



## The Rise of the Nazis Establishing Dictatorship | Destroying Democracy (1918-1936)

This presentation explores Hitler's rise to and consolidation of power in Germany. When do everyday social processes become more dangerous? Who is the first to notice? Are we really interested in, and able to, confront evil or do we embrace, assimilate, accommodate, and normalize evil?

Hitler was not inevitable. It would be a critical misunderstanding to buy the self-propagated Hitler myth that it was his "will" and genius that brought him to power. Hitler was always rescued by others who underestimated him. He should have been discarded numerous times. This presentation attempts to undue many myths about the Nazi rise to power and enrich our understanding of our civic responsibilities in a democratic society.

*Dissatisfaction led to a "hazardous adventure." - Carl von Ossietzky*

### Why did democracy fail in Weimar Germany? (1918-1932)

Context and timing is everything. One could argue that a perfect storm of opportunity, attitudes, and a variety of other forces (ever-present in the human experience) coalesced in the 1930s. World War I was a key element in shaping individuals and society before, during, and after the war. Elites had embraced and promoted war in a bid to unite the country that was divided regionally, religiously, and socially. Their war aims promoted extreme, expansionist, militant, antisemitic, racist social-Darwinistic nationalism. Field Marshal Hindenburg saw the war as a positive test, a Darwinian struggle, among white Europeans. What became possible – imagining and accommodating to mass killing for example – was due to the experiences of the trenches.



Groups and nations inform, shape and amplify the experiences of trauma, loss, despair, frustration, anger, confusion, and economic insecurity. After the war, European societies were on the brink. In Germany, the Army and its leadership played a key role in shifting blame for its defeat to other elements in society. Already in 1916 the German General Staff ordered a census of all Jewish soldiers in the army to determine how many actually served on the front line – only to discover a very high percentage. The war did not suddenly end in 1918, but rolled into the home front as war was waged between increasingly polarized political groups. The myth of the front line soldier propagated by nationalist groups was embraced by those with radicalized views as well as those who had been too young to serve. The myth projected German manhood as hardened, violent, dispassionate, cold-blooded comrades who found emotional distance from their victims in order to soldier on at the front. Young men like Heinrich Himmler (future leader of the SS) who saw themselves as failures for not serving in the war found the myth enchanting. As Himmler later shaped the SS he did so embracing the idea that compassion for the enemy was contemptible and that murdering opponents was noble, requiring the best of society, not the worst, to accomplish.

Weimar Germany was divided against itself regionally, culturally, religiously, and politically. The political climate was poisonous with fractious groups unable to compromise. About one quarter of the politicians were hostile to democracy and many were looking for a strong leader to save them. The elites (aristocrats, bankers,

military...) were coming under increasing pressure and criticism as they seemed unable to rule. The ground for the Nazis had already been carefully cultivated. German nationalism was long rooted in ideas of race and an anti-Western, chauvinistic rejection of the enlightened ideals of 1789.

### German Politics and Growing Resentment Toward Elites



President Hindenburg (1925- 1934)

The President of the Weimar Republic was elected by popular suffrage for a seven year term. The President could rule in times of crisis by using Article 48 to suspend the legislature and rule through emergency decree. The president appointed the chancellor as head of government to run the legislature. The *Reischwehr* (German Army) swore their loyalty oath to the president and not to the constitution. From 1919-1932 there were 21 different coalition governments. From 1928-1932 there were four chancellors who often ruled through emergency decree. President Hindenburg's use of Article 48 undermined the ability to create democratic traditions and structures and tended to further isolate opposing political groups. It also fostered a sense of confusion, paralysis, dysfunction, and disunity that led to a growing resentment toward German elites – specifically political leaders. This rising resentment towards, coupled with growing economic anxiety and a wounded national pride, fueled the rise of radical politicians willing and able to stoke peoples' fears for political gain.

**“Hitler is not an individual at all. He is a condition.”** - Thomas Heine, May 1923

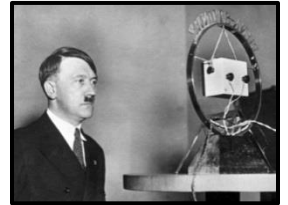
Adolf Hitler was a product of the trenches. Before the war, Hitler was generally an arrogant loner who isolated himself and read books. He did not read to test his beliefs, but to confirm them. It was after the war that he discovered and honed his paranoid antisemitism. The difficulty with understanding Hitler is that he carefully crafted a public image (reinforced in the myth-creating *Mein Kampf*) which portrayed him as a servant of the people who only entered politics reluctantly while sacrificing his private, personal life. He enjoyed crafting the persona of the struggling artist driven into politics against his will and painted his triumphs as testament to the triumph of his will and prophecy. Little of this is true.

Hitler was indeed obsessed with his image. He was a massively insecure person with an inferiority complex. From his early, lazy days from a rather comfortable middle class family, he resented others who seemed to be better at school – as they, unlike him, applied themselves. He resented teachers and those whose credentials and experiences seemed to belittle his overdeveloped sense of self. He would rage at the slightest provocation and his prodigious memory ensured that he would never forget or forgive a perceived slight. He was generally repulsive (sweating profusely, spitting as he spoke, drooling...) and was prone to mood swings vacillating between euphoria, depression, frantic energy, lethargy, apathy and idleness. He was often slow to make up his mind, but once he did, he energetically fixated on it. He was devoid of empathy and sought to keep people at a distance. There were also aspects of self-destructive and homicidal tendencies. Having said this, he had fascinating blue eyes and could turn on the charm when required. He had the ability to tell people what they wanted to hear in disarming ways. He was always afraid that he would die early and always feared assassination. He was an “all or nothing” gambler who was incapable of compromise. At times he would love to hear himself speak and would ramble on for hours in close company. This perhaps served his needs for social dominance, fed his overblown sense of self, and ensured that he would not be alone – something he



greatly feared. His great talents were public speaking and acting. He indeed had tremendous ability and learned to easily slip in and out of roles for tactical gain. This talent was a primary reason why so many kept underestimating him.

