



PART II:
SELECTED DOCUMENTS
SHOWING KEY LEGAL MECHANISMS
USED TO IMPLEMENT
THE NAZI AGENDA

I. Antisemitic Legislation 1933–39

Antisemitism and the persecution of Jews were central tenets of Nazi ideology. In their 25-point party program published in 1920, Nazi party members publicly declared their intention to segregate Jews from “Aryan” society and to abrogate their political, legal, and civil rights.

Nazi leaders began to make good on their pledge to persecute German Jews soon after their assumption of power. During the first six years of Hitler’s dictatorship, from 1933 until the outbreak of war in 1939, Jews felt the effects of more than 400 decrees and regulations that restricted all aspects of their public and private lives. Many of these were national laws that had been issued by the German administration and affected all Jews. But state, regional, and municipal officials, acting on their own initiatives, also promulgated a barrage of exclusionary decrees in their own communities. Thus, hundreds of individuals in all levels of government throughout the country were involved in the persecution of Jews as they conceived, discussed, drafted, adopted, enforced, and supported anti-Jewish legislation. No corner of Germany was left untouched.

The first major law to curtail the rights of Jewish citizens was the Law for the Restoration of the Professional Civil Service of April 7, 1933, which excluded Jews and the “politically unreliable” from civil service. The new law was the German authorities’ first formulation of the so-called Aryan Paragraph, a regulation used to exclude Jews (and often, by extension, other “non-Aryans”) from organizations, professions, and other aspects of public life. This would become the foundation of the Nuremberg Race Laws of 1935, which defined Jews not by religious belief but by ancestral lineage and which formalized their segregation from the so-called Aryan population.

In April 1933, German law restricted the number of Jewish students at German schools and universities. In the same month, further legislation

sharply curtailed “Jewish activity” in the medical and legal professions. Subsequent decrees restricted reimbursement of Jewish doctors from public (state) health insurance funds. The city of Berlin forbade Jewish lawyers and notaries to work on legal matters, the mayor of Munich forbade Jewish doctors from treating non-Jewish patients, and the Bavarian interior ministry denied admission of Jewish students to medical school.

At the national level, the Nazi government revoked the licenses of Jewish tax consultants, imposed a 1.5 percent quota on the admission of “non-Aryans” to public schools and universities, fired Jewish civilian workers from the army, and in early 1934, forbade Jewish actors to perform on the stage or screen. Local governments also issued regulations that affected other spheres of Jewish life: in Saxony, Jews could no longer slaughter animals according to ritual purity requirements, effectively preventing them from obeying Jewish dietary laws.

Government agencies at all levels aimed to exclude Jews from the economic sphere of Germany by preventing them from earning a living. Jews were required to register their domestic and foreign property and assets, a prelude to the gradual expropriation of their material wealth by the state. Likewise, German authorities intended to “Aryanize” all Jewish-owned businesses, a process involving the dismissal of Jewish workers and managers as well as the transfer of companies and enterprises to non-Jewish Germans, who bought them at prices officially fixed well below market value. By the spring of 1939, such efforts had succeeded in transferring most Jewish-owned businesses in Germany into “Aryan” hands.

The Nuremberg Race Laws formed the cornerstone of Nazi racial policy. Their introduction in September 1935 heralded a new wave of antisemitic legislation that brought about immediate and concrete segregation. German court judges could

not cite legal commentaries or opinions written by Jewish authors, Jewish officers were expelled from the army, and Jewish university students were not allowed to sit for doctoral exams.

In 1937 and 1938, German authorities again stepped up legislative persecution of German Jews. They set out to impoverish Jews and remove them from the German economy by requiring them to register their property and preventing them from earning a living. The Nazis forbade Jewish doctors to treat non-Jews and they revoked

the licenses of Jewish lawyers. In August 1938, German authorities decreed that by January 1, 1939, Jewish men and women bearing first names of “non-Jewish” origin had to add “Israel” and “Sara,” respectively, to their given names. All Jews were obliged to carry identity cards that indicated their Jewish heritage, and, in the autumn of 1938, all Jewish passports were stamped with an identifying letter “J.”

