

LESSONS IN LEADERSHIP: CRIMINAL JUSTICE APPROACHES
FOR PREVENTING MASS ATROCITIES

**MODULE 3: Case Study: Criminal Justice
Professionals and the Holocaust**



UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM



MODULE 3: CASE STUDY: CRIMINAL JUSTICE PROFESSIONALS AND THE HOLOCAUST

This module aims to deepen participants' understanding of the role the criminal justice system can play in committing or aiding mass atrocities through an examination of the events of the Holocaust. The module focuses on the particular role played by law enforcement professionals and the courts in facilitating the Nazi rise to power and the subsequent erosion of the rule of law through the persecution of Jews and other groups targeted by the Nazi state.

Participants will examine the behavior of various criminal justice professionals during the Holocaust and consider the motivations and pressures influencing their behavior in the context of the Nazi state. Participants will be encouraged to think about the importance of leadership and decision making in the historical context. They will be asked to connect this case study to the risk factors, warning signs, and triggers for mass atrocities discussed in previous modules. This will facilitate participants' understanding of their individual role as well as the role of their institutions in preventing mass atrocity crimes and will form the foundation for discussions in subsequent modules.

Guiding question for this module

- What responsibility did German criminal justice professionals have for the Holocaust and other Nazi crimes committed between 1933 and 1945?

Module objectives

- Describe the range of motivations that led criminal justice professionals to perpetrate or facilitate crimes during the Holocaust.
- Analyze how risk factors, warning signs, and triggers for mass atrocities intersect with the “slippery slope” as it relates to the participation of criminal justice actors in the Holocaust. Analyze the incremental decisions that ultimately led to the commission of mass atrocities.
- Evaluate the options available to criminal justice professionals when faced with warning signs for mass atrocities.

Module length: 1 hour

SEGMENT	LENGTH
Introduction	2 minutes
Video and Discussion: Criminal Justice Professionals During the Holocaust	18 minutes
<i>Kristallnacht</i> Case Study	35 minutes
Conclusion	5 minutes

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Required materials

- Module #3 PowerPoint
- Module #3 Handout
- Video: “[Criminal Justice Professionals During the Holocaust](#)”

Further reading

- Key Resource: United States Holocaust Memorial Museum, [Guide to Criminal Justice and Preventing Mass Atrocities](#) (2023), Chapters 1, 2, and 3
- Articles from the United States Holocaust Memorial Museum’s Holocaust Encyclopedia:
 - [The Police in the Weimar Republic](#)
 - [SS and Police](#)
 - [The Nazification of the German Police, 1933–1939](#)
 - [Law, Justice, and the Holocaust](#)
 - [Antisemitic Legislation 1933–1939](#)
 - [Kristallnacht](#)
 - [The “Night of Broken Glass”](#)
- Browning, Christopher R. *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*. Revised ed. New York: Harper Perennial, 2017.
- Müller, Ingo, and Deborah Lucas Schneider. *Hitler’s Justice: The Courts of the Third Reich*. Cambridge, MA: Harvard University Press, 1991.
- Steinweis, Alan E. *Kristallnacht 1938*. Cambridge, MA: Belknap Press of Harvard University Press, 2009.
- Westermann, Edward B. *Hitler’s Police Battalions: Enforcing Racial War in the East*. Lawrence, KS: University Press of Kansas, 2005.

LESSON PLAN

Introduction (2 minutes)

Slides 1–2

Explain: “Our goal in this session is to use a historical case study to think about the ways in which the criminal justice system can intersect with mass atrocities. In this case, we will examine the role played by German law enforcement and the German courts in facilitating the Nazi rise to power, the erosion of the rule of law, and the persecution of Jews and other groups targeted by the Nazi state. We will analyze the range of motivations and pressures that led criminal justice professionals to facilitate or participate in the crimes of the Nazi regime, as well as how the warning signs, risks, and triggers for mass atrocities can be identified in the actions of these professionals during the Holocaust.

“This session will include three phases:

- First, we will discuss the role of criminal justice professionals under the Nazi regime. We will view a short video, which focuses primarily on the early years of the Nazi regime, before mass killing began. After the video, we will discuss the following: Why might established criminal justice professionals have supported the Nazi regime in its early years? How do their actions intersect with the risk factors and warning signs we have discussed in this course?
- Next, we will examine a case study about the criminal justice response to *Kristallnacht*, the first act of large-scale violence against the Jewish community in Germany under the Nazis. You will need to have the handout in front of you for this segment. We will discuss what factors influenced the response of police and prosecutors to *Kristallnacht*, and what impact their actions may have had for Jews in Germany.
- Finally, we will conclude with a discussion of the role played by German criminal justice actors during World War II, once mass killings began. We will examine the impact their actions had on the Nazis’ ability to carry out the Holocaust.”