Hitler discovered his talents in post-World War I Bavaria. He spoke with a Bavarian accent and tailored his speeches to the audience. In many ways, the audience made Hitler. Their energy helped him overcome his insecurities and reaffirmed his overblown sense of self. As an actor he learned to speak for the postwar “little guy” in a manner like a “cleansing thunderstorm.” His performance topics were limited, but consistent. He never shied away from his antisemitism, his goals for the Jews, and his ideas of “race and space.” He portrayed the world as a dark place in decline and decay. As a mouthpiece for cultural pessimism he portrayed himself as a leader who could save them. He liked to use sarcasm and irony and often compared himself to Jesus. He spoke of a Jewish conspiracy operating behind the scenes and the need to replace democratic traditions with powerful authority to create a homogeneous, unified ethnic community.



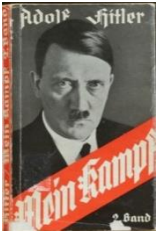
### **Radical Solutions Amid Fear and Confusion**

Hitler was able to exploit fears, crystallize the image of an enemy, and justify the need to target it. In Weimar Germany, the Communists (to hone in on one particular group) were generally feared by conservative and middle class Germans. Right-wing political movements exploited this fear by positioning themselves as a bulwark against communism, defenders of national culture, and the last for national survival. Across Europe democracies were being replaced by dictatorships in Italy, Poland, Latvia, Estonia, Lithuania, Hungary, Romania, Bulgaria, Portugal, Yugoslavia, Austria, and Spain. Consistently the authoritarian right shared antisemitism and the desire to destroy civil liberties. Having said this, there was nothing inevitable about Germany becoming a dictatorship.

### **From Obscurity to Irrelevance to Slight Relevance Back to Irrelevance**

Hitler was kept in the mix not by his own abilities, but by being rescued by those who underestimated him and sought to manipulate him. On June 21, 1921, Hitler resigned from the NSDAP (Nationalist Socialist German Workers’ or Nazi Party) after refusing to approve a merger with other nationalist parties. Anton Drexler, founder of the German Workers’ Party (DAP) and now party chief of what Hitler had morphed into the NSDAP brought Hitler back into the party by offering Hitler his party chairmanship. Drexler, perhaps rightly, feared that the fledgling party could not survive, let alone grow, without its top speaker. In January 1922 Hitler was thrown in jail for three months for inciting public violence. Upon his release, powerful patrons begin to help him, especially the influential press mogul Alfred Hugenberg.

In 1923, Weimar Germany was under the pressure from the obligations of the Versailles Treaty, economic stagnation and depression, and regional factionalism: Bavarian politicians were seeking a break from Berlin. French and Belgian troops occupied the Ruhr Valley when Germany could not meet its reparation obligations and the German government ordered passive resistance to the occupiers. The general strike devastated the German economy as the government created an inflationary cycle by printing money to pay workers in dormant factories. To Hitler, the conditions were ripe for a seizure of power in Bavaria. The NSDAP could



boast a membership of 55,000. Unfortunately for Hitler, the opportunity seemed to be ebbing away. On September 20, 1923, the German government ended passive resistance. The new central bank revalued the *reichsmark* in mid-October and the Weimar government began to successfully tackle the currency crisis. With pressure building, Hitler decided to gamble, seize Bavaria, and then march on Berlin. His hastily conceived “Beer Hall Putsch” included plans for concentration camps for Jews. The putsch failed in a thirty second volley from the police and military and Hitler was jailed for treason. In prison Hitler wrote *Mein Kampf* (My Struggle). There was little originality in his book and to articulate his world views he utilized works like US eugenicist Madison Grant’s *The Passing of the Great Race* and Henry Ford’s pamphlet, “The International Jew: The World’s Foremost Problem.”

In 1924, the Dawes Plan tied German reparations payments to the state of the German economy and alleviated the currency crisis. Germany joined League of Nations and began its reintegration into European politics. With things seemingly turning around, the Bavarian government lifted the ban on the NSDAP. However, once Hitler was released from jail he was banned from public speaking after his first incendiary speech. “The beast is tamed. Now we can loosen the shackles” said Heinrich Held the BVP chair.

### **Working Within the System to Destroy the System**

In May 1924 the Nazi Party performed poorly securing 6.5% of the national vote and receiving 32 out of 472 seats in the Reichstag. By December 1924, due in part to the ban on Hitler speaking publicly, the Nazis were reduced to 3% of the vote and only 14 out of 493 seats in the Reichstag. The ban on Hitler was relaxed in 1928 and the May 1928 elections showed the Nazis with only 2.6% of the vote. This seemed to be a disaster, but the NSDAP noticed a slight growth in its popularity in rural areas and began to shift their attention there. As the economy began to decline in 1928 and 1929 the Nazis began to see some positive results. They did especially well in German student parliamentary elections – especially in rural areas. In December 1929 the Nazis began to do well in state elections. In Thuringia, for example, they received 11.3% of the vote in the Lantag elections which suddenly put them in the position of coalition government partners. In negotiating the coalition, the Nazis were allowed to appoint Wilhelm Frick as Interior Minister (Police). Frick proceeded to replace SPD (Social Democrat) leaders with Nazis, mandated prayer in schools, and gave the University of Jena a chair in racial sciences. This demonstrated how the Nazis could work within the government to secure power. Although the Nazis were doing well in Lantag elections they were still no closer to power in Berlin.

Meanwhile the self-created myth that Hitler had sacrificed his private life in selfless service unraveled with the suicide of his 23 year old niece Geli Raubal on September 1, 1931. Hitler’s relationship with his niece is still unclear. He demonstrated a smothering attention to her, taking away her freedom and dismissing his chauffeur who had fallen in love with her. Clearly, Hitler’s overbearing restrictions drove her to commit suicide and Hitler was devastated. His devastation apparently did not last for very long as he was soon taking up with the young Eva Braun who was 20.

