices. During September and October 1927 Himmler read Herwig Hartner’s book *Erotik und Rasse* (Eroticism and Race). It had been lent to him by Maj. Walter Buch, chairman of the Party’s disciplinary court. He was sufficiently interested in the book to take it with him on trips outside Munich during those weeks. We can say that Himmler read this book at a particularly important moment, just before his new leadership role in the SS began to take over his life, and while he still had some spare time for reflection. The main thrust of the book was a sweeping condemnation of the unbridled sexuality that the Weimar Republic seemed to many to have unleashed, which Hartner attempted to prove through discussion of salacious literary works by Jewish authors. These ideas were not altogether new, and in *Mein Kampf* Hitler himself wrote about Jewish sexual predators. Yet Himmler found Hartner impressive. His comment on the book reads as follows: “A collection of appalling products of literature, terrible to read. It is, however, a necessary collection of evidence and therefore valuable.”¹⁸

Hartner's book contained a section specifically on homosexuality, centering not on literature, but on the scientific and political work of Dr. Magnus Hirschfeld.¹⁹ Hartner's thesis was that an unchecked expansion of the phenomenon of homosexuality would lead quite literally to the "destruction of mankind" (*Untergang der Menschheit*). He lost himself in speculation about a giant conspiracy, inspired of course by Jews, among whom there was "contrary to Hirschfeld's assertion, a greater [proportion of homosexuals] by far than in the German population" as a whole. What was the aim of these Jewish homosexuals? They were trying to push Germany down the slippery slope of "increasing infertility" that the French had been sliding down for ages. You may well wonder whether, if more homosexuals meant fewer babies, that would not have an equally or even more damaging effect on the "heavily homosexual" Jewish people. No, because they, and especially the hated *Ostjuden*, were still positively infused with a Zionism that provided an unquenchable fuel for an "unbroken will to fertility" (*ungebrochener Fruchtbarkeitswille*). The heterosexual Jews would simply produce more babies. Germans lacked this sense of nationalistic mission. Hartner declared in a closing flourish to his chapter that this spread of homosexuality would "surely dig our graves." One can almost sense young Himmler (still only twenty-seven years old) shuddering in agreement with these sentiments.

Hartner denied that homosexuality was brought about either as a result of boredom following too much sex with women, or by any other moral decadence, but rather he ascribed organic roots to the phenomenon. The idea that this was a natural drive over which the individual had no control in fact followed the thinking of that staunch defender of homosexuals, Magnus Hirschfeld himself. Yet Hartner was not about to defend homosexuals, even if they could not help themselves. What was to be done? The first thing, insisted Hartner, was *not* to allow people to act out their (homo)sexual impulses. This was a suggestion with which Himmler, already believably disturbed by the thought that Blüher's comments on homoeroticism hit a little too close to home, would have fully agreed. Since the very "destruction of mankind" threatened to occur if homosexuals were to have their way, firm measures were called for. After all, "criminal tendencies, too, can be innate (*angeboren*), but it is still a duty for the self-preservation of human communities to take forcible precautionary measures against these equally natural urges."

What, if anything, did Himmler take away from this book?²⁰ Even if he had not yet perhaps made up his mind about the criminality of homosexual persons, they

constituted nonetheless a dangerous phenomenon of devastating possibilities. The whole Aryan race was threatened by homosexuality, and it would spread inexorably, not least through the pernicious efforts of the Jews, who would actively and successfully seek to drag Germans down these perverse paths in their efforts to destroy the German people.²¹ The metaphor of homosexuality as a disease that, if unchecked, would reach epidemic proportions, became a staple expression of Himmler's in later years. Hartner, following Hirschfeld, had asserted that there were 50,000 homosexual men in Berlin alone, and around one million in Germany altogether. The latter remained Himmler's base figure even a decade later, when he became chief of the German police.²² The rhetoric within the Party about Jews as homosexual and pederastic perverts took off the following year, with a *Völkischer Beobachter* article expressing outrage about the appearance of Magnus Hirschfeld to give a speech at a boys' school.²³

The charge of pederasty was one also leveled by the Social Democrats in a mutual battle of sexual denunciation centering on Ernst Röhm in 1931. The latter chose to deny the charges, while Adolf Hitler studiously ignored them. Many conservative prosecutors had long felt frustrated over the difficulty they experienced in bringing convictions on charges of homosexuality, if they could not prove penetrative anal or oral intercourse, which was almost impossible to establish if the accused denied it. One of the striking aspects of my research has been the growing evidence that, while homophobia was widespread, it was members of the professions, notably lawyers and physicians, who paved the way for more brutal and official persecution.

In legal circles, then, a general welcome was accorded to the 1935 revision of §175; it permitted convictions for simple masturbation and indeed even the slightest of homosexual advances. Most historians, noting that the tightening of the law occurred at the end of June 1935, assume that this was some sort of gruesome anniversary gift for homophobes one year after the murder of Ernst Röhm. In fact, the promulgation of the amendment occurred in the context of a much wider criminal code reform that covered a considerable number of other crimes unrelated to the Röhm Purge. The public learnt little about the subtleties of the change, because the Ministry of Justice felt that a clear explanation in the press of the kinds of sexual acts now covered by the law would have the deplorable effect of encouraging young men to experiment. And so the new §175 continued to be vague, stating simply: "A man who commits indecency with another man, or allows himself to be abused by him for indecency, will be punished with

imprisonment.”²⁴ Lesbians remained outside the scope of the law. Reich Justice Minister Franz Gürtner later noted in the discussion of a different clause: “The law is not made just for lawyers. The ordinary reader must be able to recognize what we mean.”²⁵ Yet it was not possible to tell from the paragraph itself what the law understood to constitute “indecenty.” The public assumed that penetration remained the important qualifier toward a criminal act.