Video and Discussion: Criminal Justice Professionals During the Holocaust (18 minutes)

Slides 3–5

Say: “As you saw in the *Path to Nazi Genocide* clip, the Nazi regime did not come to power through a violent seizure of power, but rather by using existing laws and constitutional provisions. Once in power, the Nazis did not overthrow or dissolve existing government institutions, but instead worked to transform those institutions to achieve their goals. This helped bolster the legitimacy of the regime.

“In 1933, shortly after Hitler’s appointment as chancellor of Germany, Nazi militia forces were added to the German police forces. This image shows a German police officer walking side by side with a Nazi SS

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militiaman (*Schutzstaffel*, literally ‘Protection Squadron’—the SS man is wearing a white armband indicating that he has been deputized as a police officer).”

Ask: “How might this image have benefited the Nazi regime?”

Possible answers: Police have professionalism, knowledge and expertise, and trust of the community; Nazis are relying on the professionalism of the police to lend the SS legitimacy—not just replacing all the police. Element of intimidation for opponents of the Nazis—now incorporated into the police forces.

Ask: “How might this new partnership have benefited the German police? How might it have concerned them?”

Possible answers: Benefits: extra manpower to control the streets; resources of the regime to restore law and order; looks like they have the streets under control and are doing their jobs well. Concerns: limiting their room for maneuver with Nazis integrated into the forces; might previously have been involved in stopping violence by Nazi militias who are now part of their ranks.

Ask: “How might the German public have viewed this scene? Who might be intimidated or terrorized by this scene?”

Possible answers: Looks like the government is taking action to restore order to the streets as they promised—people in the background appear calm; sends a message to enemies of the Nazi party or those targeted by the Nazi regime about the new partnership between the Nazis and state institutions—might be more hesitant to interact with police.

Say: Scenes like this lent legitimacy to Nazi militia groups like the SS and seemed to indicate that the Nazis would work within existing government institutions to create change rather than attempting change through violence. Although this change was initially temporary, the official use of these irregular party militias also marked the beginning of the Nazi attempts to merge their political party with the state. We will now watch a short video that gives further context about the German criminal justice professions in the early years of the Nazi regime (1930s). As you watch the video, keep in mind the following questions: why might criminal justice professionals have supported the Nazi regime in its early years? How do their actions intersect with the early warning signs we have discussed in this course?”

Play video (5–6 minutes). Instructor may then facilitate a discussion with the whole group for the next 10 minutes based on the questions on slide 5 or the instructor may choose to have participants break into pairs or small groups to discuss for the first 5 minutes, followed by another 5 minutes to debrief with the entire group.

Ask: “Why might German criminal justice professionals have supported the Nazi regime in its early years?”

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Possible responses: Nazi rise to power had the appearance of legitimacy; worked to gain power through legal and constitutional means; public instability and desire for a more authoritarian state to counter street violence; fear of Communism and Communist violence; supported Nazi changes to the legal system and police powers that seemed to make their jobs easier.

Ask: “How do their actions intersect with the early warning signs we have discussed?”

Possible responses: Labeling civilian groups as the “enemy” and discriminatory legislation—Nazis labeling Jews as the “enemy” and passing antisemitic laws in the 1930s; emergency legislation—Reichstag Fire Decree; removing moderates from leadership or public service—Law for the Restoration of the Professional Civil Service; tension and polarization—Nazis taking advantage of fear of Communism to justify extreme measures.

Explain: “In examining the early years of the Nazi regime, we can observe many of the warning signs and risks for mass atrocities discussed in Module 2. To many German criminal justice professionals, the Nazi regime appeared legitimate, as the Nazis often worked through the existing legal and constitutional framework to achieve their goals. We will now dive into a case study where we will examine a key event in the before stage known as *Kristallnacht*, or the “Night of Broken Glass.” As we examine this case study, I would ask you to continue to keep in mind what warning signs, if any, you observe. We will discuss what factors influenced the response of the German criminal justice system to this event and the impact of this response on Jews in Germany.”

***Kristallnacht* Case Study (35 minutes)**

Slides 6–14

Police Report Exercise (5 minutes for reading, 10 minutes for group discussion)

Slides 6–7

Say: “You may be familiar with the events of *Kristallnacht*, but if not, that’s OK, because I would like to start this case study by examining the event through the eyes of the German police.

