



Lawyers

Jewish Lawyers in Germany
under the Third Reich

without Rights

EXHIBITION presented by
the German Federal Bar in cooperation
with the American Bar Association and its
Section of International Law

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Forewords

The relatively peaceful times of the Weimar Republic came to an abrupt end on January 30, 1933, when Hindenburg granted power to Adolf Hitler. The democratic state ceased to exist. On that day the fate of German Jews was sealed.

Jews were excluded from all areas of social life. In justice, too, a distinction was made between Jews and non-Jews. As early as in March 1933 a decree was issued, which refused all Jewish judges, public prosecutors and lawyers access to the courts from the following day. The exhibition reflects a time in Germany when the individual rights and the rule of law were utterly neglected. Many non-Jewish German lawyers in those days kept silent. They did not say a word. There was no real resistance. Most of them did not even try to help their colleagues. Why? We do not know, and this exhibition does not give an answer to this question either. They failed to act and so did the lawyers' organizations. What the exhibition does, however, is reminding us to raise this question again and again.

Since it was first displayed in 2000, "Lawyers without rights" has been shown in more than 70 cities in Germany and all over the world. A great number of people have visited the exhibition and it has met with a lot of attention. Whole school classes were markedly impressed by it. Most of the German Regional Bars have started research into their history and in the fate of their Jewish colleagues now. This is a difficult undertaking, as most of the written information has been destroyed during the Second World War. 12 books have been published, the last one by the German Federal Bar with an overview of the regional research activities and results.

The German Federal Bar is deeply grateful that "Lawyers without rights" is now supported and presented by the American Bar Association and its International Section in the United States.

Axel C. Filges
President
German Federal Bar (BRAK)



The exhibition "Lawyers without Rights" presented in the USA is supported by the German Federal Foreign Office





Lawyers Without Rights is an exhibition that speaks for itself. Its message resonates with all persons who understand and appreciate the concepts and ideals of a just rule of law. It is a commentary and a lesson for all people everywhere about the dangers when lawyers or minorities are attacked or the law itself is unjustly applied.

The German Federal Bar sponsored, researched, underwrote and has presented throughout Germany, in Europe, Israel and elsewhere, this compelling Exhibition. It is a series of stories about the Nazi mistreatment of a huge percentage of German lawyers - those who happened to be Jewish.

We all know about the Holocaust, but until this exhibition was put together, no one really knew the details of the attacks upon the lawyers, and how those attacks succeeded in permitting the continuation of history's most monstrous outrage against humanity.

Our profession is the first line of defense against incursions and attacks on the just rule of law. When lawyers, the judicial system and the just rule of law are undermined, when the abuses go unchecked and are permitted to flourish, only great tragedy can follow. And that was what happened under the Third Reich.

Attacking lawyers and their ability to defend society against the excesses of heartless dictators is something that all free people on earth must fight against - if necessary, with our very lives. The slippery slope that starts when the defenders' rights to defend are compromised worsens with each abuse until there is no justice and no hope for justice. That message is one that the American Bar Association has historically promulgated. Defending liberty and pursuing justice are the foundation of our profession. The Federal German Bar stands for the same values, and by its efforts in presenting this exhibition, is to be commended.

Lawyers Without Rights has relevance at many different levels. Its relevance is for human rights and for a just rule of law. Its relevance is for mankind. Its message is a universal message; but perhaps its most important message is for and about lawyers everywhere.

The American Bar Association and its Section of International Law are proud and privileged to join the German Federal Bar in presenting Lawyers Without Rights.

Carolyn Lamm
President
American Bar Association (ABA)

Glenn Hendrix
Chair
American Bar Association
Section of International Law

Aaron Schildhaus
Chair "Lawyers Without Rights"
US Exhibition and Immediate
Past chair ABA International



Jewish lawyers – a German identity

The legal profession until the end of the Weimar Republic



Criminal Court, Berlin-Moabit, early 20th century

Private collection

At the beginning of the 20th century the number of lawyers who were Jewish or of Jewish descent, was relatively high. This was due to the special legal position of Jews in Germany over several centuries. For a long time they were subject to a large number of special laws and many restrictions regarding the exercise of their profession. Even after they had been granted full equal rights as citizens in 1871, they did not immediately have free access to positions in the civil service. Almost at the same time as the foundation of the German Empire, an independent legal profession emerged. The discussion and analysis of the law as one of the central pillars of Jewish culture seemed obvious and in keeping with tradition. Many Jews took the opportunity to work independently in the legal domain and without depending on the benevolence of an employer, be it the courts, the administration or the universities.