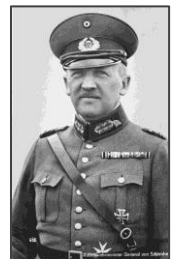
With his popularity growing, Hitler decided to run for president in March 1932. He had renounced his Austrian citizenship after the Beer Hall Putsch fearing he would be deported and now hastily obtained German citizenship by naturalization so that he could run. President Hindenburg received 49.6% of the vote to Hitler’s

30.1% but failing to win a majority, the two candidates went into a run-off election. In April 1932 Hindenburg won 53% and gave Hitler yet another defeat. However, the Nazis had become the single largest party in the Reichstag which gave them the ability to paralyze the government. In the fall of 1932 the Nazis made significant gains in state elections in Thuringia, Prussia, and Bavaria.

### Political Intrigue, Individual Initiative and Coming to Power

Once again, Hitler was rescued from failure by individuals who underestimated him. President Hindenburg was dissatisfied with his Chancellor Brüning and they had a falling out. Hindenburg was upset that he had beaten Hitler through a coalition of the SPD (moderate Social Democrats) and the Catholic Center Party. He resented Hitler's support amongst the nationalist parties that he had coveted and championed. He also turned on Brüning's deflationary austerity program and acceptance of mass unemployment in favor of ending reparations. Brüning was dismissed as chancellor and replaced by Franz von Papen. This was a crucial and fateful decision. It was the end result of political maneuvering.

Kurt von Schleicher was a Major General in charge of an office in the *Reichswehr*. He was scheming to modernize the army and cut social spending. Schleicher wanted to create a Presidential state, not with a putsch (offending German attachment to legality), but through a step-by-step process within the letter of the law. He believed that the Army had a crucial social function of unifying society and worried that an entire generation would have no military training. In 1930, thinking the SA ("Brownshirts") could fill the void he befriended Ernst Röhm who had recently returned from Bolivia and had been named SA chief of staff by Hitler.



Kurt von Schleicher

Schleicher gave the SA access to army depots and arsenals. The two agreed that in event of war with Poland or a Communist putsch, the SA would come under command of the *Reichswehr*. Thus, the SA, Schleicher believed, could eventually be "tamed." This despite the Boxheim documents of November 1931 that revealed Nazi plans to use ruthless force once they seized power in the face of an alleged communist uprising.

Chancellor Brüning was working against Schleicher's goals. Brüning convinced Hindenburg to ban the SA and SS and street violence dropped dramatically. However, President Hindenburg continued to resent taking action against nationalist groups. Sensing an opportunity Schleicher secretly met with Hitler on May 8, 1932. If Hitler supported him, Schleicher would convince Hindenburg to dismiss Brüning, create a new government, and lift the ban on the SA and SS. Hitler agreed.



Franz von Papen

In May 1932, Schleicher convinced Hindenburg to ask for Brüning's resignation. Franz von Papen, a relatively unknown politician and puppet of Schleicher was named chancellor. Schleicher selected Papen's entire cabinet and believed he was in control of the government. Papen, honoring Schleicher's promise to Hitler, lifted the April ban on the SA and SS. Schleicher hoped the surge in SA violence would destabilize the democracy and lead to a Presidential state by decree. In the July 1932 elections the Nazis became the largest party getting 37.4% of the vote (60% were middle class) and more than half of the deputies in the Reichstag were publicly committed to ending parliamentary democracy. Hitler was now speaking to large and adoring crowds. Despite these successes, many Nazis believed that the Party had peaked and was losing momentum. Without an outright parliamentary majority and sensing the pressures within the party, Hitler, the gambler, decided to act.

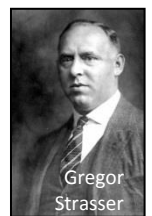
On August 5, 1932, Hitler reneged on the agreement with Schleicher to support Papen and gave a list of demands to Schleicher. Hitler demanded: To be named chancellor; the passing of an enabling act to give him legislative power; three cabinet posts for Nazis; the creation of a propaganda ministry; and control of Ministry of Interior. Schleicher would be named head of Ministry of Defense. The SA began massing in Berlin in anticipation of Hitler's victory. Schleicher was willing to accept, but when he approached Hindenburg, the president refused to name Hitler chancellor. In response, Schleicher then offered Hitler the vice-chancellorship. On August 13, Hitler flew into a shocking rage, refused Schleicher's offer and threatened a brutal unleashing of the SA across Germany. Hindenburg, appalled by Hitler's behavior, gave Hitler a tongue-lashing. Hitler now saw Schleicher as his chief enemy.

On September 12 Hindenburg and Papen moved to have the President rule by decree. Fearing this would undermine Hitler's chances, Hermann Göring, now the speaker of the Reichstag representing the largest party, pushed through a vote of no-confidence in Papen which passed 512 to 42. Humiliated, Papen followed the constitution and called for elections in November. At this most critical moment Hitler suddenly disappeared from the stage.

In August Hitler's private life interfered. His new mistress Eva Braun had shot herself in neck perhaps in an attempt to get more attention from him. Hitler, still smarting from the suicide of his niece, pledged to look after her. Meanwhile the Nazis went along with a Communist wildcat strike of the transport workers in Berlin, alienating middle class voters. The November 1932 election results were a disaster for the Nazis. The Nazis lost 2 million votes (33.1%) down from 13.7 million of July (37.4%) and saw their 230 seats in the Reichstag reduced to 196. July's middle class protest vote had disappeared. On December 1, 1932 Schleicher replaced Papen as chancellor and it appeared that the Nazis were in full decline. Trying to hold on, the Nazis poured resources into the December 4 Thuringian elections and suffered 40% losses (compared to July 1932). The NSDAP began to unravel. It was almost bankrupt and was divided (60 of 196 Nazi seats loyal to left-wing branch of Gregor Strasser). Making matters worse, the economy began to revive to the great benefit of other political parties. Hitler confessed to Brüning that he was on the verge of giving up.