“In front of you is a police report from the town of Hanover in Germany describing what happened on the night of November 9–10, 1938. You have likely had to read or write police reports in the course of your duties. We are going to rely on your professional expertise here to examine this report.

“Please take the next 5 minutes to read through the report and then we will discuss: What questions does this report raise for you?”

(After participants have had sufficient time to read the order):

Ask: “What questions does this report raise for you?”

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Possible answers: Who are the perpetrators? Did the police make any arrests? What was the police decree that is referenced? Who had jurisdiction (role of Secret State Police (*Gestapo*) vs. Order police)? What were the police doing when this happened? Why spend so much time talking about the apartments? (That's where property was.) What is the tone of the report? (Tone appears objective/neutral; justification for inaction, seems to indicate police are doing the right thing—arrested one “bad” police officer who looted during the destruction and case is pending with the prosecutor's office.)

Note: The instructor should use this time to encourage participants to discuss as a group their own reflections on this police report and should refrain as much as possible from answering participants' questions about the report.

Say: “Now that you've had a chance to explore this police report, let's compare the narrative in the report to what we now know from various historical records about how *Kristallnacht* actually played out in Hanover. You may reference the timeline in your handout if you would like to follow along.”

Narrative (5 minutes)

Slide 8

Say: “Members of the SS, a radical Nazi party militia, were the primary perpetrators of *Kristallnacht* in Hanover. Recall the image we discussed at the beginning of this session where the German policeman and SS man were walking side by side.

“On the evening of November 9, 1938, the Minister of Propaganda, Joseph Goebbels, ordered a nationwide attack on the Jews, claiming this attack was justified because just a few days before, a Jewish man, Herschel Grynszpan, had shot a low-ranking German diplomat. Grynszpan was from Hanover.”

Slide 9

Say: “In the early hours of November 10, 1938, members of the Nazi SS militia robbed the synagogue (Jewish place of worship) in Hanover and set it on fire. Shortly afterward, police across Germany received orders from their leadership in Berlin to stand down—they were not to intervene to stop the violence unless non-Jewish homes or businesses were at risk of being destroyed. The order also instructed the police to arrest Jewish men, especially affluent ones. The SS men continued their attacks against Jewish homes and businesses across Hanover throughout the rest of the night and into the next evening, including seizing valuables.”

Slide 10

Say: “At around 6:15 a.m. the following day, November 11, 1938, most of the Jews arrested during *Kristallnacht* in Hanover were taken to the local train station and deported to Buchenwald concentration camp. One of those arrested was Dr. Horst Berkowitz, a Jewish lawyer living in Hanover and a World War I veteran. Dr. Berkowitz recounted that he could see the courthouse from the train station, and thought of his client, who would have to appear at a hearing that day without his lawyer. Across Nazi Germany, police largely complied with orders and arrested about 30,000 Jewish men during *Kristallnacht*. As you can see here, the concentration camp population expanded dramatically in 1938, in part due to these arrests. This was the first instance of mass arrests of Jews just because they were Jewish, which is one reason many consider *Kristallnacht* a turning point in this genocide. You may recall that “symbolically significant attacks against individuals or physical sites” such as the attacks seen during *Kristallnacht* are considered one of the “triggers” for mass atrocities.

Slide 11

Say: “Most Jews arrested during *Kristallnacht* were released, often after they agreed to emigrate from Germany. The father of this family, Jacob Tager, was arrested during *Kristallnacht* and imprisoned in Dachau for approximately six months. The family emigrated to Cuba in 1939 or 1940, and five years later immigrated to the United States. However, Jews faced numerous obstacles to immigration, and many were unable to leave Germany in time.”

Slide 12

Say: “As mentioned, we know that most German police followed orders to stand down and not intervene in the violence of *Kristallnacht*, and most German prosecutors followed instructions not to investigate and pursue charges against the perpetrators of *Kristallnacht*. The Nazis burned hundreds of synagogues, vandalized about 7,500 Jewish-owned businesses, and murdered hundreds of Jews. German police arrested 30,000 Jewish men, who were sent to concentration camps. You can find the full text of the order to police and instructions to prosecutors in your handout, to get a sense of the larger institutional culture within which police and prosecutors were operating. However, as we discuss what kinds of options were available to professionals within the criminal justice system during *Kristallnacht*, I would like to share one last story of the actions of a police commander in Berlin.”