If the wider reach of the revised law was little understood, the public grasped its retroactivity even less. Neither has it been fully understood by historians today. It has been assumed that German courts simply ignored the letter of the law, and applied the stiffer penalties to old offenses arbitrarily. However, the Nazi leadership always liked to give the appearance of acting perfectly legally when they knew they were not, and so it was here. The 28 June 1935 law that changed the penal code addressed in an apparently clear and humane voice the issue of an accused person whose activities spanned the two versions of the law. Yet right down to 1945 men were convicted for isolated incidents of inconsequential sexual horseplay committed sometimes more than fifteen years earlier, when those acts had not been illegal. Paragraph 2a of the amendment law stated: “If at the time of the verdict a milder law is in effect than at the time of the deed, then the milder law may be used.”²⁶ How could the courts be said to be applying a milder version of the law, when they were convicting men for minor acts that were not even illegal at the time of commission? It was a legal trick. The revised §175 had dropped the provision in the old version that a convicted homosexual could also be stripped of his rights as a citizen, including the right to vote. Thus the judge could appear to be magnanimous by not removing citizens’ rights for pre-1935 offenses, when he was in fact using the new law to criminalize what had been perfectly legal sex acts. Nothing in that new §175 suggested *what* was now going to be covered by the law. It sounded more or less the same, and the Nazi press remained silent.

An interesting example of the confusion at the top of the Nazi elite is that of Helmuth Brückner, Gauleiter and governor of Silesia. In the fall of 1935, soon after the new law had altered the definition of the offense, he was arrested on grounds of homosexuality. The self-confident Brückner was not initially intimidated by this, and fought back vigorously. He had not seduced young boys, but had masturbated with a fully mature lieutenant colonel. He described himself as bisexual, but adamantly denied that this was either unnatural, or damaging to the interests of the nation. In Brückner’s personal view, these bisexual proclivities derived from the experiences of mutual

masturbation enjoyed in his youth. He estimated “the number of German men of my by no means pathological make-up to be at least twelve million.” He remained convinced that he had done nothing reprehensible. He had followed closely the signals apparently being issued by the Party for many years. They had not seemed to differ from the practice of the courts. Simply being a homosexual, or engaging in certain kinds of homosexual acts, appeared to be acceptable in German society, especially during the Weimar Republic. Beyond that, Brückner probably was not alone in thinking that the promotion of Ernst Röhm to the crucial position of Chief of Staff of the SA was a signal of “unparalleled tolerance” on the part of the NSDAP toward homosexuals. This favorable attitude toward homosexuality seemed to Brückner to be confirmed when Hitler stood by Röhm even after the socialist press published some compromising letters of the latter, thus making his sexual nature crystal clear to the entire German public. The matter was clinched by President von Hindenburg’s 1934 New Year’s appointment of Röhm as a cabinet minister on the recommendation of Hitler. “Any uncertainty was eliminated by this,” Brückner insisted, spelling out the perception again:

National Socialism not only confirmed in an authoritative and visible manner the recurrent opinion of the Supreme Court in the question of mutual masturbation, but expressly endorsed it, and even removed inhibitions by the public recognition [accorded to Röhm].²⁷ [Emphasis in original]

Few doubt that the shocked horror Hitler publicly expressed about his discovery of the perversity of Röhm and his associates was purely cynical. Himmler’s homophobia seemed more constant, as he fretted about the conspiratorial cliques, à la Röhm, that gay men would form based on ties of common sexuality, and that might bring down the state. It was Himmler who set up a national police task force to combat homosexuality. It is Himmler who must be held responsible for the 90,000 arrests on charges of homosexuality that occurred in just the three-year period 1937–1939. The concentration camps all answered to Himmler. When I began detailed research on this topic, Heinrich Himmler certainly seemed to be the villain of the piece. What has emerged is a more complex picture, and a less predictable homophobe in the Reichsführer-SS.

The last place most people would expect to find homosexual activity is in the SS, the elite meant to set an example in every way not only to the rest of the Nazi

movement, but to the German people. In fact, cases of homosexuality within the ranks of the SS seem almost as common as elsewhere, which meant that it could not be written off as an automatic sign of hereditary degeneracy. The certainties of racial thinking were confounded by all this. And even though Himmler announced as early as 1937 that he would have all homosexual SS men shot, that did not occur, and disciplinary courts spent an inordinate amount of time assessing the merits of each case.

Although the 1935 revision of §175 made merely touching a fully-clothed person an indictable offense, in an early 1940 Bavarian case the SS court rejected the need for a full investigation. The incident involved two young SS recruits, who had been discovered in bed together in their barracks room, with one of them completely naked. This was incriminating enough in itself, in Nazi eyes, to warrant corrective punishment. The two SS men were rather young—Hans V. was eighteen, and Georg W. was only seventeen—and that only made it more likely that severe action would be taken to curb any budding homosexual tendencies. Other barracksmates' testimony that Hans had often "touched them indecently," against their protests, surely would seal his fate at least. Yet the SS court dropped the case. The police were unable to find any incriminating evidence from the young men's past. And so the court accepted the assertions of the pair that they were just talking together, and got into bed with each other, so as not to disturb the other men. It still voiced suspicions about this somewhat improbable tale, but ruled that there was a lack of proof to the contrary. In a (for the SS) rather remarkable ruling, the court noted that "lying side by side in a bed does not in itself constitute an indecent act in the sense of the criminal code." This statement was only formally accurate, because the elasticity of the revised §175 allowed manifestations of desire much more harmless than this to send men to prison. Yet in this case the court followed the letter of the law. It explained, "in order for the factual provisions of §175 to be fulfilled, the accused must have had a lascivious intent, or rather, must have committed indecent acts mutually, or with the toleration of one party." There was simply no proof of this, but then neither was there in most cases of mutual homosexual acts. One can only speculate as to why the court showed a lenient face here. Perhaps it was reluctant to deplete the ranks of the SS at this early stage of war. Perhaps it realized that soldiers in wartime do sometimes sleep together, simply for warmth or sometimes for companionship, without worrying about becoming homosexual.²⁸

