

**Vortrag Justizrat Dr Westenberger  
Lawyers without rights, the Genesis and Development of an  
exhibition,  
Lecture at the Concordia University , Pavillon Hall,  
9<sup>th</sup> annual Holocausteducation Series  
am 16. 10 2006 in Montreal, Canada**

**Anrede**

**Can you imagine, loosing your job, living for two years or even more in a cellar without any contact to the outer- world, fearing to be cached by the secret service of a Dictator?**

**That is what happened to many German Jewish lawyers and so many of them finally were deported to concentration Camps and murdered.**

**I will speak about this situation of Jewish**

**Lawyers in the third Reich between 1933**

**And 1945 and I will also speak about individual life histories.**

**Let me first say a word about myself so that you know who is speaking to you.**

**I am now for more than 40 years a practicing lawyer in Germany. Since 1996 I am President of the regional Bar in Koblenz, one of the 27 bars in Germany, where lawyers have to be member if they want to practice in law. And I am Vice-president of the German federal bar, the umbrella- organization of all German regional bars.**

As you surely know, the opening of the exhibition “L w r“ took place last week initiated and realized by the German federal bar. And I am here to represent the German federal bar.

So you see I am not a historian but a normal lawyer who has been asked to speak about this exhibition and its background.

You know, the topic of my speech is the fate of Jewish lawyers in Germany after 1933. And this is subject and theme of our exhibition.

Let me start with some words about the general situation of Jewish lawyers in this time in Germany.

In 1933 in Germany almost half of the practicing attorneys at law – in German Rechtsanwälte, we translate this with lawyers- were Jewish.

In big cities like Berlin it was even more: there were 3400 lawyers and about 2000 were Jewish.

Just to give you an idea, how it was in other countries outside Germany: in Canada for example in 1931 there were 350 Jewish lawyers only. In Paris 1941 there were 400 Jewish Avocats and 2500 members of the bar altogether.

Already at the beginning of the 20<sup>th</sup> century the number of Jewish lawyers in Germany was relatively high and it continuously increased until the 1920<sup>th</sup>.

But I think I should mention here: none of them would ever have called themselves Jewish lawyers. They were German lawyers and Jews; there was no distinction between a lawyer and a Jewish lawyer.

This has been changed completely when the Nazis came to power. From January 1933, when Hitler became Reichskanzler, individual units of the SA,

the storm troopers, organized like paramilitary groups, caused so much terror, that the democratic state, governed by the rule of law, ceased to exist.

Jews were excluded from all areas of social life. In the administration of Justice, too, a distinction was made between Jews and non- Jews.

Already in March 1933 a decree was published, which refused all Jewish Judges, public prosecutors and all lawyers access to court from the following day on.

You can imagine the seismic effects. There were 10.000 of vacancies in the judicial system and even more in the legal profession in Germany.

From this day on Jewish lawyers could only work as a so-called Rechtskonsulent, a legal adviser, but they were not admitted to the courts. And their clientele was a restricted one: they only were allowed to advice Jewish clients. So of course in most cases their income was not enough to live on.

One would have expected that most of the disbarred Jewish lawyers would have left Germany immediately. But surprisingly they did not.

Some of them believed all this as temporary, like many non – Jewish Germans in these days did think. Some of them feared to emigrate because of the need to learn and study a different legal system in another country and to pass examines in this foreign law. For instance in England or America the common law. German lawyers have been educated in the Roman law system and are still today.

Some other lawyers had language problems, having learned Latin and Greek and French, but very seldom English.

And there was also the commercial and financial situation. Not all lawyers were wealthy enough to live for a longer time without any professional income.

And rather soon the transfer of money and valuable assets into a foreign country was inhibited by the Nazis. And even worse, very soon private Jewish property was confiscated.

In general, the life for Jews since 1933 became more and more a difficult and restricted one. More and more actions by the Nazis against Jews started already in 1933, shortly after the Nazis came to power.

Let me give you some examples:

In April Hitler declared a one-day boycott of Jewish business. Signs were posted in front of Jewish stores and shops all over Germany demanding:

German people, defend yourself! Do not buy from Jews!

And this one-day boycott was only the beginning.

Also in April 1933 as already mentioned so-called non-Aryan lawyers had to be disbarred until the end of September. You know the Nazis declared the German people as arisch, Aryan.

At the University, a quota of 1,5, % was imposed on the admission of non-Aryan students. Only a few Jewish students could study. Before 1933 the percentage of Jewish students was extremely high.