**“Herr Hitler was a defeated man when he was given victory.” - Leopold Schwarzschild, Feb. 1933**

December 1932 was the turning point for Hitler. It should have been his demise. On December 5, 1932 Gregor Strasser called for the NSDAP to drop Hitler's stubborn demand to become chancellor and instead urged the party to back Schleicher. An agreement with chancellor von Schleicher would have barred Hitler from rising to power. Strasser was trying to salvage what he could and was directly challenging Hitler's authority blaming him for the catastrophic results of the November elections. Once again, Hitler was rescued by his acting and oratorical skills. On December 8 his emotional speech won over the party, forced Strasser to resign, and Hitler assumed Strasser's role as party organizer. Hitler even threatened suicide if the party did not unify behind him. Rumors began to circulate that Chancellor Schleicher was planning a coup. Papen, still carrying great influence over President Hindenburg and his camp, moved to remove Schleicher. Papen was secretly ordered by Hindenburg to enter into negotiations with Hitler to create a coalition government with right-wing nationalist parties to replace Schleicher. Hindenburg became part of the conspiracy to create a new government of “national concentration” with Papen and Hitler sharing power. This arrangement was similar to the plan of autumn 1932 that Hitler had rejected.

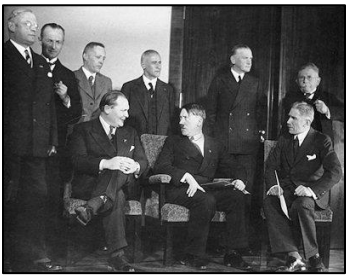


Meanwhile, Hitler focused all Nazi resources on the Lantag elections in the small, rural region of Lippe-Detmold to show that the party was once again viable and had recovered from the crisis in autumn. On January 15, 1933 the NSDAP received 39.5% of the vote (6,000 more than November, but 3,500 fewer than the high water mark of July 1932). Despite the loss, Hitler was euphoric and presented this as a tremendous victory. Hitler's position within the party was reinforced and he now had some leverage in the negotiations with Papen. Hitler kept pressing for the chancellorship and

strengthened his hand even more when he overawed Hindenburg's son Oskar in a private meeting. Papen finally gave in and went to Hindenburg to propose a Hitler government with Papen as vice-chancellor. On January 23, Hindenburg rejected the idea. Frick and Göring continued the negotiations as Hitler temporarily withdrew.

Schleicher's chancellorship was in trouble. Rumors of the pending coup and suspension of elections led to a crisis in the Reichstag when the Social Democrats and the Centre Party (the two largest democratic parties) protested. Behind the scenes negotiations with right-wing parties to accept Hitler as leader were breaking down. Only Papen's intervention kept the negotiations going. Papen was finally able to overcome Hindenburg's resistance to the idea of a Hitler chancellorship. He argued that Hitler was compromising by agreeing to share power rather than asking for total power and was only asking for two positions for the NSDAP in the new government. Of course, this was another of Hitler's gambles. He rightly calculated that these two cabinet positions (Reich interior minister and Prussian state commissioner) would allow him to consolidate power as they had done in Thuringia in 1930. Hindenburg was impressed that most of the conservative ministers whom he favored would remain in their positions. On January 29 the final deal was done with Papen accepting Frick as interior minister. However, Hitler had to swallow "with barely concealed resentment" Hindenburg's appointment of Papen and not himself as Reich commissioner of Prussia. As compensation, Göring was to be named Prussian interior minister and Deputy Reich commissioner. This gave Göring control over the Prussian police force. Hitler also demanded, if he was to agree to this new arrangement, that fresh elections would be called after his appointment and that a subsequent enabling act be passed (as he had proposed in November 1932). A final key role was played by aristocratic landlords who urged Hindenburg to appoint Hitler believing they had enough checks in place.

Meanwhile Schleicher tried to get details on the now emerging secret negotiations with Hitler. It was then widely speculated that a Papen/Hugenberg coalition government would replace his. Schleicher tried to intimidate the Nazis by hinting that the *Reichswehr* was considering a coup to depose Hindenburg and have his son Oskar arrested. Hitler ordered the Berlin SA put on high alert for a potential showdown with the army. Soon it was discovered that the coup was only a rumor, but in the end, it had served to hasten Hindenburg's decision. On January 30, 1933 Hitler was named chancellor and Papen named his vice-chancellor. Even though Hitler's papers had publicly attacked conservative leaders in his bid to seize control over them, Hitler, ever the actor, now went out of his way to apologize with tears in his eyes, claiming that he had never ordered his papers to write those terrible things.



Most of the players involved in the backdoor plot to name Hitler chancellor believed that they had achieved their goals and had Hitler boxed in. Papen's role was critical. On the evening before Hitler's chancellorship was announced Papen had intimidated those opposed to Hitler by lying that the *Reichswehr* would seize power if the Hitler deal fell apart. Industrialists, landowners, bankers, and the army, sided with Papen in ousting Schleicher. Schleicher, keen on keeping Papen out, supported a Hitler chancellorship. In the end, Hindenburg, fully in charge of his faculties, removed Schleicher and was

convinced that a Hitler government, with Papen as vice-chancellor, was the acceptable way forward. On January 30, 1933 Hitler was named chancellor.

There was nothing inevitable about Hitler being named chancellor and the negotiations almost fell apart at the end. There were many factors that contributed to Hitler's coming to power and foremost among them were the shortcomings of the Weimar constitution with its emergency decree article that was an invitation to Hindenburg to abuse his power. This was primarily a result of the failure to break decidedly enough with the legacy of the Kaiser Reich. Individual decisions, such as Hindenburg's unnecessary dismissal of Brüning and the inability for political parties to compromise, also played a key role. Had Brüning remained in power, Papen would not have been able to undermine the democracy and new elections would have been called in the fall of 1934 at which point the German economy would

have been in full recovery. Had Hindenburg granted Schleicher's request to dissolve parliament, postpone elections for sixty days, rejected a vote of no confidence that would have followed and essentially set up military rule, Hitler would have been cornered. He would never have risked a pitched battle between the SA and *Reichswehr*. In the end, it was a conspiracy of historical trends, experiences, individual choices, and Hitler's ability to articulate and manipulate the fears of those around him that turned the German state over to the Nazis.