Himmler remained adamant that harsh punishment should be meted out to presumed homosexuals, as a deterrent to spreading this “plague.” It is virtually certain that Himmler himself was behind the November 1941 introduction of a mandatory death penalty for homosexual offenses in the ranks of the police and the SS. Hitler promptly and decisively sabotaged the full thrust of the ordinance, which was quite evidently one of *deterrence* by means of the threat of a death sentence, at the moment he signed it.²⁹ He told Hans-Heinrich Lammers, the head of the Reich Chancellery, that it should on no account be made public, either in the press or any official gazette, because its release would give the whole world the impression that homosexual offenses were so prevalent in the SS and police that “such draconian measures” were positively required to bring the problem under control. Whereupon Lammers very sensibly pointed out that potential offenders needed to know in advance that the death penalty awaited them. Why would they be more readily deterred from the crime if they did not know that the law now treated it as a capital offense? Hitler’s response was that this was Himmler’s problem. He could figure out how to get the message across to all current and future SS and police members “in an appropriate fashion.”³⁰

Himmler’s solution was that all SS men were now meant to sign a declaration, confirming that this delicate question had been explained adequately to them, and that they would not engage in any such acts. The form would be kept in their personnel file, and brandished at them if they later claimed ignorance. The statement read:

I have been instructed that the Führer has decreed in his order of 15 November 1941, in order to keep the SS and police clean of all vermin of a homosexual nature, that a member of the SS or police who commits an indecent act with another man, or allows himself to be indecently abused by him, will be put with death without consideration of his age.

Hitler’s 1941 decree itself was meant to be read out in full to the SS man at the time of signing. He was also ordered to report any “immoral advances” even if they involved a superior officer (which in a sense broke his SS oath of unswerving loyalty and absolute obedience).³¹ The existence of so few of these forms in personnel files suggests that this was far from standard procedure. Several SS NCOs later charged with homosexuality claimed quite plausibly never to have heard of the Führer’s order in the first place. SS leaders themselves may have felt awkward about such sex education sessions (there is certainly clear evidence in the Hitler Youth along these lines³²), and

the wartime shortage of paper may have meant that the forms were never available in the right place at the right time.³³

While it may be true that the warnings about homosexuality were not always read out as prescribed in some Nazi organizations, it can hardly have escaped the notice of a single policeman in Germany that homosexuality was a serious offense. But again one has to wonder whether the ordinary policeman on the beat knew about the subtleties of the vague law as interpreted by the Supreme Court in 1935, a change that thereafter made mere mutual masturbation punishable with a prison sentence. Kurt T. was just such a policeman in Stettin, an ordinary constable (*Schupo*), not a member of the criminal branch, and engaged in such behavior for a number of years, albeit on rare occasions. The criminal police began to take a closer interest in him probably after the conviction of his younger step-brother, Heinz, on charges of homosexuality, a man whom the police described as being “very soft and womanish in his whole comportment and behavior.”³⁴

Then, in 1940, they discovered Kurt’s name also in the Stettin police lists of suspected homosexuals, and set to work to bring him to book. He finally was put on trial in 1942, possibly as a result of the interrogation and trial of one of his partners. One of the criminal police (*Kripo*) investigators noted with disapproval that T.’s employment in the *Schupo* had presumably saved him from punishment up till then.³⁵ What he probably meant was that the denial of a policeman counted more strongly than denunciation by a criminal suspect. At the time, in 1942, T. was serving with the police in the Riga district, and after lengthy legal proceedings starting that summer, he finally was sentenced some eight months later, in April 1943, not to death, but to a five-year prison sentence for which he was sent to the concentration camp at Danzig-Matzkau.

The judgment against him noted sex with four men, but three of the incidents had taken place at least a decade earlier. Somehow the SS and Police Court established that some fifteen years earlier Kurt had masturbated once, or maybe twice, with Gerhard W. The police had some rather vague evidence that, back in the days of the Weimar Republic, Kurt had frequented gay bars, and had invited men back to his apartment. One of these was Helmut Leske who worked as a “cigarette boy,” selling cigarettes either in a bar or on the street, and the court found that Kurt had engaged in mutual masturbation with him, too, on a single occasion in the summer of 1932. Leske was under age at the time, but the relationship may have been a much longer one, because he admitted in a 1936 police interrogation that Kurt had a nickname, Pepina,

for him. However, the court refrained from making much fuss about the seduction of a minor whom they dismissed as a thoroughly deplorable character in the first place: “It could no longer be established whether the then 19-year-old Leska [sic] was seduced by T. More precisely Leska hardly seems to have been the man, to judge from external appearances, who would have needed a seduction by T. For he is an example of a typical homosexual, as the photographs clearly show.” His photographs suggest no such thing, but the comment is typical for the period. The seduction “could no longer be established” definitely because Leske had been sent to the Sachsenhausen concentration camp, where he had met his death two years earlier, in March 1941.³⁶