Following the *Kristallnacht* pogrom (commonly known as “The Night of Broken Glass”) on November 9–10, 1938, Nazi legislation barred Jews from all public schools and universities, as well as from cinemas, theaters, and sports facilities. In many cities, Jews were forbidden to enter designated “Aryan” zones. The government required Jews to identify themselves in ways that would permanently separate them from the rest of the population. As the Nazi leaders quickened preparations for their European war of conquest, the antisemitic legislation they enacted in Germany and Austria paved the way for more radical persecution of Jews.



Signs like this one reading “Jews are not wanted here” were commonplace in Nazi Germany, 1935. USHMM

The following list shows 29 of the more than 400 legal restrictions imposed upon Jews and other groups during the first six years of the Nazi regime.

1933

March 31

Decree of the Berlin City Commissioner for Health suspends Jewish doctors from the city's social welfare services.

April 7

The Law for the Restoration of the Professional Civil Service removes Jews from government service.

April 7

The Law on the Admission to the Legal Profession forbids the admission of Jews to the bar.

April 25

The Law against Overcrowding in Schools and Universities limits the number of Jewish students in public schools.

July 14

The Denaturalization Law revokes the citizenship of naturalized Jews and "undesirables."

October 4

The Law on Editors bans Jews from editorial posts.

1935

May 21

The Army Law expels Jewish officers from the army.

September 15

The Nuremberg Race Laws exclude German Jews from Reich citizenship and prohibit them from marrying or having sexual relations with persons of "German or German-related blood."

1936

January 11

The Executive Order on the Reich Tax Law forbids Jews to serve as tax consultants.

April 3

The Reich Veterinarians Law expels Jews from the profession.

October 15

The Reich Ministry of Education bans Jewish teachers from public schools.

1937

April 9

The Mayor of Berlin orders public schools not to admit Jewish children until further notice.

1938

January 5

The Law on the Alteration of Family and Personal Names forbids Jews from changing their names.

February 5

The Law on the Profession of Auctioneer excludes Jews from the profession.

March 18

The Gun Law bans Jewish gun merchants.

April 22

The Decree against the Camouflage of Jewish Firms forbids changing the names of Jewish-owned businesses.

April 26

The Order for the Disclosure of Jewish Assets requires Jews to report all property in excess of 5,000 reichsmarks.

July 11

The Reich Ministry of the Interior bans Jews from health spas.

August 17

The Executive Order on the Law on the Alteration of Family and Personal Names requires Jews bearing first names of “non-Jewish” origin to adopt an additional name: “Israel” for men and “Sara” for women.

October 3

The Decree on the Confiscation of Jewish Property regulates the transfer of assets from Jews to non-Jews in Germany.

October 5

The Reich Ministry of the Interior invalidates all German passports held by Jews. Jews must surrender their old passports, which will become valid only after the letter “J” has been stamped on them.

November 12

The Decree on the Exclusion of Jews from German Economic Life closes all Jewish-owned businesses.

November 15

The Reich Ministry of Education expels all Jewish children from public schools.

November 28

The Reich Ministry of the Interior restricts the freedom of movement of Jews.

November 29

The Reich Ministry of the Interior forbids Jews to keep carrier pigeons.

December 14

The Executive Order on the Law on the Organization of National Work cancels all state contracts held with Jewish-owned firms.

December 21

The Law on Midwives bans all Jews from the profession.

1939

February 21

The Decree concerning the Surrender of Precious Metals and Stones in Jewish Ownership requires Jews to turn in gold, silver, diamonds, and other valuables to the state without compensation.

August 1

The President of the German Lottery forbids the sale of lottery tickets to Jews.