Slide 13

Say: “Wilhelm Krützfeld (seen in the photo on the right) joined the police force in Berlin in 1907, and by 1938 he was in charge of a precinct in Berlin. As *Kristallnacht* was happening in his city, an officer in Krützfeld’s district telephoned the station to say he saw smoke coming from the local synagogue (seen in the photo on the left). Krützfeld and others raced toward the synagogue and found Nazi militiamen

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attempting to destroy the building. Krützfeld brandished his weapon and ordered the firefighters to douse the fire that had been set. He informed them that it was his responsibility to enforce a law protecting historic buildings, and this synagogue was one of the largest and most architecturally important in Berlin. The next day, he was brought before the Nazi head of the Berlin Police, von Helldorf, who reprimanded him. But Krützfeld received no formal punishment. He was not forced off of the police force, but instead was promoted on schedule. He retired from the force voluntarily in 1943. You can find a biography of Krützfeld in your handout.”

Case Study Debrief and Discussion (15 minutes)

Slide 14

Note: Instructor may choose to have participants discuss the case study in pairs or small breakout groups for 5 minutes before returning to a discussion with the whole group for the remaining 10 minutes.

Ask: “What, if anything, is surprising to you about this case study?”

Possible answers: Demonstrates that choice was possible for criminal justice professionals; most criminal justice professionals actively collaborated with the Nazi regime and used their expertise to further the goals of the Nazi regime (such as the police commander in Hanover).

Say: “Krützfeld retired from the police force in 1943. His son later stated that a high-ranking police official had hinted about the Holocaust to Krützfeld and that this had sparked his request for retirement. Neither a resistance fighter nor a victim of the Nazi regime, he is memorialized for his act of civil courage in standing up to the Nazi militiamen with a plaque on Oranienburger Street in Berlin. In 1993 the state of Schleswig-Holstein (where Krützfeld’s hometown is located) renamed its police academy in his honor. Krützfeld’s actions demonstrate that police officers and other criminal justice professionals did have some discretion in how they responded to the attacks against the Jewish community during *Kristallnacht*, and yet most chose to follow orders, refused to protect the Jewish community, and turned a blind eye to criminal actions. Let’s take a look at where this led.”

Conclusion (5 minutes)

Slides 15–19

Slide 15

Say: “We have seen in this case study that in the early years of the Nazi regime and before the start of mass killing, police, prosecutors, and judges played a critical role in advancing policies and practices that facilitated the path to genocide. They also had the ability to intervene at a number of key points; however, the majority chose not to act. In the case of the Holocaust, we know where this led.

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On September 1, 1939, Germany invaded Poland, starting World War II. With the start of the war, Nazi policy radicalized. Eventually, the Nazis moved from persecution of Jews to a plan for mass murder. As the war progressed, the police were tasked with increasingly extreme measures at home and abroad in the name of national security. As we see in the case of the Holocaust, we know that the context of war is often used to rationalize genocidal acts.

Slide 16

Say: “During the first years of World War II, German policies against German Jews escalated. The regime mandated curfews, restrictions, and even identifying yellow star badges for Jews. The German police enforced these measures. Then the Nazi German regime forcibly and systematically removed Jews from Germany. German police were tasked with guarding train transports of Jews to ghettos, killing sites, and killing centers in occupied eastern Europe. Officials called these deportations, like the one you see here from Würzburg, Germany, ‘evacuation transports’ or ‘resettlement actions’ to mask their true nature.”

Slides 17–18

Say: “As the war continued, militarized police battalions were sent to eastern Europe to act as occupation forces behind the German front lines. Among other assignments, they were sometimes tasked with guarding the ghettos where Jews were forced to live in miserable, unsanitary, and overcrowded conditions.

“Police were told that the war on the eastern front was a battle for the very survival of the German race and nation. They were tasked with rounding up Jews and other ‘enemies of the German state’ and killing them in mass shooting operations, such as this one.” (Switch to mass shooting image in slide 18.)

Note: As slide 18 contains graphic imagery, the instructor may wish to give participants a warning before proceeding to it.

Say: “In the case of the Holocaust, we know from extensive historical research that German police officers who refused to shoot were not killed themselves. A small percentage chose not to participate, and while they sometimes faced ridicule from their colleagues, they were simply assigned other tasks or placed on leave. Some who initially chose not to shoot later participated as the killings continued, and vice versa. However, the vast majority participated in the regime’s mass atrocities when tasked with doing so.”

Slide 19

Say: “The Nazis relied on the professional expertise and manpower of police, prosecutors, and others within the criminal justice system to carry out the Holocaust. As we move into the next session on criminal justice tools for preventing mass atrocities (Module 4), this history can serve as a reference point to reflect on failures and opportunities for criminal justice professionals when faced with warning signs of mass atrocities.”

Cover: A Berlin police officer (left) and a member of the SS (right) on patrol. Germany, March 5, 1933. *Bundesarchiv Bild 102/14381*