Hitler's consolidation of power began in earnest on February 27, 1933 when the Reichstag was set ablaze. Whether Hitler knew in advance of the arson or the Nazis had a hand in it, Hitler immediately took advantage of the situation. Tension had been building and the SA were anxious to go to battle against their perceived opponents. On February 28, Hitler blamed the Communists for the fire and urged a ready and willing Hindenburg to use Article 48 to suspend civil liberties. The "Decree for the Protection of Volk and State."

("Reichstag Fire Decree") enabled Hitler to suspend the constitution and curtail: personal freedoms; freedom of opinion; freedom of press; and the freedom to organize and assemble. It dramatically increased state and police intervention in private life: censoring mail, listening to phones, searches without warrant. President Hindenburg approved a new legal category "protective custody" (*Schutzhaft*) for political dissenters. All criticism of the government was outlawed and political 'gossip' was now seen as dangerous. Hitler exploited the opportunity and used legislative loopholes to destroy democracy from within and did so under the guise of legality.

Hitler quickly utilized the police (under the control of Frick and Göring) to arrest political opponents and ideological threats; vagrants and beggars; the handicapped; homosexuals; "gypsies" (Roma/Sinti); and Jehovah's witnesses. As early as 1932, Frick threatened his opponents in the Reichstag with these words: "Don't worry; when we are in power we shall put all of you guys in concentration camps." Within months, the police arrested more than 20,000 people in Prussia; 40,000 political opponents fled to neighboring countries; and more than 45,000 are taken to concentration camps (80,000 total by end of the year). Special courts were also introduced to speed up the process and avoid entanglements and delays. Showing sympathy to Jews was also understood as a symptom of political opposition. The harsh, militaristic treatment of the new concentration ("rehabilitation") camps reflected the conservative militarism embraced by Hindenburg and those in power as well as their perceived crisis of masculinity brought on by Weimer. This was a rejection of feminism; the liberated atmosphere of big cities; public campaigning for gay rights; and Weimar's insistence on rights of the individual; and a clear signal as to the intentions of the regime. In many ways, this was a publically embraced backlash to liberal gains of the past decade.



A Stormtrooper with accused Communists

By March 5, 1933 Hitler anticipated winning a large majority in the Reichstag elections that would allow him to finally destroy the democracy. He had brutalized the opposition, created an atmosphere of fear, and effectively utilized the powers of the government. Once again, the results were mixed. The Nazis won more votes, but did not win a majority (43.9%). But it was clear that two-thirds of the votes were cast for parties that were anti Weimar. The Right had won twenty million votes and the Left had won twelve million. The key for moving forward would be the political center and especially the Catholic Centre Party (from which two of the last three chancellors had come). How to win them over and at the same time, how could the Left be silenced?

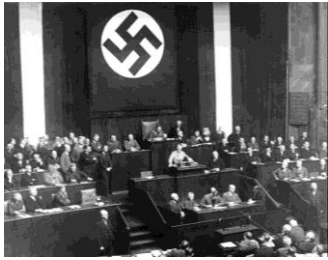
### **Manipulating the Legal Process**

On March 21, 1933 Hitler utilized the celebrations in Potsdam for the inauguration of the newly elected Reichstag to unify the political right. Goebbels masterfully manipulated the days' ceremonies to reinforce the bonds between the Nazis, the Prussians, and the military. Hitler played the role of the dutiful servant of the great president Hindenburg to



perfection (although very uncomfortable in the suit he had to wear). His charm and continual deference truly began to affect Hindenburg. “The main thing,” Hitler said privately, “is to win over the old man completely.”

On March 24, Hitler moved to pass an enabling act. The parliament convened at the Kroll Opera House across from the



burned out Reichstag. A large swastika flag dominated the hall and the isles and exits were packed with SA thugs who also surrounded the building. Hitler spoke for two and a half hours wearing his brownshirt uniform. He proposed the “Law to Remove the Distress of the German People and the State” that would transfer legislative authority from the parliament and to the Reich government. It required a two-thirds majority and 66% of deputies to be present. In that many ministers had been intimidated and were not present (including at least 26 SPD in hiding for their lives), Göring, as President of the Reichstag, created a new procedure deeming any absent members as “present” to ensure the “constitutionality” of the vote. Otto Weis, head of the SPD, bravely spoke out against the bill. The Nazis were still 31 votes short and negotiations focused in on the German Center Party (Catholic). Hitler promised them that he would only use the new powers in emergencies and promised the Catholic Church that they could operate without any interference. Hitler enjoyed lying to those willing to believe him. This false guarantee was reinforced with the Concordat with Pope Pius XI in July 1933. The Catholic Centre Party gave the Nazis the required votes and in the enabling act was passed with 441 deputies voting in favor with 94 nay votes. The act would be renewed three times in the coming years and was the pseudo-legal foundation for Hitler.

The courts, not for the first or last time, shaped and helped Hitler to consolidate his power. Justice Franz Schlegelberger, State Secretary in Ministry of Justice, had been an opponent of the Reichstag Fire Decree arguing that it was unconstitutional to retroactively impose the death penalty for arson. He was not so concerned with the decree as much as he was concerned that it was retroactive, and thus, in his mind, illegal. Schlegelberger was attracted to an authoritarian legal order that could maintain social order. He gravitated towards Hitler and believed that individualism undermined the state’s ability to keep order. He would not challenge decisive actions by Hitler (seen by him as decisive leadership) if they followed legal forms. Thus, in ruling about the legality of the Enabling Act, he embraced the pseudo-legality of the manipulation of the vote and ruled that with the elimination of parliamentary oversight of legislation, the government could now act “with boldness, quickness [and] richness.”

Hitler now moved to placate his most ardent followers in the SA. On April 1, 1933 he announced a boycott targeting Jewish businesses and professionals. The boycott was framed and justified as an act of revenge and reprisal against the biased foreign press that had published atrocity stories of German and foreign Jews that were allegedly circulating in the international press to damage Nazi Germany's reputation. The boycott lasted officially for only one day as there was a robust international backlash as well as a general lack of enthusiasm amongst the German people. Hitler quickly realized that he (and Goebbels) had acted without legal cover.



