

*Gleichschaltung* = the coordination of party and state. Through this official policy, Hitler brought all sectors of the state and society under Nazi control. As discussed both in class and in your text, this was achieved through legal means. The following is a list of some of the most significant measures enacted to achieve Hitler's desired goal of a Nazified German state.

NOTE: I will insert some explanations within the laws to assist with your understanding of each measure. These hints will be placed in parentheses.

**#1 – Decree of the Reich President for the Protection of the People and the State of 28 February 1933** (aka the Reichstag Fire Decree)

In virtue of Section 48 of the German constitution (re: Reich President's emergency powers), the following is decreed as a defensive measure against Communist acts of violence, endangering the state:

Article 1 – Sections 114 (Due Process), 115 (Privacy rights within one's home), 117 (privacy rights in correspondence), 118 (free speech/expression & press), 123 (peacefully assemble), 124 (free association), and 153 (right to own property) of the Constitution of the German Reich are suspended until further notice. Thus, restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed.

Article 2 – If in a state the measures necessary for the restoration of public security and order are not taken, the Reich Government may temporarily take over the powers of the highest state authority.

Article 3 – According to orders decreed on the basis of Article 2, by the Reich Government, the authorities of states and provinces, if concerned, have to abide thereby.

Article 4 – Whoever provokes, or appeals for or incites to the disobedience of the orders given out by the supreme state authorities, or the authorities subject to them for the execution of this decree, or the orders given by the Reich Government according to Article 2, is punishable – insofar as the deed is not covered by other decrees with more severe punishments – with imprisonment of not less than one month, or with a fine from 150 up to 15,000 Reichsmarks.

Whoever endangers human life by violating Article 1, is to be punished by sentence to a penitentiary, under mitigating circumstances with imprisonment of not less than six months and, when violation causes the death of a person, with death, under mitigating circumstances with a penitentiary sentence of not less than two years. In addition the sentence may include confiscation of property.

Whoever provokes or incites to an act contrary to public welfare is to be punished with a penitentiary sentence, under mitigating circumstances, with imprisonment of not less than three months.

Article 5 – The crimes which under the Criminal Code are punishable with penitentiary for life are to be punished with death: i.e. in Sections 81 (high treason), 229 (poisoning), 306 (arson), 311 (properties), 324 (general poisoning).

Insofar as a more severe punishment has not been previously provided for, the following are punishable with death or with life imprisonment or with imprisonment not to exceed 15 years:

1. Anyone who undertakes to kill the Reich President or a member or a commissioner of the Reich Government or of a state government, or provokes a killing, or agrees to commit it, or accepts such offer, or conspires with another for such a murder;
2. Anyone who under Section 115-2 of the Criminal Code (serious rioting) or of Section 125-2 of the Criminal Code (serious disturbance of the peace) commits the act with arms or cooperates consciously and intentionally with an armed person;
3. Anyone who commits a kidnapping under Section 239 of the Criminal Code with the intention of making use of the kidnapped person as a hostage in the political struggle.

This decree enters in force on the day of its promulgation.

Berlin, 28 February 1933

Signed by: Reich President – *von Hindenburg*; Reich Chancellor – *Adolf Hitler*; Reich Minister of the Interior – *Wilhelm Frick*; Reich Minister of Justice – *Dr. Franz Gürtner*

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## **#2 – The Law for the Removal of the Distress of People and Reich (aka the Enabling Act)**

The Reichstag has resolved the following law (passed 444 to 94), which is, with the approval of the National Council (Reichsrat), herewith promulgated, after it has been established that the requirements have been satisfied for legislation altering the Constitution.

Article 1 – National law can be enacted by the National Cabinet as well as in accordance with the procedure established in the Constitution. This applies also to the law referred to in Article 85, paragraph 2 (controlling the budget) and in Article 87 (borrowing money) of the Constitution.

Article 2 – The national laws enacted by the National Cabinet may deviate from the Constitution so far as they do not affect the position of the Reichstag and National Council (Reichsrat). The powers of the President remain undisturbed.

Article 3 – The national laws enacted by the National Cabinet are prepared by the Chancellor and published in the *Reichsgesetzblatt* (official printing of Germany's code of law published annually). They come into effect, unless otherwise specified, upon the day following their publication. Articles 68 to 77 (entire legislative process – i.e. how a bill becomes a law) of the Constitution do not apply to the laws enacted by the National Cabinet.