This sign, which reads “Jews are forbidden to use public phone booths,” was posted on a public telephone booth. Munich, Germany, 1942. USHMM

II. Nuremberg Race Laws (Reich Citizenship Law and Law for the Protection of German Blood and German Honor) September 15, 1935

At their annual rally held in Nuremberg in September 1935, Nazi party leaders announced new laws that institutionalized many of the racial theories underpinning Nazi ideology. The so-called Nuremberg Race Laws were the cornerstone of the legalized persecution of Jews in Germany, excluding them from Reich citizenship and prohibiting them from marrying or having sexual relations with persons of “German or German-related blood.” Ancillary ordinances to these laws deprived German Jews of most political entitlements, including the right to vote or hold public office.

The Nuremberg Race Laws represented a major shift from traditional antisemitism, which defined Jews by religious belief, to a conception of Jews as members of a race, defined by blood and by lineage. For this reason, the Nuremberg Race Laws did not identify a “Jew” as someone with particular religious convictions but, instead, as someone with three or four Jewish grandparents. Many Germans who had not practiced Judaism or who had not done so for years found themselves caught in the grip of Nazi terror. Even people with Jewish grandparents who had converted to Christianity could be defined as Jews.



Wilhelm Stuckart, Nazi politician and State Secretary in the Ministry of the Interior, drafted the Nuremberg Race Laws in 1935. USHMM

Reich Citizenship Law of September 15, 1935¹

The Reichstag has unanimously enacted the following law, which is promulgated herewith:

Article 1

1. A subject of the state is a person who enjoys the protection of the German Reich and who in consequence has specific obligations toward it.
2. The status of subject of the state is acquired in accordance with the provisions of the Reich and the Reich Citizenship Law.

Article 2

1. A Reich citizen is a subject of the state who is of German or related blood, and proves by his conduct that he is willing and fit to faithfully serve the German people and Reich.
2. Reich citizenship is acquired through the granting of a Reich citizenship certificate.
3. The Reich citizen is the sole bearer of full political rights in accordance with the law.

Article 3

The Reich Minister of the Interior, in coordination with the Deputy of the Führer, will issue the legal and administrative orders required to implement and complete this law.

Nuremberg, September 15, 1935
At the Reich Party Congress of Freedom

The Führer and Reich Chancellor
[signed] Adolf Hitler

The Reich Minister of the Interior
[signed] Frick

Law for the Protection of German Blood and German Honor of September 15, 1935²

Moved by the understanding that purity of German blood is the essential condition for the continued existence of the German people, and inspired by the inflexible determination to ensure the existence of the German nation for all time, the Reichstag has unanimously adopted the following law, which is promulgated herewith:

Article 1

1. Marriages between Jews and subjects of the state of German or related blood are forbidden. Marriages nevertheless concluded are invalid, even if concluded abroad to circumvent this law.
2. Annulment proceedings can be initiated only by the state prosecutor.

Article 2

Extramarital relations between Jews and subjects of the state of German or related blood are forbidden.

1. Translated from *Reichsgesetzblatt I*, 1935, p. 1146.

2. Translated from *Reichsgesetzblatt I*, 1935, pp. 1146–7.

Article 3

Jews may not employ in their households female subjects of the state of German or related blood who are under 45 years old.

Article 4

1. Jews are forbidden to fly the Reich or national flag or display Reich colors.
2. They are, on the other hand, permitted to display the Jewish colors. The exercise of this right is protected by the state.

Article 5

1. Any person who violates the prohibition under Article 1 will be punished with a prison sentence.
2. A male who violates the prohibition under Article 2 will be punished with a jail term or a prison sentence.
3. Any person violating the provisions under Articles 3 or 4 will be punished with a jail term of up to one year and a fine, or with one or the other of these penalties.

Article 6

The Reich Minister of the Interior, in coordination with the Deputy of the Führer and the Reich Minister of Justice, will issue the legal and administrative regulations required to implement and complete this law.

Article 7

The law takes effect on the day following promulgation, except for Article 3, which goes into force on January 1, 1936.