Lawyers' room, Regional Court, 1903

Heinrich-Album

Up until the 1920s the number of Jewish lawyers increased continuously. Subsequent generations took over the private practices of their fathers or started their own. In the big cities, the share of Jewish lawyers was higher than in smaller towns with a court. In Berlin, for example, on 1 January 1933 more than half of the 3,400 lawyers were of Jewish origin. On account of the marked increase in the number of lawyers – since the 1920s women, too, had access to the profession – the overall situation regarding income deteriorated. Even if the majority of lawyers were still part of the middle class, the structure of the legal profession was not homogenous: there were lawyers with a strong political commitment for the Left, like Alfred Apfel, Kurt Rosenfeld and Rudolf Olden who defended clients like Carl von Ossietzky. Others, like Max Alsberg or Ludwig Bendix, took a more liberal stance and a third group clearly supported German national objectives, like Max Naumann, for example. There were also considerable social differences: some lawyers, 'celebrities' such as Alsberg and Erich Frey, had many lucrative cases, whereas others earned just enough to maintain modest living standards.



Dr. Julius Fliess, Officer during the First World War (on horseback in Serbia, n.d.) was severely wounded and received multiple decorations. He was a well-respected lawyer and notary in Berlin and member of the last Council of the Berlin Bar to be elected freely before 1945.

Jüdisch. Museum Berlin

One thing they had in common was that they would never have called themselves 'Jewish lawyers': they were German, lawyers and Jews. Many of them had been soldiers during the First World War, others had renounced the Jewish faith and some had been baptized. In the area of jurisprudence, many lawyers of Jewish origin contributed to the development of renowned legal journals and to the establishment of professional organisations. And still there was antisemitic propaganda against these 'Jewish lawyers'.

Otto Dix:
Rechtsanwalt Dr. Fritz Glaser
and family, 1925

Glaser was a lawyer in Dresden. On account of his faith and various clients he had represented, he was prohibited to practise after 1933. Glaser survived. After 1945 he was re-admitted as a lawyer. Later, in the GDR, Glaser was again ostracized from society because he represented the interests of a Nazi judge.

Staatliche Kunstsammlungen
Dresden, Galerie Neue Meister.



Sächsische Landesbibliothek – Staats- u. Universitätsbibliothek Dresden, Abb. Dr. Fototek

Boycott and discrimination – 1933 - 1938



Prussian Minister of Justice Hanns Kerrl in a training camp for trainee lawyers, left: head of the camp Senior Public Prosecutor Spieler, right: Sturmführer (Lieutenant) Heesch, August 1933 in Jüterbog

Even though Hitler's appointment as *Reichskanzler* (Chancellor) did not lead to a reshuffling of the Ministry of Justice (Gürtner, German National People's Party), the takeover – which was rather a handover of power – in January 1933 did mark a turning point. The individual units of the SA (*Sturmabteilung*, Storm Troopers), which were organised like paramilitary groups, caused so much terror in the first quarter of 1933 that the democratic State governed by the rule of law ceased to exist. Following the burning of the *Reichstag* building (27 February 1933) a retroactive rule providing for stricter sanctions was adopted – an untenable procedure according to the standards applying under the rule of law. By introducing the so-called protective custody, undesirable political opponents were arrested arbitrarily and for an indefinite period of time.

The National Socialists wanted to consolidate their power at all levels. Jews were to be ostracized from all areas of social life. In the administration of justice, too, a distinction was to be made between 'Jews' and 'non-Jews', based primarily on the grandparents' origin and with the current religious orientation being only of secondary importance. The exclusion of Jews from the legal profession promised to improve the economic situation of non-Jewish lawyers.

Up until the successive dissolution of the Ministries of Justice of the individual provinces, these had considerable competence. In Prussia, the National Socialist fanatic Hanns Kerrl was made *Reichskommissar für das Preußische Justizwesen* (and later Minister of Justice in Prussia) at the end of March, Hans Frank was appointed to this post in Bavaria.