In May 1933, the Reichsminister of Finance revokes the license of all Jewish tax advisers.

In August all import and sale of foreign Jewish newspapers was banned.

At the end of 1933 the appearance of all Jewish actors was banned.

In September 1935 the Reichstag, the in these days only formally existing German Parliament, not a democratic one, passed the so-called Nürnberg Law. From now on the life of German Jews was determined by this Nürnberg Law. And at the end there was the deportation and death.

The Nürnberg Law defined German Jews as non – citizens and banned Jews from any political participation. It prohibited Jews from marrying German citizens, and also I quote “ relation outside marriage between Jews and nationals of German blood are forbidden.”

The definition, what a German citizen is, was written in Art 2 of the so-called Nürnberg Laws on Citizenship and Race from September 15 1935 :

A citizen of Reich may be only one who is of German blood.

And in Art 4 was declared “ A Jew cannot be a citizen of the Reich. He cannot exercise the right to vote. He cannot hold public office”

That was already a very important discrimination of all Jews.

Not only lawyers but also other professions were discriminated and restricted. I mentioned already the tax advisers.

So under this law, Jewish doctors were forced to resign from practicing medicine in government institutions, and a few months later from private hospitals.

Especially restricted was the professional situation of Jews in cultural life as theater, movies and music. I already mentioned the actors. They all were not allowed to act and perform. And now the Nazis forced the Jewish owner of theatres and cinemas to sell their property to Aryans.

I only gave you some examples. Of course the range of actions against the Jews was much wider.

In November 1937 Jews were prohibited from obtaining passports or traveling abroad. Sometimes later every Jew had to carry a special identification card.

4 years later in September 1941 Jews were even more discriminated. They had to wear , visibly fixed to their jacket, coat or dress the so-called Judenstern, a kind of yellow badge in the form of a six-pointed star. This star is the symbol of Judaism.

It has to be underlined that all these actions were called legal. Also the later following Holocaust was not a lawless barbarism. It was on the contrary a lawful barbarism. In other words, the Holocaust occurred not as a mindless series of actions without rules but rather within a framework of pseudo-legal actions.

Already immediately after the Nazis came to power they dissolved all democratic rules and imposed their own rules of dictatorship. They also annulated the constitution and the rule of law.

Beside the restriction by the Nurnberg Law the life of Jewish Germans was also more and more determined by the isolation in their daily social life. The anti-Semitism was increasing more and more. Only few non- Jewish German did not exclude their former friends and neighbors from their friendship.

The anti-Semitism culminated in the so called Kristallnacht on November 9<sup>th</sup>, the so called night of broken glass when Goebbels instigated acts of violence against Jews throughout Berlin and whole Germany. More than 90 Jewish citizens were killed in Berlin, store windows of Jewish stores were broken and all synagogues in Germany – about 400- were set on fire. A real pogrom was now in motion.

An extremely paradox and perverse act, that Jews were held responsible by the Nazis. For the destruction resulting from Kristallnacht they even were ordered to pay reparations of one billion Reichsmark.

The way to the Wannsee Conference was not far. In January 1942 the Nazis announced at the meeting of the Nazi leader in Wannsee in Berlin the so-called Endlösung der Judenfrage, the final solution of the Jewish question. The deportations to the concentration camps begin. 11 Million Jews were killed.

And now to the exhibition:

The main task of this exhibition is to record the fate of Jewish lawyers in the third Reich. This way we preserve the memory of these colleagues.

It is not first of all an exhibition about well-known persons, about prominent lawyers known to everybody. No, it is a documentation about not so well known lawyers and knowing their names, learning their history - their fates after 1933 -, so that they shall not to be forgotten this way.

This exhibition is a milestone in the history of the German legal profession. After the End of Second World War it took a long time , more than 50 years, until the German lawyers became more and more conscious of their own history during the third Reich . Now more and more German bars engage historians who started with the research of the history of German Jewish lawyers in this time.

Let me now say a word about the origin of this exhibition.

It was started by the German National Federal Bar and the German Jurists Association. But it was a lawyer from Israel, from Tel Aviv who gave the first ignition to this work and of course he has to be mentioned.

This lawyer from Tel Aviv, Joel Levi asked the Bundesrechtsanwaltskammer, the German federal bar, in 1995 for a list of the Jewish lawyers who were excluded from exercising their profession during the Nazi-Regime. He said if I may quote Joel, “ such s list would have been a sign that the expelled Jewish colleagues had not been forgotten.”

But there wasn't such a list.