Kurt’s third partner was Günther K., with whom the court found that he had engaged in mutual masturbation on regular occasions between 1929 and September 1933, that is, well into the first year of Hitler’s regime. Nevertheless, all of these cases so far involved a practice that was not punishable by §175 of the criminal code at the time. K. admitted in a 1936 interrogation that they repeatedly masturbated together, usually in Kurt’s apartment in Stettin, but sometimes when they went out in a paddle-boat together. No firm evidence emerged that Kurt T. had blotted his copy-book in any way for the following seven years. Then in the spring of 1940, he had a little fling with a railway locomotive driver. Again nothing more than mutual masturbation took place, and then on only two occasions. Moreover, these incidents occurred well before the November 1941 introduction of the death penalty for members of the police. It is not clear who picked up whom, but when Helmut D., the locomotive driver, met Kurt T. in the street, they quickly recognized what they both wanted. T. invited him back to his room. Perhaps to add a little excitement to the encounter, he opened his closet to reveal the police uniform hanging inside, and asked the train driver if that didn’t scare him a little. Evidently not, because after their sexual encounter they chatted sufficiently for D. to recall later that T. was one year younger than he was.³⁷

This, then, was the extent of the “sex crimes” of Kurt T. The court accepted as proven a handful of cases of mutual masturbation prior to the tightening of the law, regularly only with Günther K.; once or possibly twice with Gerhard W.; and only once with Helmut Leske. On two occasions he had masturbated with Helmut D. in April 1940, by which time this was a criminal offense. All were cases of consensual sex, none involved assault or violence, so there is no question that the five-year sentence was a harsh one. There was worse to come. T. landed in the Danzig-Matzkau prison camp in May 1943, and before the year was out, the SS had managed to obtain his

signature on a permission form for his own castration. Once the signature was on the document, a medical and psychological assessment had to take place, though no more thorough than these largely bogus investigations by SS doctors generally were. Yet the procedure, because of its doubtful legality, had to have the appearance of being scientifically justified.

The camp doctor at Danzig-Matzkau, SS Captain Flothmann, compiled a lengthy assessment on January 8, 1944, in which we can see how a professional physician immeasurably worsened the situation for T. The aim in such cases was to discover whether the subject was a “real” homosexual, and therefore genetically tainted, or whether he was someone who could be “cured” through discipline and hard physical labor. The doctor was able to report that no mental illness could be found in Kurt T.’s family. On the other hand, there was a rumor that his aunt was a lesbian; and then there was the fact that his step-brother had already been convicted of homosexuality. His parents had evidently not been good sexual role models, having divorced “over sexual matters.” T. himself had admitted under the doctor’s questioning that he had tried sex with women, but found no pleasure in it, and therefore turned to men in the years 1928–1933. Thereafter he remained celibate until the incident in 1940, “living only for his mother.” The doctor jumped on this stereotypical “mother’s boy” image, and got T. to admit that he “always played the passive role” in his homosexual encounters. Dr. Flothmann pronounced the homosexuality to be “without a doubt hereditary” and ordered the castration to go ahead, while expressing modest reservations: “Since this is a case of a passive homosexual, success is doubtful.” In other words, there was no way to make a man out of Kurt T. Even if his own genitalia were no longer fully functional, he might still offer himself for penetration by other men. As we have seen, however, no evidence was presented in the trial that T. had ever engaged in anal intercourse.³⁸

Germany in 1944 was already ravaged by the war. Paper was very scarce, and records were not kept so thoroughly. We cannot tell why, but Kurt T. was not immediately castrated. Rather it appears that the Berlin police headquarters office for combating homosexuality decided that he was an interesting case for study. As the Russians advanced closer to Germany, he was moved to Berlin, and brought in for questioning at the Reich Central Office for the Combating of Homosexuality on November 9, 1944. His remarks there reveal the cavalier methods and pressure applied in connection with the castration consent forms. Kurt T. was very certain about one

thing by now: he did not want to have his testicles cut off. He questioned Dr. Flothmann's assessment of him, with which he was evidently confronted, and denied that his desires were consistently homosexual at all. "It's true that when a homosexual made advances to me back then, I yielded to him. But my sex drive is not so strong that I get an erection whenever a man comes close to me. Spiritually I don't feel attracted to such men at all." A rather different personality emerges here from the compulsive character reported by the SS doctor. How could the difference be explained? T.'s testimony shows very neatly how casually SS doctors took their investigations, often acting both hurriedly and threateningly.

The details about myself that I gave to the doctor were put into my head by an extreme prison psychosis. That interview back then with Dr. Flothmann was a short one, it lasted about five minutes. He asked his questions from certain perspectives and it went very quickly. During this interview my castration was also considered. I consented to a voluntary castration. If I speak in my statement of 23 December 1943 of my pathological disposition and hereditary taint, then I can only say that I made these remarks without mature consideration. I don't feel myself drawn toward men. Sexually I am of a normal disposition. Coming back to my voluntary castration, it's my view today that I don't hold this to be necessary. I have really been thoroughly cured by my sentence.³⁹

Almost all of these few surviving files of the SS courts break off in the last, chaotic months of the war, so we do not know how the war ended for Kurt T., nor whether he was in fact castrated. The details we do have, however, provide a chilling example of the attitude of the criminal police and SS doctors toward alleged homosexuals.