Both men tried to acquire a strong profile. On 31 March 1933 the Kerrl decree was published, on the basis of which Jewish judges, public prosecutors and lawyers were to be refused access to Prussian courts from the following day. A boycott of Jewish shops, department stores, doctors and lawyers in the entire Reich was organized for 1 April. That Saturday – a regular working day at the time – SA-squads stormed the court-houses in many cities and tried to identify any Jews present.

The legal basis for this procedure was created later: regarding notaries admitted in Prussia who were civil servants, the Reich Law to re-establish the civil service with tenure (*Gesetz zur Wiederherstellung des Berufsbeamtentums*, 7.4.1933) was applied rigorously: the majority of them lost their admission to practise.

1 April 1933: the public is advised "Don't go to Jewish lawyers"; warnings on red notepaper reading "Visits prohibited! Jew!" were affixed to the doorplates of Jewish lawyers' offices, here in Munich at the Stachus



Registration of applications made by Jewish lawyers to the Berlin Bar for admission to continue their professional activities, early April 1933



'Re-admission' and general prohibition to practise

1933 - 1938

The professional activity of lawyers was subject to the Law regarding admission to the legal profession (*Gesetz über die Zulassung zur Rechtsanwaltschaft* of 7 April 1933), on this basis all lawyers of Jewish descent had to re-apply for admission. Only those lawyers who had been admitted before 1914 (*Altanwälte*, Senior Lawyers) or who had fought at the front line in the First World War (*Frontkämpfer*), were permitted to continue to practise law. All the others lost their profession. In Prussia, this affected about one third of all lawyers admitted at the beginning of 1933. All female lawyers were thus deprived of their profession, as well as all young lawyers. No Jewish Assessor could establish himself as a lawyer anymore.



In Prussia, every lawyer, here in Berlin, who according to National Socialist terminology was classified as 'non-Aryan', had to apply for re-admission. All Jewish lawyers had to declare their loyalty to the new Government.

The exemption for *'Frontkämpfer'* had been introduced on the initiative of the old Reichspräsident Hindenburg. Those mainly responsible for the introduction of this rule had not expected such a considerable number of *'Frontkämpfer'* among Jewish lawyers. Of a total of 10,885 lawyers, 2,009 lawyers of Jewish origin in Prussia were permitted to continue their professional activities. The share of Jewish lawyers was reduced from 28.5% to 18.5% in Prussia, in Bavaria from 17.8% to 12.6%. But the formal admission was no safeguard against further discrimination:

1. Professional partnerships between Jewish and non-Jewish lawyers had to be dissolved.
2. Jewish lawyers were no longer given legal aid cases.
3. The courts ceased to consult Jewish lawyers for legal opinions.

Financially, the situation of private practices of Jewish lawyers deteriorated. Due to a lack of receipts, many had to cease their activities. At the beginning of 1938 around 1750 'non-Aryan' lawyers were practising in the *'Altreich'*. Following the *'Anschluss'* of Austria, the total number changed and the rules applying in Germany were also applied in the occupied regions.

In September 1938 the decision was taken to ban all Jewish lawyers from practising their profession. This general prohibition entered into force on 30 November 1938 (in Austria on 31 December 1938). Following the prohibition, only few Jewish lawyers were able to continue their activities under the professional title of *'Konsulent'* (Legal Consultant). They were only permitted to advise and represent Jewish clients.

A number of rules and regulations tried to define the term 'non-Aryan' and a confusing order emerged which distinguished between *'Mischlinge'* (hybrids), *'Mischlinge ersten Grades'* (1st degree hybrids), *'Mischlinge zweiten Grades'* (2nd degree hybrids) and *'Geltungsjuden'* (Jews by definition). These definitions were linked to different kinds of per-secution. In particular, *'Mischehen'* (mixed marriages) consisting of a Jewish and a non-Jewish spouse and with children, were granted a 'privilege' which provided a certain degree of protection against further persecution. However, if the non-Jewish partner died, the 'privilege' was no longer effective and the remaining partner fell victim to the persecution machinery. The status of *'Mischling'* also had far-reaching consequences for the exercise of the profession (cf. example Adolf Arndt).