And that is how it all began.

Now the German federal bar engaged Dr, Simona Ladwig-Winters a historian in Berlin. The result of her work is the very informative and professional book about the situation of Jewish lawyers in the third Reich in Berlin.

And this was the basis of our exhibition .

This exhibition is not the only result of Joel Levi s initiative. A lot of activities followed and are still going on today. There is for instance a plan to bring this exhibition to all regional bars in Germany. It has been shown already in more than 30 German cities. In preparation of showing the exhibition most of the bar-councils have started research and investigation about the history and the fate of their Jewish colleagues in the third Reich.

This research produced a lot of facts and information. But we are afraid , we are sure that also a lot of facts are lost forever.

Dr Ladwig-Winters book of the Berlin-Bar is the best example of this research work. And also smaller bars like my bar in Koblenz have done a lot of work and published the result. So that at the end we hope we will have a solid- as far as it is possible- documentation of Jewish lawyers in the third Reich.

Coming back to this exhibition here in Montreal. Before it came to Canada it has been shown in Jerusalem, Haifa, TelAviv, New York, Los Angeles and Mexico City.

The next place will be Toronto and Ottawa . In all these cities where zhe exhibition was shown, it got more extensive, was enlarged by new panels with histories of local lawyers. So it also happened here in Montreal. Where it, by the way has been translated into French because of the national Canadian rules.



It exists now already in 4 languages. One can say, this documentation. About the fate of individual Lawyers give us a very strong impression Of their lives. You remember what I said at the beginning: Can You imagine loosing your profession, living two years in a cellar and fearing to be cached by the Geheime Staatspolizei, Gestapo.

It was reality!

Her Name was Anita Elsner. Her father died in 1914. She was born in 1904 and in 1931 admitted to the bar in Berlin. The new law of April 1933 regarding admission to the legal profession provided that Jewish lawyer could only continue to practice- as we know today only for a short time until the Nürnberg Law- if they had been veterans of World War I or if they had been admitted to the profession before 1914. As a woman, she could not be a War veteran, and born in 1904, admittance to the bar was not possible before 1914 as she was still a child. So she lost her profession because she was Jewish.

Her mother and sisters were deported and killed in Auschwitz. She could manage to disappear and found a hiding place with friends in Dresden. She survived. But there were only few people who had been able to go into hiding like her. But for Anita Elsner the time of persecution had been so exhausting that she died soon after the end of the war.

Let me tell you another life history, which is shown in the exhibition:

Justizrat Georg Siegmann – Justizrat is an honorable Title, still existing today- Siegmann was admitted as a lawyer in Berlin. When the Nazis came to power in 1933 he was already 63. As so-called senior lawyer, who has been admitted before 1914 he felt safe in Berlin and did not loose his license as most of the lawyers in spring 1933. He practiced until 1938. In July 1942, he signed a so-

called declaration of property. All Jews who were to be deported had to list their remaining assets. You see the Nazis had a terrible order in their murdering business.

Two weeks later Siegmann and his wife were deported to Theresienstadt with a so-called old peoples transport. As late as 1944 he send a Postcard from the concentration camp to Berlin Bar to inform the Bar about the death of another college. After this he was transferred from Theresienstadt to Auschwitz where his trace ends.

We also know that some of our colleges have been killed before the transports to the concentration camps began. For example Julius Blumenthal, a lawyer in Berlin. He lost his right to practice as a lawyer in 1933 as most of them. He than worked in the Jewish community. In 1942 a group of members of the community was ordered by the Nazis to help with the deportation of Jews. They refused it and managed to escape in time. As retaliation the Nazis killed the 12 other members of the Jewish community.

Most of the Jewish lawyers died in concentration camps. Let me report you another life- tragedy:

Gustav Herzfeld was born in New York and set up as a lawyer in Potsdam in 1909. He had converted to Protestantism in 1908. His wife committed suicide in 1920 because she never cam to terms with her sons death in the First World War. In September 1938 he set up a partnership with Jewish colleagues Siegfried Lehmann and Herbert Marcuse. In November 1938 they all were banned from practicing. In 1942 Herzfeld had to move in a Jewish old peoples home from where he was deported to Theresienstadt. Trying to prevent his deportation he attempted suicide but failed. He was killed in concentration camp a couple of weeks later.

Only some few colleagues had the chance to escape in time or have been exiled by the Nazis.