I have written elsewhere of the eagerness with which certain doctors in the Third Reich pressed ahead with experiments on the castration of "sex criminals" (and in Nazi thinking, any ordinary homosexual could be classified under that nomenclature), even though the effectiveness of the procedure was by no means proven, and the appalling side-effects of the operation were apparent—apart from physical maladies, severe depression sometimes led to suicide attempts. One prison doctor boasted that he could carry out a castration in eight minutes flat, and saw no reason to slow things down by administering a general anesthetic.⁴⁰ Like many lawyers, these physicians, many from the field that was coming to be known as criminal biology, were attempting to find a niche for themselves in a state run by a party that roundly distrusted people with academic degrees. And particularly those criminal biologists

trained in psychiatry had to fight the stigma of association with the disgraced Sigmund Freud, or (for those specializing in sexual matters) with another Jew, Magnus Hirschfeld. They were anxious to demonstrate the value of their professional expertise, and when there were calls for the castration of sex criminals, some doctors were happy to oblige with scientific data, showing what an effective treatment this was. Under the Law Against Habitual Criminals and Sex Offenders (§42a of the criminal code) some 2,100 castrations had been carried out by the middle of 1941.⁴¹ In July 1943 Chief of the Security Police Ernst Kaltenbrunner was so keen to start the *forcible* castration of all homosexuals that he proposed not to wait for a change in the law that would allow him to do this, but asked the Reich Justice Ministry to issue a special decree in order to give him some legal cover. The request was declined.⁴² Yet the utility of castration was a contentious issue, and not all scholars agreed as to its “curative value.” A spirited battle took place in scientific journals.

From the actions of Ernst Kaltenbrunner, and of various doctors working with the police and SS, it begins to look as though castration was not simply used as a preventive measure, but as a rather satisfying punishment. The postwar statement of a homosexual who was castrated in Auschwitz is telling: “I was held [in a cell] from 29 June to 12 July [1939] and tormented with: ‘Have your balls taken off, and you’re a free man, and you can go wherever you want.’ But...I didn’t believe a word of it.” After being severely maltreated and tortured, Otto G. was ready to sign anything put in front of him, and probably signed, though he did not realize it, an agreement for voluntary castration.

...On 16 August I was called out on the parade ground and immediately sent to the sick bay. Here everything went very quickly and, after I was bathed and shaven, they put me right away onto the sacrificial altar. At first I felt queasy and, in a flash I saw the needle and pushed the arm away, but it was too late, ... and I was floating off into the realm of the unconscious. At 2:45 pm I woke up again, and I was lying in bed, with a bag of sand under my knees and on my stomach. An SS man sat at the bedside, and a sensible one for a change. For after I had really come to, he asked if I was hungry and wanted anything. I just wanted to know what they had done to me, and he said, you’ve been castrated. I should just lie there quietly, because there were others lying there too, who had been overtaken by the same fate. As I turned round laboriously I could see that about eight men were lying there with me.

...About two days later the door flew open and the camp commandant Baranowski stood there with two SS men who had a

number of jars on a tray. They stopped in front of every bed and showed each man a jar, with the remark: “Here you can see your balls one last time—pickled!”

After seven days the stitches came out, and five days after that I was back in the punishment squad. Here I was received by the deputy block leader with the words: “Well, now you’ve lost your balls, you queer swine, so you won’t be able to have it off any more!”⁴³

Taunting these emasculated inmates with their own severed testicles in preserving jars was deliberately cruel and certainly unusual punishment. In the popular imagination, homosexuals were effeminate cowards, they were not manly, they were not whole men. Here in this theatrical charade of triumph, the SS commandant paraded the proof in front of him on a tray: these homosexuals were quite literally no longer whole men.

Why bother about homosexuals? The question posed at the beginning of this presentation about the attitude of the Nazis can also be asked about us, students of the Holocaust. I hope that I have given a clear answer and made a strong case that we *should* bother about homosexuals as victims of Nazi persecution, that their suffering does belong in the United States Holocaust Memorial Museum. To minimize or ignore their suffering, as many if not most scholarly historians have largely done till today, is to perpetuate the view upheld after the war by the Allies, and subsequently even by the West German Supreme Court, that former pink triangle prisoners were sex criminals who essentially deserved punishment. If a detailed examination of the Nazi vendetta can bring us closer to an understanding of that continuing prejudice, then we can truly say that we have contributed to the mission of this Museum. Gay-bashing, and even the murder of homosexuals, still are prevalent in Western democracies. An historical analysis of what happened in Nazi Germany is not going to halt that entirely. But it may suggest to thoughtful people that “to be a bystander is to share in the guilt,” in the words of one of the Museum’s publications.⁴⁴ The well-known test of any democracy is how well it treats its minorities. The awful example of the Third Reich shows us how easy it is for a government to make scapegoats out of such a minority, by branding homosexuals as sex criminals, pederasts, and even treasonous conspirators, so that most Germans could feel comfortable about looking the other way while the Nazis went about their repression, torture, beatings, incarceration, castration, and outright murder of homosexuals. It is fitting for us to commemorate these victims, but that should not be an end in itself. The crucial lesson of commemoration of the victims of Nazism is vigilance. Virtually no one today believes that there could possibly be a descent to that

appalling level of violent repression against homosexuals. Germans in 1932, the year before Hitler came to power, felt much the same way. Wholesale castrations of homosexuals were unimaginable, let alone state-sanctioned murder. And yet they happened by the thousand. We should strive to be better citizens than were Germans in the 1930s, if only on an individual level, in protecting fellow citizens who happen to be gay from the homophobic attacks, whether from private or public figures or institutions. The United States Holocaust Memorial Museum sets a fine example of inclusiveness. Let us try to live up to its vision.