Stiftung Archiv der Akademie der Künste, Berlin

Swastika Vipers – an agitational postcard by John Heartfield, designed on the occasion of the arson trial following the Reichstag fire (27 February 1933).



Alfred Apfel, who had been a defence lawyer for Carl von Ossietzky together with Rudolf Olden in what was called the Soldiers Trial ("All soldiers are murderers"), was depicted as a *'Volksverräter'* (traitor of the people) on this poster. He was arrested after the fire which destructed the Reichstag February 1933. Upon his release he fled to France. Apfel died in Marseille in 1940 under unknown circumstances.



Munich lawyer Dr. Michael Siegel (1882-1979) had complained to Munich Police Headquarters in early April 1933, when one of his clients was taken into 'protective custody'. He had the legs of his trousers cut off and was led through Munich's inner city streets barefoot with a board around his neck that read: "I will never complain to the police again!" Siegel managed to flee to Peru as late as 1940, where he died in 1979.

Celebrity and darling of the media – escape – survival in Chile

Dr. jur. et Dr. phil. Erich Max Frey

16 October 1882 Breslau – 30 March 1964 Santiago de Chile

„Just in time before the War broke out – having taken part in one war was enough for me; and on which side should I have been this time anyway? – I left La Rochelle and landed on the Continent of Freedom“. (1959)

Erich Frey set up as a lawyer in Berlin in 1911 and made a name for himself as a defence attorney. In the 1920s he was not only a master of his profession, but also knew how to best use the media for his purposes. With an accomplished combination of seriousness and subtle humour he tried to win his cases.

Frey acted as counsel of the defence for the members of the *Ringverein Immertreu* (1928). In the course of this trial Frey came to work – this was the only occasion – with Max Alsberg. The trial was about the death of a carpenter who was part of a group of carpenters who had been involved in a fight at a pub with members of the *Ringverein Immertreu*. The so-called *Sport- und Geselligkeitsvereine* (clubs promoting sports and conviviality), to which also the *Immertreu* belonged, were associations of the Berlin underworld. Clubs called *Heimatlänge*, *Hand in Hand* or *Deutsche Kraft* had a total membership of around 1000 and partly lived from the proceeds of blackmail or prostitution. They had a very strict code of honour and served as an inspiration for Fritz Lang's film 'M' (1930) and also for Bert Brecht's 'The Threepenny Opera'.

During the trial, Frey tried to create for the public the image of a 'tough guy' called *Muskel-Adolf* or *Klamotten-Ede* who, deep down, possessed a natural sense of justice. The court pronounced a mild judgement – thanks to the defence.

Like many other lawyers of Jewish origin, Frey had nevertheless been baptized. In the spring of 1933 he was warned of his imminent arrest, whereupon he emigrated in 1933 via Paris to South America, where he died in 1964. In 1959 he published his memoirs entitled "*Ich beantrage Freispruch*" (I plead not guilty).



Erich Frey (centre, standing) during the *Immertreu* trial. On the far right of the picture Max Alsberg as additional counsel of the defence. Photograph by Erich Salomon, 1928.



Erich Frey talking to the leading actor of his play "*Meineid*" (Perjury), Heinrich Heiligler, which was staged at the *Theater am Schiffbauerdamm* and directed by Bernd Hofmann, 1932.



Erich Frey on his way to court, Tempo 3.4.1929

Cannot pass you my hand...

Justizrat Dr. Dr. Julius Magnus

6 September 1867 Berlin – 15 May 1944 Theresienstadt (Terezin)

Julius Magnus practised as a lawyer in Berlin from 1898 and later also as a notary. He was the author of numerous publications on competition law, the protection of industrial property, copyright and patent law. For over 18 years he was also the editor of the *Juristische Wochenschrift (JW)*, published by the *Deutscher Anwaltverein* (German Bar Association). Magnus made the *JW* an internationally recognized legal journal. It provided a forum for legal debate on

central issues and thus contributed considerably to the development of the law during the Weimar Republic.

Following the handover of power, Magnus had to resign from his position as editor immediately.

He continued to practise as a lawyer until the general prohibition of 1938, but had to cease his activities as a notary in 1933.