For example Ludwig Bendix, practicing lawyer in Berlin since 1907. He, too, was prohibited to exercise his profession, despite the fact according to the legal provisions of April 1933, he should have been re-admitted to the profession since he had been admitted to the bar before 1914. In May 1933 he was banned from practicing on the ground of as they said “communist activities.”, only because he had defended members of the communist Party. The so-called communist activities served the Nazis as an argument to exclude lawyers from the legal profession.

In June 1933 he was taken into protective custody for 4 months. On his release he was told that his detention was supposed to teach him a lesson.

Following the ban from practicing, Bendix worked as a legal adviser, but without making much profit. However this did not keep a colleague from reporting him to the authorities for unlawful provision of legal advice and unfair competition. He won the case, but he felt morally beaten by the campaign against him during the proceedings.

And again he was held in custody in 1935 for a year. He was released under the condition that he would immigrate to a non-European country. In May 1937 he left for Palestine and lived in USA afterwards.

Let me tell you another life history of somebody who could save his life:

Dr Bruno Weil opened a law firm in Strasbourg in 1910.

He served in the German Army during the First World War on the west front. After publishing an article criticizing the situation in Alsace where he was born,

he was sent to the Eastern front, where he survived. As Strasburg became French after World War I he settled in Berlin. He became member of the Reichstag.

As a war veteran and member of the bar before 1933 he was able to continue practicing as lawyer and notary even after the Nazis came to power in 1933. As he was prohibited from practicing as notary in 1935 by the Nurnberg Law he escaped to Argentina where he became citizen in 1936. As he was traveling a lot he was in Paris when the World War II break out. He was interned as an enemy alien in a French concentration camp from where he was released in 1940. He came to USA where he founded the American Association of former European Jurists in New York. He died 1961.

There is also to find in the exhibition the life history of a German lawyer who immigrated to Canada. It is Dr Hugo Frank, a lawyer from Berlin. He had participated to World War I, a reason why he did not loose his admission to the bar in 1933.

But being a Jew he had so many difficulty exercising his profession that in 1938 he emigrated to Vancouver. But it was difficult for him to establish in Canada, because he had to prove to have a minimum capital of 15.000 Dollar. As he had to pay a tax of emigration, before he left Germany and as all property after leaving Germany was confiscated by the Nazis he had difficulties to collect these 15000. But finally he managed and became Canadian citizen in 1944.

And just another Life history of the family of a Canadian citizen. Dr. Arthur Kallmann, lawyer in Berlin who had to give up his practice in 1937. His son Helmut was send by a so-called children transport to England. Kallmann and his wife and his daughter couldn't escape and died in Auschwitz concentration

camp. Helmut was like other 10.000 children separated in a camp on an island, the Isle of Man. In 1940 they were took to Scotland where to boats should brig them abroad. They just had to decide on which they wanted to go, not knowing, were to. Helmut came on the boat to Canada, where he today lives as director of the music department of the national library.

These individual personal fates of Jewish lawyers and their families to show are the subject of our exhibition.

And by telling their life histories we want to give back dignity to all the Jewish lawyers of German origin who have been discriminated during the Nazi-Regime.

The exhibitions' displays reflect a time in Germany when the individual rights and the rule of law were completely neglected

Many German non- Jewish lawyers in those days were silent, did not say a word, there was no resistance, most of them did not even try to help Jewish colleagues.

Why, we do not know and this exhibition does not give an answer. But it will remind us to raise the question again and again.

And finally let me mention another purpose of this exhibition and I think it should help us for the future:

The fact that so many German lawyers and jurists from the German-Israelian jurist-organization came to the first opening in Jerusalem and the fact that this exhibition has been asked to be shown in so many countries, is a challenge and a chance for us to build and deepen friendship between us, the German lawyers and lawyers in other countries. . We all need this network of personal friendship.

So let us see this exhibition also as a messenger of friendship to build and improve our network, to come together and to become friends. Because as lawyers we are committed to the principle that society must be ruled by law. Not by the passion of the mob , nor by the ambitions of powerful leaders, nor by the terror of dictators.

We have learned through painful experience, and this exhibition is a very impressive reminder, that societies, not governed by the rule of law, are more likely to engage in tragic violence. So we must do what we can to protect and advance human rights and freedom through the rule of law, so that never will happen again what was the case in Germany between 1933 and 1945.

And let me end with a last remark

I believe that any attack on the independence of the legal profession in any country is an attack on the legal profession in all countries. And any harm to the people of one country because of the failure of the rule of law is harm to all of humankind. We all must therefore stand united to combat these attacks so that never will exist any lawyer without rights.