One week later, on April 7, Hitler declared the “Law for the Restoration of the Professional Civil Service.” “Civil servants whose former political activity affords no guarantee that they will act in the interest of the national state at all times and without reservation can be dismissed from service.” “Civil servants of non-Aryan descent” were to be retired. World War I veterans or whose close relatives had fallen (half of German Jews) were exempt. Once again, “legality” was used to justify and enable Nazi targeting. Another law also ended the sovereignty of the German states. Of course, the difficulty (never resolved in Nazi Germany) was the target group of “non-Aryans.” Most people knew that meant “Jews,” but the courts needed something more. On April 11, a supplemental law made the first muddled legal attempt to define a “non-Aryan” as someone with a non-Aryan parent of grandparents. Nazi racial ideology was running into the difficult scientific reality that there is no such thing as race – other than the human one.

## ***Gleichschaltung***

In May, Hitler ordered the destruction of the labor unions and by July 1933 he had succeeded in “ordering” German society. Almost all aspects of political, social, and associated life at every level were Nazified and “coordinated” from the nation to the village. There had been purges, dismissals, brutality, intimidation, extortion, coercion, violence, and humiliation, but by-and-large society quickly Nazified itself. By May 1, 1.6 million had joined the Nazi party. Big Business was now brought on board (they had generally been reluctant to back Hitler) with the smashing of the unions and promises of military contracts. Large scale rearmament would be paid for with a dummy company financed on credit. This should have been disastrous, but was bailed out by successful conquest at the beginning of the war. Antisemitism was always present and accepted. In September 1933 a Hereditary Farm Law sent the message to farmers that only “real” Germans could own land.

## **Roma/Sinti (from USHMM)**

Even though “Gypsies” (Roma/Sinti) enjoyed full and equal rights of citizenship under Article 109 of the Weimar Constitution, they were subject to special, discriminatory laws. A Bavarian law of July 16, 1926, outlined measures for “Combatting Gypsies, Vagabonds, and the Work Shy” and required the systematic registration of all Sinti and Roma. The law prohibited Gypsies from “roam[ing] about or camp[ing] in bands,” and those “[Gypsies] unable to prove regular employment” risked being sent to forced labor for up to two years. This law became the national norm in 1929. When Hitler took power in 1933, anti-Gypsy laws remained in effect. Soon the regime introduced other laws affecting Germany’s Sinti and Roma, as the Nazis immediately began to implement their vision of a new Germany, one that placed “Aryans” at the top of the hierarchy of races and ranked Jews, Gypsies, and blacks as racial inferiors. Under the July 1933 “Law for the Prevention of Offspring with Hereditary Defects,” physicians sterilized against their will an unknown number of Gypsies, part-Gypsies, and Gypsies in mixed marriages. Similarly, under the “Law against Dangerous Habitual Criminals” of November 1933, the police arrested many Gypsies along with others the Nazis viewed as “asocials”—prostitutes, beggars, chronic alcoholics, and homeless vagrants—and imprisoned them in concentration camps.

## **“Working Towards the Führer”**

It was the high level of cooperation from the public that made Nazi control possible. There were relatively few police per capita and people quickly learned that all they needed to do was to obey the law, try to stay out of trouble, and promote their own interests. Werner Willikens, Prussian Agricultural Ministry summed it up best by saying, “...it is the duty of every single person to attempt, in the spirit of the leader, to work towards him... which would lead to enjoying “the finest reward” of “suddenly attaining the legal confirmation of his work.” People felt empowered to promote their self-interests by aligning their interests with Hitler. This could create problems for the regime.

## **The “Night of the Long Knives”**

By the late winter and spring of 1934 the slowing pace of the Nazi revolution threatened to split the Nazi-Nationalist coalition. In 1934 the SA grew increasingly dissatisfied. They now numbered three million and dwarfed the *Reichswehr* (limited to 100,000 men by the Versailles Treaty). The SA had expected to be given a free hand in dispatching their enemies, but Hitler’s chancellorship seemed to be timidly (certainly a matter of perspective!) working within the legal structure and thereby ending the momentum and enthusiasm for the revolution. Additionally, the public was growing weary of price hikes, stagnant wages, and fewer commodities. Still, Hitler seemed to be the “teflon” chancellor and all ills were projected towards his cronies. Under this growing pressure, the SA were acting out – believing (not incorrectly) that they were doing Hitler’s will. Individual actions against Jews had begun to overwhelm the police who were charged with keeping public order. Attorneys and judges reported escalating violence and abuse of the police to the Reich

Ministry of Justice. As Ernst Röhm was calling for his SA to become the new radical “peoples’ army” for all Germany to replace the *Reichswehr*, the SA were quickly becoming a problem. The Army demanded the elimination of the SA as a condition for allowing the Nazis to remain in power.

By the end of the spring 1934 machinations to purge the SA began to come together. SS leaders Himmler and Heydrich (The SS was a formation within the SA), conspired with Göring to try to persuade Hitler to eliminate Röhm and Papen. They had begun to plant rumors and evidence that Röhm was planning to overthrow the regime. Industrialists, who the Nazis were courting, were unhappy with Röhm's socialistic views on the economy. Many people in the party also disapproved of the fact that Röhm and many other leaders of the SA were homosexuals. Hitler's conservative coalition partners, including Vice-Chancellor von Papen, issued a warning: If the “revolutionary elements” of the Nazi regime were not brought under control, the Army leaders threatened to overthrow Hitler and place the country under martial law. Hitler knew that Röhm, a longtime and perhaps closest friend, was not plotting a coup. He did know that the SA leadership sought to remove the elites from power and replace them with fanatical Nazis. As he often did, Hitler prevaricated and delayed.

Playing for time, Hitler persuaded Röhm to order the top SA leadership to take an extended leave on June 8, 1934. On June 17, Vice-Chancellor von Papen gave a speech at the University Marburg that was highly critical of Nazi failure to maintain the rule of law and seemed to expose Nationalist opposition to the regime. Partly to forestall the formation of a viable nationalist opposition, but primarily to maintain the professional army, which he had incorporated into his planning for rearmament and military expansion, Hitler decided during the last week of June to eliminate the top SA leadership and side with the elites. Once Hitler made his decision, the orders went out quickly.