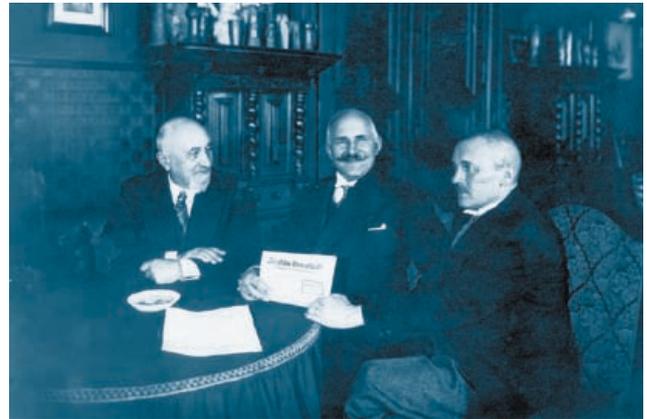
Victor Klemperer notes in his diary on 9 October 1936, how Justizrat Magnus held an obituary speech at the funeral of their common friend Dr. jur. James Breit (a Protestant of Jewish descent) in Dresden-Tolkewitz:

"At the beginning he copied the whining tone of the priest, but then the man got going and started to speak in his own characteristic vein. He spoke in such a way that none of his words would have been of any use to an informer... The previous day, an official order had been issued according to which all juridical publications of non-Aryans had to be removed from the libraries and could not be re-edited. Breit, however, who had been an examiner in Second State Examinations, was the author of many publications. The speaker [Magnus] stressed again and again to what extent he had enriched German law and how he had relentlessly struggled against formalism and advocated a living German law. How this had been recognised everywhere and had influenced everyone, and also how this would be appreciated in the future. But what felt like a blow to my heart and shook me from my depression was a final remark, into which the speaker must have stumbled against his own will: I cannot give you my hand for I have to load my musket... I mean... just now: I cannot pass you my hand for I have to load my musket, may you rest in eternal peace, my good comrade! [after Ludwig Uhland, *The Good Comrade*, 1809]. This really shook me up and I thought to myself: muskets are still being loaded; it does not matter if one writes a book about law or about the history of French Enlightenment. Those who as Jews continue to work and to enrich Germany's intellectual life, are loading – and suddenly there was an air of conspiracy about this entire gathering. The wonderful cello music would not have been necessary, for I was already deeply moved..."

On 25 August 1939 Magnus fled to Holland, where his persecutors caught up with him. In the summer of 1943 he was abducted to Westerbork concentration camp, at the beginning of 1944 deported to Theresienstadt (Terezin) via Bergen-Belsen, where he probably died from starvation. The last piece of information about Julius Magnus came from Justizrat Georg Siegmann.



Bildarchiv Preuss. Kulturbesitz



Max Hachenburg, Julius Magnus, Heinrich Dittenberger (from left)

Murdered

Dr. Robert Stern, Eisenach

22 July 1883 Geisa – missing 1942, Belzyce

Robert Stern, born on 22 July 1883 as the son of tradesman Salomon Stern, came from Geisa in Southern Thuringia. Having completed his legal studies he settled down in Eisenach as a trainee lawyer and from 1912 worked there as a fully qualified lawyer. After the First World War, in which he had taken part as a soldier from the first until the last day, he started a joint practice together with a lawyer from Eisenach, Justizrat Theobald Speyer. Stern's professional success only lasted until 1933, when he, too, began to suffer from the exclusion

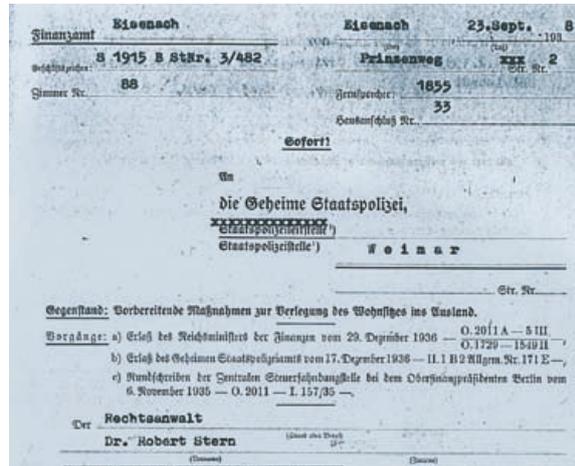


Journey to death: Dr. Stern, photographed during the deportation of 9 May 1942. (The photographs were taken on official order for a photographic chronic of the city of Eisenach, documenting the events between 1935 and 1942. The pictures of the deportation – taken by an unknown photographer – are part of a series of 20 photographs entitled "Die Exmittierung der Juden" (The eviction of the Jews) which is part of the chronicle.)