Notes

1. In April 1931, Röhm was questioned by the police on charges of homosexuality, and that same month the Social Democratic newspaper, the *Münchener Post*, employed an anti-homosexual theme in launching a viciously sarcastic campaign against the Nazis. Burkhard Jellonnek, *Homosexuelle unter dem Hakenkreuz: Die Verfolgung von Homosexuellen im Dritten Reich* (Paderborn: Schöningh, 1990), pp. 61–65.

2. The progressive campaign of the Left is described in W.U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik*, Rüdiger Lautmann, ed., *Sozialwissenschaftliche Studien zur Homosexualität* (Berlin: Verlag rosa Winkel, 1980).

3. In its issue of 4 March 1933, the *Berliner Tageblatt* carried an article announcing the police closure of fifteen gay and lesbian bars in Berlin. That was the day *before* the national elections that led to Hitler's passing of the Enabling Act, and was one of many measures designed to woo conservatives. Manfred Herzer, "Hinweise auf das schwule Berlin in der Nazizeit," in *Eldorado. Homosexuelle Frauen und Männer in Berlin 1850–1950. Geschichte, Alltag und Kultur*, Michael Bollé, ed. (Berlin: Fröhlich & Kaufmann, 1984), pp. 44–47, here p. 44. With 370 arrests for homosexuality in 1933 (almost four times the number of the previous year), Hamburg forged ahead of other cities with an especially harsh campaign. See Hans-Georg Stümke, "Vom 'unausgeglichenen Geschlechtshaushalt': Zur Verfolgung Homosexueller," in *Verachtet—verfolgt—vernichtet: Zu den 'vergessenen' Opfern des NS-Regimes*, Projektgruppe für die vergessenen Opfer des NS-Regimes in Hamburg e.V., ed. (Hamburg: VSA-Verlag, 1988), pp. 47–63, here pp. 48, 51–53.

4. In light of what seemed like a widespread denial of recognition of homosexuals as victims of the Nazis, exaggerated claims were made in the 1960s that there had been a gay Holocaust. See for example Wolfgang Harthaus, "Der Massenmord an Homosexuellen im Dritten Reich," in *Das große Tabu: Zeugnisse und Dokumente zum Problem der Homosexualität*, Willhart S. Schlegel, ed. (München: Rütten & Loening, 1967), pp. 7–37.

5. Vortrag Wuth, "Das Psychopathenproblem in der Wehrmacht nebst Besprechung einiger einschlägiger Fragen," 9 March 1939, Bundesarchiv-Militärarchiv Freiburg (BAMA) H20/128; Zum Vortragsvermerk für Feldmarschall/Chef WR, 4 November 1942, BAMA H20/479.

6. I have discussed elsewhere how the first prisoners selected for compulsory castration fitted this image. Geoffrey J. Giles, "'The Most Unkindest Cut of All': Castration, Homosexuality and Nazi Justice," *Journal of Contemporary History* (January 1992): 41–61.

7. Andreas Pretzel, “‘Ich wünsche meinem schlimmsten Feind nicht, daß er das durchmacht, was ich da durchgemacht habe’: Vorfälle im Konzentrationslager Sachsenhausen vor Gericht in Berlin,” in “*Wegen der zu erwartenden hohen Strafe...*”: *Homosexuellenverfolgung in Berlin 1933–1945*, Andreas Pretzel and Gabriele Roßbach, eds. (Berlin: Verlag rosa Winkel, 2000), pp. 119–68, here pp. 144–47.

8. Saul Friedländer, *Nazi Germany and the Jews. Volume I: The Years of Persecution, 1933–1939* (New York: HarperCollins, 1997), pp. 205–07, 113–14.

9. The killings at the *Klinkerwerk* are thoroughly investigated in Joachim Müller, “‘Unnatürliche Todesfälle’: Vorfälle in den Außenbereichen Klinkerwerk, Schießplatz und Tongrube,” in *Homosexuelle Männer im KZ Sachsenhausen*, Joachim Müller and Andreas Sternweiler, eds. (Berlin: Verlag rosa Winkel, 2000), pp. 216–63, from which the above data are drawn. However, Müller fails to appreciate the context for incidents such as these, insofar as the SS had been engaged in a running battle with the regular courts since July 1938, when they had tried to prevent the state prosecutor’s office from carrying out its routine investigations into the deaths of Sachsenhausen inmates. That month an SS officer had burst into the mortuary in the middle of an autopsy and threatened to arrest the coroner’s medical examiner if he did not stop immediately. The protracted struggle between the Justice Ministry and SS headquarters dragged on for two years, until the new SS courts (set up in the fall of 1939 to remove SS men from the jurisdiction of the regular justice system) succeeded in pushing through its demand that the state prosecutor should investigate such deaths only if there were a suspicion that they had been caused by the criminal activity of a person who was *not* under the jurisdiction of the SS court. This important June 1940 ruling by Himmler meant that thenceforth the SS could murder inmates unhindered by concerns about outside investigation from a third party. Lothar Gruchmann, *Justiz im Dritten Reich 1933–1940: Anpassung und Unterwerfung in der Ära Gürtner*, Institut für Zeitgeschichte, ed., vol. 28, *Quellen und Darstellungen zur Zeitgeschichte* (München: R. Oldenbourg, 1988), pp. 653–55.

10. As a consequence of the obstructiveness of the International Red Cross, no detailed research into the overall dimensions of the pink triangle population in the concentration camps has been possible since 1977, when Lautmann published his pioneering study. Rüdiger Lautmann, Winfried Grikschat, and Egbert Schmidt, “Der rosa Winkel in den nationalsozialistischen Konzentrationslagern,” in *Seminar: Gesellschaft und Homosexualität*, Rüdiger Lautmann, ed. (Frankfurt am Main: Suhrkamp, 1977), pp. 325–65, here p. 350.