David Low, The Evening Standard (July 3, 1934)

On June 30, 1934 Hitler tasked Himmler to carry out “Operation Hummingbird” to annihilate the SA leadership. The architects of the purge were Hitler, Göring, Goebbels, Himmler, Heydrich, and Rudolph Hess. Hitler was present when Röhm was arrested and many of his officers were slaughtered. SS units, commanded by Dachau concentration camp commandant Theodor Eicke, transported SA leaders to Munich's Stadelheim prison where SS men shot most of them. Hitler remained indecisive about Röhm's fate until July 1. On that day, at the Nazi dictator's expressed order, Eicke shot Röhm in his cell in Stadelheim. Röhm reportedly died with the words “Heil Hitler” on his lips. Old scores

were also settled. Former chancellor Kurt von Schleicher was shot in his Berlin apartment with his wife. Gregor Strasser was killed along with up to 200 others. The police took more than 1,100 persons into protective custody, including many SA officers. The SS also targeted von Papen, killing two of his aides (Edgar Jung and Herbert von Bose), but Papen barely managed to escape. Papen, in great hypocritical form declared the purge a great action in a “manly and human sense.”

The next day, Otto Dietrich, Press Chief of the NSDAP, “gave a blood-curdling account of the slaughter to the press. He described Hitler's sense of shock at the moral degeneracy of his oldest comrades.” President Hindenburg even declared that Hitler was “decisive and effective!” It was clear that no opposition to Hitler would be tolerated. Although Hitler had no issue with homosexuality it served his purpose to now link homosexuality with subversion, even treason. Hitler told the Munich crowd that “undisciplined and disobedient characters and asocial or diseased elements” would be annihilated.

Was Hitler now a lawless, homicidal leader in the eyes of the German people? On July 3, the Reich Cabinet issued a law, legalizing the murders after the fact, as an emergency action taken to save the nation. Hitler addressed the Reichstag on July 13, 1934, explaining that, as the supreme ruler of Germany, he had exercised his power against individuals who threatened the existence of the German nation. Some judges accepted the purge as a “legitimate” response to the

danger of an “imminent revolt” by the SA. Schlegelberger, having already approved the Enabling Act now accepted the idea of retroactive sanctioning of the killings as it “was absolutely justifiable, because revolt meant a state of emergency.” Murder was now seen as acceptable act of state to protect the nation.

The purge cemented the Army’s alliance with Hitler and the SS was rewarded by being declared an independent organization on July 20, 1934. SS chief Heinrich Himmler now had direct access to Hitler. During the second half of 1934, the SS assumed control of a centralized political police force and a centralized concentration camp system. By 1936-1937, Himmler would complete the consolidation of all German police forces under SS control and remove the police from any form of legal or judicial oversight.

On August 2, 1934 President Hindenburg died and Hitler moved to combine the offices of president and chancellor. The Army chose not to oppose this unprecedented act. On August 19, 1934 about 95 percent of registered voters went to the polls and gave Hitler 38 million votes of approval (90 percent of the vote). Thus Hitler claimed that he was the leader of the German nation by direct will of the people. The Army now pledged allegiance directly to Hitler.

### **Directing the Virulent Antisemitism**

Individual actions against Jews accelerated in 1934-35 as local militants/SA were upset by the “foot dragging” of the regime. After the “Long Knives” purge the Nazi regime was hesitant to respond and saw these actions as an outlet/distraction for the SA. By the summer of 1935, SA violence had reached pogrom-like levels. In Berlin, ice cream parlors run by Jews were at the center of the race riots. Local party functionaries harassed Jews charging them with having relations with non-Jews and pushed for stricter anti-Jewish laws. Jews were not passive and about a quarter of the German Jewish population left. Others often stayed behind hoping to guide their beloved country through difficult times. As some parts of Germany were more antisemitic than others, where you lived mattered. Nazi anti-Jewish policy was yet to be coordinated on a national level and Jews had to face – or not face – individual actions on a local level. About 10,000 Jews who fled the country actually returned in 1935 having faced harsher treatment in places like France. By 1935, German Jews were less than .4% of the population with one-third living in Berlin.

### **Nazi Foreign and Domestic Policy**

Hitler was anxious to gear Germany up for war. To him the future conflict would be, in the words of Doris Bergen, a war for “race and space.” The Aryan race would expand and conquer the necessary living space and foodstuffs for survival. The very expansion would be a social-Darwinian test of racial survival. On March 16, 1935 Hitler began to test the boundaries of the Versailles Treaty and introduced compulsory military service and announced of the expansion of the German army to more than 500,000 men. There was little negative reaction either from Europe or within Germany.

But all was not well. More complaints were coming in from German citizens whose businesses were being affected by SA actions against Jews (“No more Jews vacationing here...”) and the violence and public humiliations were becoming embarrassing to the regime. This was a real problem with the approach of the summer Olympics which the Nazis had targeted as a way to promote racial ideology and unify the German people. Knowing that the world was coming to Berlin, Interior Minister Frick ordered the state to intervene and stop actions against Jews. Hitler did not want international criticism of his government to result in the transfer of the Games to another country. Such a loss would have been a serious blow to German prestige. Hitler was not de-escalating his campaign against Jews, but was making a pragmatic tactical retreat.



A conference of ministers was held on August 20, 1935 to discuss the economic effects of party actions against Jews. Adolf Wagner, the party representative at the conference, argued that such actions would cease, once the government decided on a firm policy against the Jews. Dr. Schacht, the Economics Minister, criticized arbitrary behavior (theft and intimidation) by party members as this inhibited his policy of rebuilding Germany's economy. Göring, head of the 4-year plan, was upset that local officials were plundering Jews – he wanted to do that for the war effort.

It was becoming clear that the Nazis needed to create new laws to stabilize the situation. A new phase began, in part due to the Olympics, but also to respond to economic concerns and to silence the radicals. The “Jewish problem,” always a focus, had not received the proper attention by Hitler as he had focused on foreign policy, continued consolidation of power, and the building of the military. Now public pressure was pushing the regime to refocus on Jewish policy and Hitler enthusiastically embraced the responsibility.