Stern announces the opening of his law office

of Jews from society and the professional restrictions which culminated in the general prohibition to practise as a lawyer in 1938. His attempts to emigrate failed. Thus, in 1942, he shared the fate of 500 other Thuringian Jews. Via Weimar and Leipzig he was deported to Belzyce, a small town south-west of Lublin, which is where his trace is lost forever.



The official report of Dr. Stern's attempt to emigrate abroad.

"Personal, political and social freedom as pillars of the rule of law"

Dr. Philipp Löwenfeld

23 September 1887 Munich - 3 November 1963 New York

"It is my innermost conviction that the pathetic and spineless manoeuvring of the German judiciary is one of the principal causes of the collapse of Germany's democratic constitutional system." (extract from Löwenfeld's memoirs, 1943)



Philipp Löwenfeld (right) with partner Max Hirschberg

Stadtbibliothek München

Philipp Löwenfeld, son of the highly respected Munich University professor and lawyer Theodor Löwenfeld (1848-1919) and a democratic Socialist like his father, became an active SPD member in his student days. He remained a faithful party member even during the November Revolution of 1918-1919. An active opponent of the *Räterepublik* in Munich, Löwenfeld was at the same time one of the critics who rejected the harsh approach prevailing in political as well as legal circles regarding the assessment of this period, an approach which in his opinion made the establishment of a democratic system more difficult. Admitted to the legal profession in 1918, Löwenfeld soon became a partner of the like-minded Max Hirschberg. Together with Hirschberg and his friend Wilhelm Hoegner he was one of the handful of staunch fighters against the rising NS-movement. Due to his commitment, the father of three little girls in 1933 almost caused his own downfall. Under dramatic circumstances he managed to flee to Zurich in March 1933, where, despite the difficult situation, he unabashedly resumed the struggle against Hitler as a journalist. In September 1933 his admission as a lawyer was finally



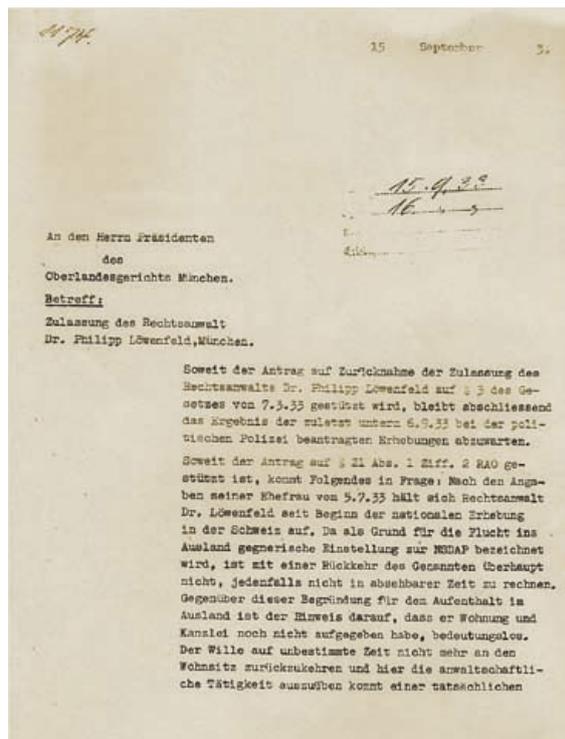
The late Philipp Löwenfeld

Leo Baeck Institute, New York

withdrawn. In 1938 Löwenfeld emigrated to New York with his family, where, like many of his companions in misfortune, he had to work in a field which had nothing to do with his original profession. He never worked as a lawyer again. Even when in 1945 he received a call from Wilhelm Hoegner, who by that time was Bavarian Minister-President, he did not return to Germany.