11. Klaus Theweleit, *Männerphantasien*, Band 2 (Frankfurt/M., 1986), pp. 390–91.

12. The following is taken from Otto Wagener’s account, in Henry Ashby Turner, Jr., ed., *Hitler—Memoirs of a Confidant* (New Haven: Yale University Press, 1985), pp. 103–07, 34–38.

13. Henry Turner warns “one cannot regard the utterances Wagener attributed to Hitler and others as verbatim quotations.” He wrote his memoir fourteen–seventeen years after the event, in confinement in Britain without access or reference to any notes. On the other hand, he appears to have kept a diary in the late Weimar Republic, where he recorded details of his daily work with Hitler and others. He may well have read through that repeatedly during the years of his political exile from 1934 to 1945. Thus it is possible that certain phrases remained fixed in his memory. Turner, *Hitler*, pp. xv–xix.

14. See fn. 12. Cf. also von Reichenbach, Karl, *The Odic Force: Letters on Od and Magnetism* ([New Hyde Park, NY]: University Books, [1968]. Reprint by Book Tree, 2000).

15. I have commented further on this in Geoffrey Giles, “The Institutionalization of Homosexual Panic in the Third Reich,” in Robert Gellately and Nathan Stoltzfus, *Social Outsiders in Nazi Germany* (Princeton: Princeton University Press, 2001).

16. As a student in 1920, Himmler was much taken by Hans Wegener’s *Wir jungen Männer: Das sexuelle Problem des gebildeten jungen Mannes vor der Ehe* (Königstein/Taunus, 1912), which put the case for sexual abstinence in terms of the physical and mental damage caused by promiscuity. Himmler found it “rich and surely right. Certainly the most beautiful book I have read on this question.” By 1922, as Bradley F. Smith notes, “the frequency with which he discussed sex and sexual problems with his close male friends suggests that he was having trouble with his defenses.” Bradley F. Smith, *Heinrich Himmler: A Nazi in the Making, 1900–1926* (Stanford: Hoover Institution Press, 1971), pp. 85–86, 114–15.

17. Specific parallels between the Imperial scandals and Hitler were being drawn in 1932 by the opposition. Dr. Fritz Gerlich wrote an article in *Der gerade Weg* in April 1932, in which he dismissed the “Hitler system” as being “no more than the rotting 19th century, in particular the Wilhelmine system that is infecting our Fatherland today with the gases of its decay.” He went on to ridicule Hitler personally as a caricature of all the worst features of Kaiser Wilhelm II, and noted that “the homosexual element in the leadership, and the abdication from all moral bonds finds its model or origin in the ‘Eulenburgism’ and the dissolution of concepts of morality of the last fifty years of the empire.” Gerlich’s April 24, 1932 article quoted in Johannes Steiner, ed., *Prophetien wider das Dritte Reich: Aus den Schriften des Dr. Fritz Gerlich und des Paters Ingbert Naab O.F.M.Cap.* (München: Schnell & Steiner, 1946), pp. 282–90. For his pains Gerlich was arrested in March 1933, and then murdered during the Röhm Purge. Cf. Otto Gritschneider, “*Der Führer hat Sie zum Tode verurteilt...*”: Hitlers “Röhm-Putsch”-Morde vor Gericht (München: Beck), p. 129.

18. Library of Congress (LC) Himmler File, Container 418. Breitman is one of the only scholars briefly to mention this second reading list in Richard Breitman, “*Mein Kampf*

and the Himmler Family: Two Generations React to Hitler's Ideas," *Holocaust and Genocide Studies*, XIII: 1 (Spring 1999): 90–97, footnotes 7 and 8.

19. The following is drawn from section 1, chapter 8, "Die gleichgeschlechtliche (homosexuelle) Frage und die Bestrebungen Magnus Hirschfelds," Herwig Hartner, *Erotik und Rasse: Eine Untersuchung über gesellschaftliche, sittliche und geschlechtliche Fragen* (München: Deutscher Volksverlag, 1925), pp. 39–44.

20. Hartner does not appear to have profited directly from Himmler's approval. In the preface to his second book, he speaks of being unemployed and hard up in Austria, until he moved to Germany in the summer of 1937, and obtained from Hitler's publisher, Max Amann, "financial backing" to write this exceptionally antisemitic work. Herwig Hartner-Hnizdo, *Das jüdische Gaunertum* (München: Hoheneichen, 1939), pp. ix–x. The book is replete with several hundred mug shots of arrested Jews, the photos from the Vienna police files, provided courtesy of SS-Oberführer Josef Fitzthum, the deputy police chief.

21. Hartner quoted Prof. Robert Stipler's lecture to the Anthropological Society of Vienna in 1919, in which the latter claimed that Jews "as a result of their on average superior intelligence and agility of mind, very easily seize the intellectual leadership and as leaders direct even healthy people down unnatural, unhealthy paths." Hartner, *Erotik*, p. 44.

22. Referring to his officials' estimates of two to four million, Himmler stated: "I estimate between one and two million. But one million is really the absolute minimum that we must assume, that's the absolutely smallest and mildest estimate that is acceptable on this subject." Bradley F. Smith and Agnes F. Peterson, *Heinrich Himmler: Geheimreden 1933 bis 1945 und andere Ansprachen* (Frankfurt: Propyläen, 1974), p. 53.