### **The Nuremberg Laws**

Hitler was prone to Improvisation. Each September the party had its annual rally in Nuremberg. Hitler's speech was the high point on the Nazi social calendar. Hitler announced that in 1935 he was going to speak on foreign policy. Two days before the rally he changed his mind. He suddenly realized that something more was needed than his planned announcement that non-Aryans would no longer be allowed to fly the Nazi flag. Sensing an opportunity he tasked two lawyers from the Interior Ministry (who ironically were lukewarm to Hitler and his ideas) to draw up new anti-Jewish legislation immediately. Four drafts were hastily written (on the back of menu cards) by two men who frantically tried to make a law that would be as meaningless as possible. They ended up writing the centerpiece and legal precedent for Nazi ant-Jewish legislation.

The Nuremberg Laws, as they came to be known, that Hitler announced at the party rally on September 15, 1935 institutionalized many of the racial theories prevalent in Nazi ideology. There were two laws: The “Reich Citizens Law” Introduced the idea of a higher citizenship based on race. Jews would become second-class citizens, but would still retain their passports (easing their exodus). The “Law for the Protection of German Blood and Honor” forbade marriage or sexual intercourse between Aryans and Jews. And yes, Jews could also no longer fly the German flag. This was the first time Jews were “legally” persecuted not for their religious beliefs, but by a so-called racial identity. “Racial infamy,” as this became known, was later made a criminal offense when new marriage requirements from the "Law for the Protection of the Hereditary Health of the German People" were implemented on October 18, 1935. The law required all prospective marriage partners to obtain from the public health authorities a certificate of fitness to marry. Such certificates are refused to those suffering from "hereditary illnesses" and contagious diseases and those attempting to marry in violation of the Nuremberg Laws.

On November 14, 1935 the Nuremberg Laws were extended to other groups in the first supplemental decree that now applied the law to prohibiting marriage or sexual relations between people who could produce "racially suspect" offspring. A week later, the minister of the interior interpreted this to mean relations between "those of German or related blood" and Roma (Gypsies), "Negroes," as "racially distinctive" minorities with "alien blood." As such, their marriage to "Aryans" was prohibited. Like Jews, “Gypsies” were also deprived of their civil rights.

### **Who is a Jew?**

Genocide is a process. What is important is not simply membership in a group, but membership in the target group as defined by the would-be perpetrator. Thus you were a “Jew” if the Nazis defined you as such regardless of whether someone identified himself or herself as a Jew or belonged to the Jewish religious community. For Hitler Jews were not simply people with particular religious beliefs, but a race with a particularly dangerous “spirit” often articulated as the

values of the Enlightenment. The Nuremberg Laws defined a “Jew” as anyone who had three or four Jewish grandparents. Many Germans who had not practiced Judaism for years found themselves caught in the grip of Nazi terror. Even people with Jewish grandparents who had converted to Christianity were now defined as Jews. Thousands of people who had converted from Judaism to another religion, among them even Roman Catholic priests and nuns and Protestant ministers whose grandparents were Jewish were now considered “Jews.” Becoming a genealogist was now a potentially lucrative career choice. People now had to define their “racial” lineage and those who discovered something inconvenient might be able to pay off a genealogist to adjust the record. Churches gave up their baptismal records to the regime to help the process along.

Some Jews and bureaucrats saw the Nuremberg Laws as the endpoint of Hitler’s antisemitism, something they could live with. Others saw precedent for future actions and many were motivated to “work towards the Führer’s” clear goal to rid Germany of its Jews. Of course, a central problem was the legal implications of the new definition of “Jew.” As was typical in Nazi Germany, Hitler would make a decision and let his underlings, in a social-Darwinian struggle, figure out the details and implementation. The Foreign Office, Interior Ministry, party officials, and others began to debate the legal definition of “Jew.” Confusion and competition reigned. It was now that the SS under Himmler began to assert themselves in Nazi racial policy.

## The Olympics

From February 6-16, 1936 Germany hosted the winter Olympics at Garmisch-Partenkirchen in Bavaria with great success. This was very much a trial run of the more important summer games coming to Berlin later that year. Hitler ordered anti-Jewish signs temporarily removed from public view. Still, Nazi deceptions were not wholly successful. Western journalists observed and reported troop maneuvers.

Fresh off the public relations success of the winter Olympics Hitler took his first gamble and occupied the Rhineland on March 7, 1936. The French were willing to mobilize for war, but no other European power saw the urgency and the French backed down, rather than stand alone. This was a critical moment as the German army was not ready for war. Peaceful reoccupation of the Rhineland energized many Germans both at home and in the military and began to create the dangerous myth that Hitler was a man of peace, not war. Hitler’s gamble, which could have been disastrous, had paid off. On March 29, 98.8% of the 99% of the registered voters in nationwide referendum approved. On June 17, 1936, Hitler decreed the unification of all police forces in the Reich and named Himmler as Chief of German Police.

There was a significant movement within the United States to boycott the Berlin summer games. This was overcome as key Olympic and AAU officials supported Hitler. As the games approached various anti-Jewish signs taken down and anti-Jewish actions were moderated. German Jewish athletes were not allowed to participate in the games. The Berlin Olympics were another public relations coup and deepened the foundation of admiration for Hitler at home and abroad while successfully promoting Nazi racial ideology.



In 1937 and 1938 the Nazi government set out to impoverish Jews by requiring them to register their property and then by "Aryanizing" Jewish businesses. This meant that Jewish workers and managers were dismissed, and the ownership of most Jewish businesses were taken over by non-Jewish Germans who bought them at bargain prices fixed by Nazis. Jewish doctors were forbidden to treat non-Jews, and Jewish lawyers were not permitted to practice law. 1938 would prove to be the crucial year as Hitler overcame the last obstacles, consolidated his power, planned for the coming war, and attacked Germany’s Jewish community with coordinated and determined action. 1938 was not inevitable either.