Front page of the first issue of the series of publications of the Association of Social Democratic Lawyers, Berlin 1933: „Criminal law as a political weapon“.



Stadtbibliothek München

Dr. Reinhard Weber

Application of the Bar for the withdrawal of Löwenfeld's admission

Lawyer and journalist – escape and death

Dr. Rudolf Olden

14 January 1885 Stettin – 17 September 1940 Atlantic Ocean

"Germany today is in a state of barbarism. The dictatorship knows no law, it does not even respect its own. It maintains law courts and prisons, but at the same time it runs concentration camps. Any administrative act can be examined before the Supreme Administrative Court, but not the deeds of the Secret

State Police, for which it denied jurisdiction. The State has its authorities, but where these are 'insufficient', the Party will intervene..." (Rudolf Olden, 1935)



Caricature by Dolbin



"Das freie Wort" – a conference at the Berlin Kroll-Oper, bringing together 900 politicians and intellectuals to mark their protest against the Nazis. One of the main initiators: Rudolf Olden, 2nd from right on the panel, 19.2.1933

Rudolf Olden was a well-known defence lawyer who also stood out in political cases, acting, for example, as counsel for the defence of Carl von Ossietzky. Apart from his legal practice, Olden also wrote for the liberal *Berliner Tageblatt*, among other newspapers. Even after power had been handed over to the National Socialists, Olden initiated a conference at the Kroll-Oper in Berlin entitled



Carl von Ossietzky (centre) with his defence counsels Rudolf Olden (left) and Alfred Apfel (right) in the so-called Soldiers Trial (*Soldatenprozess*, "All soldiers are murderers"), 1932

"*Das freie Wort*" (The free word) on 19 February 1933. During the night of the Reichstag fire Olden received a warning saying that "members of the opposition were arrested right and left", which did not prevent him though from appearing in court the next day, where he had a case to plead. Meanwhile, his home was put under surveillance and the political police waited for him outside another court house. When he learned that the Gestapo were waiting for him, Olden decided to escape – on skis, across the border into Czechoslovakia.

As early as May 1933 Olden published a biographical sketch entitled "*Hitler der Eroberer*" (Hitler the Conqueror) during his exile in Prague. In 1934 he was commissioned by the *Comité des Délégations Juives* in Paris to write a *Schwarzbuch* (black book) on the situation of the Jews in Germany. In late 1933 Olden and his wife Ika moved to London. Despite Olden's intensive lecturing activity and his work as a writer for various magazines published in exile, Olden had only very little income.



Rudolf Olden conversing with fellow lawyer Gerhard Wilk, 1931.

Shortly after the War broke out Olden was declared an 'enemy alien' and sent to internment camp. When he received a call from the New School of Social Research in New York (academic teaching ground of German social scientists Adorno and Marcuse at the time), he accepted only with reluctance; he would have preferred to stay in England. In 1940 Ika and Rudolf Olden boarded the *City of Benares*; their two year old daughter had sailed earlier together with other children who were sent to America for safety. The *City of Benares* was torpedoed in mid-Atlantic by the German U-Boat U48 and Ika and Rudolf Olden lost their lives in the event.

„.... that it is a dark road we shall have to travel.“

Dr. Elisabeth Kohn

11 February 1902 Munich – 25 November 1941 Kowno (Lithuania)

„Today I received your very kind telegram, telling me that 2 visas for Cuba are ready and waiting for us. Thank you a thousand times. Unfortunately, it seems that all efforts to help us are doomed to come too late. On Saturday afternoon I received the order to be ready for departure with my mother and my sister as of Tuesday. I am packing today...who knows what will become of us?“
(1941, shortly before deportation)



Elisabeth Kohn

LMU München

After having studied philosophy, psychology and law at the University of Munich, Elisabeth Kohn obtained her doctor's degree in philosophy in 1924. In 1925 she passed the First State Exam and in 1928 the State Exam for the higher judicial service and public administrative service. After her admission to the profession