Article 4 – Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation (Reichstag, Reichsrat, & President). The National Cabinet is empowered to issue the necessary provisions for the execution of these treaties.

Article 5 – This law becomes effective on the day of publication. It becomes invalid on April 1, 1937; it further becomes invalid when the present National Cabinet is replaced by another.

Berlin, 24 March 1933

Signed by: Reich President – *von Hindenburg*; Reich Chancellor – *Adolf Hitler*; Reich Minister of the Interior – *Wilhelm Frick*; Reich Minister of Foreign Affairs – *Baron von Neurath*; Reich Minister of Finance – *Count Schwerin von Krosigk*

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## **#3 – The Law for the Restoration of the Professional Civil Service**

The Reich government has enacted the following law, which is hereby promulgated:

### **Article 1**

1. For the restoration of a national professional civil service and for the simplification of administration, civil servants may be discharged from office in accordance with the following regulations, even when there are no grounds for such action under existing law.

2. For the purposes of this law, the term "civil servant" means immediate and mediate officials of the Reich, immediate and mediate officials of the federal states, officials of local governments and local government associations, officials of public corporations and of institutions and enterprises with the same status. The stipulations apply also to social insurance agency employees who have the rights and duties of civil servants.

3. "Civil servants," for the purposes of this law, also includes officials in temporary retirement.

4. The Reichsbank and the German State Railway Co. are empowered to make corresponding regulations.

#### Article 2

1. Civil servants who attained their status after November 9, 1918, without possessing the required or customary training or other qualifications are to be dismissed from service. Their former salaries will be accorded to them for a period of 3 months after their dismissal.

2. They possess no right to allowances, pensions, or survivors' pensions, nor to continued use of the official designation, the title, the official uniform, and the official insignia.

3. In cases of need, a pension, revocable at any time, equivalent to a third of the normal base pay for the last position held by them may be granted to them, especially when they are caring for dependent relatives; reinsurance according to the provisions of the Reich's social insurance law will not occur.

4. The stipulations of Section 2 and 3 will be applied in the case of persons who come under the provisions of Section 1 and who had already been retired before this law became effective.

#### Article 3

1. Civil servants of non-Aryan descent are to be retired; honorary officials are to be removed from official status.

2. Section 1 does not apply to civil servants who were already employed on August 1, 1914, or who fought during the World War at the front for the German Reich or who fought for its allies or whose fathers or sons were killed in the World War. With the agreement of the appropriate special minister or of the highest authorities of the federal states, the Reich Minister of the Interior can permit further exceptions in the case of officials who are abroad.

#### Article 4

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. They are to be accorded their former salary for a period of 3 months after their dismissal. Thereafter, they will receive  $\frac{3}{4}$  of their pension and corresponding survivor's benefits.

#### Article 5

1. Every civil servant must acquiesce to being transferred to another office in the same or equivalent sector, even into one carrying a lesser rank or regular salary – reimbursement of the approved relocation expenses will occur if the transfer is made on account of service-related needs. If a civil servant is transferred to an office carrying a lesser rank and regular salary, he retains his previous official title and the official income of his former position.

2. In place of a transfer to an office of lesser rank and regular income, the civil servant can demand to be retired.

#### Article 6

For the purpose of simplifying the administration, civil servants can be retired, even if they are not yet unfit for service. If civil servants are retired for this reason, their places may not be filled again.

#### Article 7

1. Dismissal from office, transfer to another office, and retirement will be ordered by the highest Reich or federal state agency, which will render a decision that is final and not subject to appeal.

2. The dispositions according to Articles 2-6 must be made known to those affected by September 30, 1933 at the latest.

#### Article 8

A pension will not be granted to the civil servants dismissed or retired in accordance with Articles 3 and 4 if they have not completed a term of service of at least 10 years.

Berlin, 7 April 1933

Signed by: Reich President – *von Hindenburg*; Reich Chancellor – *Adolf Hitler*; Reich Minister of the Interior – *Wilhelm Frick*; Reich Minister of Foreign Affairs – *Baron von Neurath*; Reich Minister of Finance – *Count Schwerin von Krosigk*

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