Nuremberg, September 15, 1935
At the Reich Party Congress of Freedom

The Führer and Reich Chancellor

[signed] Adolf Hitler

The Reich Minister of the Interior

[signed] Frick

The Reich Minister of Justice

[signed] Dr. Gürtner

The Deputy of the Führer

[signed] R. Hess

Reichsbürgergesetz.

Vom 15. September 1935.

Der Reichstag hat einstimmig das folgende Gesetz beschlossen, das hiermit verkündet wird:

§ 1

(1) Staatsangehöriger ist, wer dem Schutzverband des Deutschen Reiches angehört und ihm dafür besonders verpflichtet ist.

(2) Die Staatsangehörigkeit wird nach den Vorschriften des Reichs- und Staatsangehörigkeitsgesetzes erworben.

§ 2

(1) Reichsbürger ist nur der Staatsangehörige deutschen oder artverwandten Blutes, der durch sein Verhalten beweist, daß er gewillt und geeignet ist, in Treue dem Deutschen Volk und Reich zu dienen.

(2) Das Reichsbürgerrecht wird durch Verleihung des Reichsbürgerbriefes erworben.

(3) Der Reichsbürger ist der alleinige Träger der vollen politischen Rechte nach Maßgabe der Gesetze.

§ 3

Der Reichsminister des Innern erläßt im Einvernehmen mit dem Stellvertreter des Führers die zur Durchführung und Ergänzung des Gesetzes erforderlichen Rechts- und Verwaltungsvorschriften.

Nürnberg, den 15. September 1935,
am Reichsparteitag der Freiheit.

Der Führer und Reichskanzler

Adolf Hitler

Der Reichsminister des Innern

Frid

Gesetz zum Schutze des deutschen Blutes und der deutschen Ehre.

Vom 15. September 1935.

Durchdrungen von der Erkenntnis, daß die Reinheit des deutschen Blutes die Voraussetzung für den Fortbestand des Deutschen Volkes ist, und befehle von dem unbegrenzten Willen, die Deutsche Nation für alle Zukunft zu sichern, hat der Reichstag einstimmig das folgende Gesetz beschlossen, das hiermit verkündet wird:

§ 1

(1) Eheschließungen zwischen Juden und Staatsangehörigen deutschen oder artverwandten Blutes sind verboten. Trotzdem geschlossene Ehen sind nichtig, auch wenn sie zur Umgehung dieses Gesetzes im Ausland geschlossen sind.

AREA 12 GERMANY JEWS, PERSECUTION OF
1935. THE BASIC "NUERNBERGER GESETZE"
(LAWS AGAINST THE JEWS). OSS 736583

III. Supreme Court Decision on the Nuremberg Race Laws December 9, 1936

For the Nazis, the principle of the inequality of the races—and its legislative enactment in the form of the Nuremberg Race Laws and the decrees based upon them—applied to all areas of civil and criminal law. At the same time, they left it to the courts to provide practical guidelines for their implementation. It thus became the province of the Supreme Court to render final judgment on the interpretation of the law, since, as the highest appellate court in Germany, its decisions superseded those made by the lower courts. Indeed, the court eased the difficulties inherent in implementing anti-Jewish policies across a broad spectrum of cases from divorce to criminal race defilement. The court's acceptance and application of the race laws served an important propaganda purpose as well by explicitly conferring legitimacy on racial discrimination and persecution.

In November 1936, Erwin Bumke, president of the Supreme Court, indicated at a meeting of justice officials called to discuss the Nuremberg Race Laws that the court could accept the broadest interpretation of those laws put forth by Ministry of Justice State Secretary Dr. Roland Freisler. As Freisler put the matter, "The law...is a regulation that establishes the very foundation of the German people, which we do not seek to narrow but to broaden for the protection of our race."