23. As so often, the newspaper screamed out most of the message of the story in its lengthy headlines to the lead, front-page article: "Homosexuelle als Vortragsredner in Knabenschulen. Magnus Hirschfeld, der 'Vorkämpfer' für Aufhebung des § 175, darf in deutschen Gymnasien sprechen. Die Zerstörung der Jugend! Deutsche Mütter, Arbeiterfrauen! Wollt Ihr Eure Kinder Homosexuellen ausliefern?" *Völkischer Beobachter*, 41 (31 October 1928): Bayernausgabe, p. 1.

24. Text in *Die Strafrechtsnovellen v. 28. Juni 1935: Gesetz zur Änderung des Strafgesetzbuches (RGBl. I S.389); Gesetz zur Änderung von Vorschriften des Strafverfahrens und des Gerichtsverfassungsgesetzes (RGBl. I S.844), und die amtlichen Begründungen zu diesen Gesetzen*, Amtliche Sonderveröffentlichungen der Deutschen Justiz, Nr. 10 (Berlin: R. v. Decker, 1935), p. 9.

25. Protokoll 105. Sitzung Strafrechtskommission, 29 October 1936, p. 7, United States Holocaust Memorial Museum (USHMM) 2000.39/Bundesarchiv Lichterfelde (BAL) R22/973.

26. *Die Strafrechtsnovellen v. 28. Juni 1935*, p. 7.

27. National Archives and Records Administration (NARA)/BAL, Berlin Document Center (BDC) OPG Helmuth Brückner. Jellonek notes that Brückner was sent to prison for fifteen months, but given probation through the intercession of Hitler halfway through the sentence. Jellonek, *Homosexuelle*, pp. 109–10.

28. Verfügung Eberstein & Knote, Ablehnung Einleitung eines Ermittlungsverfahrens, 18 January 1940, BAL NS7/1021.

29. Adolf Hitler, Führer-Erlass Reinhaltung SS und Polizei, 15 November 1941, BAL R43 II/1204b. See also Bormann to Himmler, 29 January 1942, *ibid.*

30. Aktenvermerk Lammers, 15 November 1941, in Helmut Heiber, *Der ganz normale Wahnsinn unterm Hakenkreuz: Triviales und Absonderliches aus den Akten des Dritten Reiches* (München: Herbig, 1996), pp. 163–64.

31. A reproduction of the form, here signed in Litzmannstadt in September 1942, in shown in Pretzel and Roßbach, *Homosexuellenverfolgung*, p. 39.

32. Geoffrey J. Giles, “Straight Talk for Nazi Youth: The Attempt to Transmit Heterosexual Norms,” in *Education and Cultural Transmission: Historical Studies of Continuity and Change in Families, Schooling and Youth Cultures*, Johan Sturm et. al., eds. (Gent: Paedagogica Historica, 1996), pp. 305–318.

33. Of sixteen convictions for homosexuality in the SS and police in 1940, only one resulted in a death sentence. For the first quarter of 1943 (i.e., *after* the November 1941 decree came into effect) there were twenty-two convictions, not one of which resulted in a death sentence. Burkhard Jellonek, “Himmlers Sturmstaffel [sic] (SS) als Beispiel nationalsozialistischer Homosexuellenverfolgung,” (Osnabrück, 1988), unpublished paper, p. 15.

34. Abschrift Kripo-Strafakte, 2 November 1940, BAL NS7/1083.

35. Vermerk Kriminaloberassistent Gehrike, Stettin, 24 August 1942, *ibid.*

36. Vernehmung Leske, 20 August 1936; Feldurteil Kurt T., 21 April 1943; Bericht Gehrike, 26 November 1942, *ibid.* Leske is not mentioned in the long list of known homosexual inmates who died in Sachsenhausen, in Müller and Sternweiler, *Sachsenhausen*, pp. 15–24.

37. Auszug Gerichtsakte Helmut D., *ibid.*

38. Fachärztliche Stellungnahme Lagerarzt Danzig-Matzkau SS-Hauptsturmführer Dr. Flothmann betr. Gesuch auf Entmannung des Strafhäftlings Kurt T., 8 January 1944, *ibid.*

39. Vernehmung Kurt T., Reichszentrale zur Bekämpfung der Homosexualität, Berlin, 9 November 1944, *ibid.*

40. The enthusiastic prison doctor at Berlin's Moabit jail had carried out 111 castrations in the first nine months that he was permitted to do so. Giles, *Unkindest Cut*, p. 46.

41. *Ibid.*, p. 47.

42. Reichsjustizministerium to RMdI, OKW, RPropMin, Parteikanzlei, Chef Sipo und SD, 7 July 1943, BAMA, H20/479.

43. Otto G. was 23 years old at the time. He had already been sent to a home for delinquents in 1933 at the age of 17 because of homosexual activity. He was sent to prison for fourteen months in March 1934, and again for twenty-one months from January 1936, shortly after which he was sent to Sachsenhausen concentration camp in 1938, then Mauthausen, and finally prison again from 1942 to 1945.

In March 1963 the Berlin government awarded him a one-time compensation payment of a mere 1,800 marks. He fought for further compensation, and received some modest sums, but died in 1972, still trying to gain recognition as a victim of the Nazis. The Berlin Compensation Office ruled in that year that he was not eligible for full compensation because he had not been persecuted for political reasons, but had been sent to the concentration camp as a habitual criminal and asocial. Pretzel and Roßbach, *Homosexuellenverfolgung*, pp. 119–68.

44. "The Museum believes that one of the Holocaust's fundamental lessons is that to be a bystander is to share in the guilt." Jeshajahu Weinberg and Rina Elieli, *The Holocaust Museum in Washington* (New York: Rizzoli, 1995), p. 18.

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