On December 9, 1936, the Supreme Court was given the opportunity to interpret the Nuremberg Race Laws when the Reich prosecutor requested that the court clarify precisely what was meant by "sexual relations" as it appeared in the law. While the court had previously interpreted the term to mean sexual intercourse or related acts, its landmark ruling broadened the meaning of "sexual intercourse" to include any natural or unnatural sexual act between members of the opposite sex in which sexual urges are in any way gratified. The court justified its ruling on the grounds that there would otherwise be almost insurmountable barriers to prosecution since sexual intercourse as such tended to take place among consenting adults and in private. Further, the court stated that since the law was intended to protect not only German blood but also German honor, an expansion of the definition of "sexual relations" was required. As a result, the court found that any act that satisfied a sexual urge violated the law; that the crime was established even if the sexual act occurred outside Germany; that intent was irrelevant in determining penalties; that a verbal proposition for sex violated the law; and, finally, that the crime did not require bodily contact.

In this ruling and in many that followed, the Supreme Court infused its decisions with Nazi ideology and expanded already outrageous laws that extended rather than limited the reach of Nazi authority. In so doing, the court bolstered the legal framework upon which the Nazi persecution of Jews was based and played a pivotal role in allowing the Holocaust to happen.

In the Name of the German People³

The Great Senate for Criminal Cases of the Supreme Court in its session of December 9, 1936, in which the following participated:

The President of the Supreme Court Dr. Bumke as presiding judge
The Vice President of the Supreme Court Bruner
Senate President Dr. Witt
Justices Schmitz, Dr. Tittel, Niethammer, Raestrup, Vogt, Dr. Hoffmann, Dr. Schultze

in the appeal of the State's Attorney under Article 137, Subsection 2, of the Court Organization Act has decided the following:

The term "sexual relations" in the context of the Blood Protection Laws does not include every kind of illicit sexual action [*Unzucht*], but is also not restricted to sexual intercourse alone. It includes the entire range of natural and unnatural sexual relations that, in addition to sexual intercourse, include all other sexual activities with a member of the opposite sex that according to the nature of the activities are intended to serve as a substitute for sexual intercourse in satisfying the sexual needs of a partner.

Grounds:

The question of law, which is to be decided by the Great Senate under Article 137, Subsection 2, of the Court Organization Act upon the appeal of the State's Attorney for the First Criminal Senate [of the Supreme Court] in two pending cases, is posed as follows:

Whether the term "sexual relations" in the context of Article 11 of the first Ordinance for the Implementation of the Law for the Protection of German Blood and German Honor of November 14, 1935 (*Reichsgesetzblatt I*, page 1334) is to be understood as referring only to intercourse, acts similar to intercourse, or all illicit sexual acts.

The requirement of Article 2 of the Law for the Protection of German Blood and German Honor, which forbids extramarital relations between Jews and citizens of German or related blood, is elaborated upon in Article 11 of the first Ordinance for the Implementation of the Law to the extent that extramarital relations as defined here means only sexual relations. What is to be understood by the term "sexual relations" is left for the courts to decide.

"Sexual relations" is not to be made equivalent to all illicit sexual acts. If the legislator had intended to encompass all illicit sexual acts in the prohibition then he would have chosen to include in the wording of the law the word *Unzucht* [illicit sexual acts], which has long had clear and specific definition in jurisprudence. The term *Unzucht* encompasses much broader, and even one-sided, acts of a sexual nature that by no means could be labeled "sexual relations."

Additionally one has to look at the law as a whole in the interpretation of Article 2. The proscription against marriage (Article 1) and the proscription against employment (Article 3) clearly show that the intent of the legislator is to secure the maintenance of the purity of German blood through general proscriptions independent of the special circumstances involved in individual cases. The proscription against marriage is true even in those cases where both parties have ruled out the possibility of children resulting from the union; the proscription against employment is true even if in individual cases the

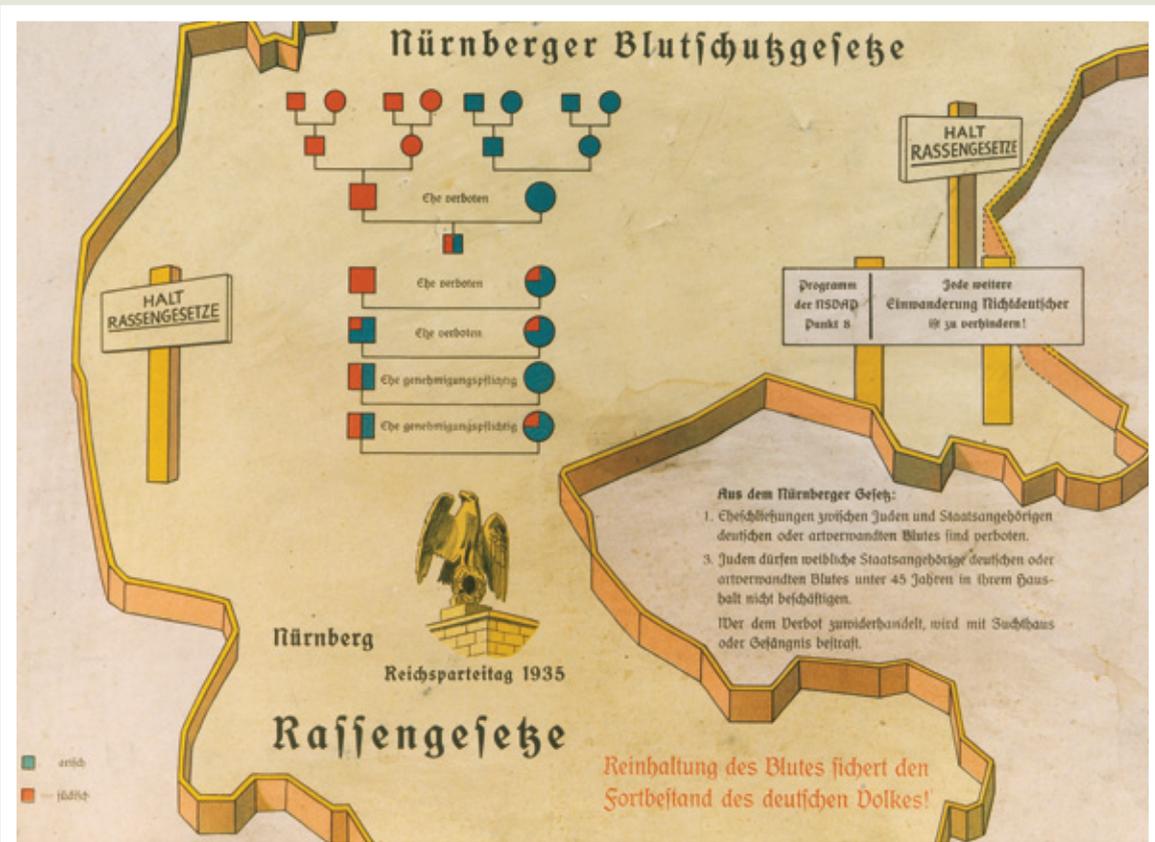
3. Translated from Bundesarchiv Koblenz, Record Group R22, File 50.

Jewish member of a household, either because of age or illness, cannot be expected to make sexual advances. The comparison with these provisions leads to the conclusion that the provisions of Article 2 are valid not only in those cases involving extramarital sexual relations which result in pregnancy or which could have resulted in pregnancy.

Other difficulties argue against such a narrow definition equating “sexual relations” with “intercourse.” Such a definition would pose nearly insurmountable difficulties for the courts in obtaining evidence and force the discussion of the most delicate questions.

A wider interpretation is also required here because the provisions of the law serve not only to protect German blood but also to protect German honor. This requires that intercourse and such sexual activities —both actions and tolerations—between Jews and citizens of German or related blood that serve to satisfy the sexual urges of one party in a way other than through completion of intercourse be proscribed.

[Signed] Bumke Bruner Witt Schmitz Tittel
Niethammer Raestrup Vogt Hoffmann Schultze



Map depicting central Germany and the degrees of forbidden marriage between Aryans and non-Aryans. Ca. 1935. USHMM, courtesy of Hans Pauli

IV. Decree against Public Enemies (Folk Pest Law) September 5, 1939

The Decree against Public Enemies (Volksschädlingsverordnung; literally, “Folk Pest Law”), enacted just four days after Germany invaded Poland and began World War II, was an elastic clause that dramatically expanded the possibilities for criminal prosecution in Nazi Germany. Under the terms of the law, a crime against person or property, or against the community or public security, could carry a death sentence if the accused was charged with exploiting the special conditions of war—such as blackouts or a lack of police supervision—to carry it out. Further, according to the fourth paragraph of the law, death could be imposed “in accordance with the requirements of sound popular judgment [*gesundes Volksempfinden*] or the need to especially repudiate the criminal act.”

In the Nazi approach to law, offenses and legal determinations were deliberately defined in the vaguest possible terms. This enabled judges to retain the pretense of judicial independence while issuing verdicts that met the desires of the Nazi authorities. In practical terms, the Decree against Public Enemies paved the way for judges

to impose the death penalty more freely, even for crimes that would otherwise have carried a lesser sentence. Hitler and the Nazi party used the advent of war—and the claim of rising criminality and “defeatist provocateurs”—to reject lenient sentences and to demand a far more frequent application of the death penalty.

It is worth noting that *Volksschädlinge*, the key term in the law’s title, is translated as “folk pests” or “vermin.” As such, the law equates those exploiting the special conditions of war to carry out crimes with the type of agricultural pests that are destructive and generally outside the sphere of moral responsibility. Just as a gardener attacks the bugs and vermin that threaten his plants, so too, the Nazis believed, the national community had to eliminate those who compromised the health and well-being of the body politic.

The Decree against Public Enemies was perhaps the most frequently used legal basis for the approximately 15,000 death sentences handed down by the courts from 1941 to 1945.

Decree against Public Enemies of September 5, 1939⁴

The Ministerial Council for the Defense of the Reich decrees with the force of law:

1. Plunder in Evacuated Areas

1. Who plunders in evacuated areas or in voluntarily evacuated buildings or rooms will be punished with death.
2. The decision will be made, insofar as the Summary Military Courts do not have jurisdiction, by the Special Courts.
3. The death penalty can be carried out by hanging.

2. Crimes during Air Raids

Who commits a crime against the body, life, or property of a person using measures enacted in the defense against air raids in furtherance of the crime will be punished with penitentiary up to 15 years or with life in penitentiary and, in especially grievous cases, with death.

3. Crimes Endangering the Community

Who commits arson or other crimes endangering the community and thereby damages the ability of the German people to engage in national defense will be punished with death.

4. Use of Conditions of War as Grounds to Increase Criminal Penalties

Anyone who commits a crime using the special circumstances induced by the condition of war will be punished, overstepping the normal legal penalties, with penitentiary of up to 15 years, with life in prison, or with death in accordance with the requirements of sound popular judgment [*gesundes Volksempfinden*] or the need to especially repudiate the criminal act.

5. Simplification of the Procedure Used in the Special Court

In all proceedings before the Special Court the sentence must be carried out immediately, without respect to the usual time limits, in cases where the perpetrator was caught in the act or where guilt is otherwise readily apparent.

6. Areas of Jurisdiction

The provisions of this ordinance apply in the Protectorate of Bohemia and Moravia and also to persons who do not hold German citizenship.

7. Final Provisions

The Reich Minister of Justice will decree all the legal and administrative measures required for the implementation of this ordinance.

Berlin, September 5, 1939

Chairman of the Ministerial Council for Reich Defense: Göring, General Field Marshal

General Commissioner for the Administration of the Reich: Frick

Reich Minister and Chief of the Reich Chancellery: Dr. Lammers