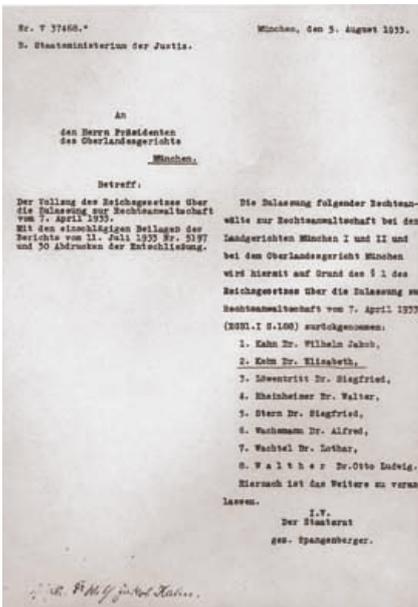
in November 1928, she joined the well-known firm of Max Hirschberg and Philipp Löwenfeld, who were dedicated mainly to litigation in the political arena. With her left-wing republican commitment to the cause of the SPD, the Human Rights League, the umbrella organization of German labour unions (ADGB) and against rising National Socialism, Kohn

found a broad field of activity in this firm. The withdrawal of her admission to practise as a lawyer on 5 August 1933 hit her very hard, all the more since her father died later in 1933 and since, apart from her mother, her sister, who was an artist, also had to be taken care of. She found a temporary job with the welfare department of the Jewish Community and from 1940 she did menial work for 'Konsulent' (Legal Consultant) Dr. Julius Baer.

For the sake of her relatives she postponed emigration until it was finally too late. Together with her mother and sister she was part of the first wave of deportees who left Munich on 20 November 1941. Five days later they were killed during the massacres in Kowno, Lithuania, which claimed almost 3000 victims on 25 November alone.

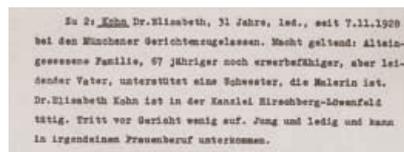


Even before 1933 Jewish lawyers in Munich were subject to attack. In this case the caption underneath the picture reads: "Zum Kapitel: Verjudung des Anwaltsstandes" (Concerning: Judaization of the legal profession) (Illustrierter Beobachter Nr. 36 of 3.9.1932, p. 844).

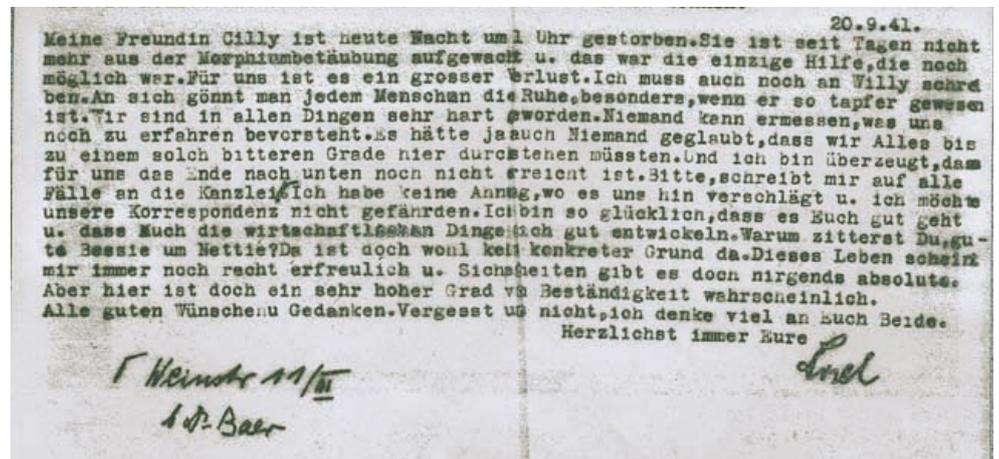


Staatarchiv München

"Withdrawal of the admission to the Bar", August 1933



Dr. Reinhard Weber



Excerpt from a letter to Bessie and Max Hirschberg in New York, written two months before deportation.

Private collection (Weber)

First female lawyer in Prussia

Dr. Margarete Berent

9 July 1887 Berlin – 23 June 1965 New York



Margarete Berent in her 40s, in her lawyer's robe

The Album of WWII Issue

Margarete Berent, the daughter of a merchant, graduated from high school in Berlin, in 1910, and went on to study law, completing her studies with a doctoral dissertation in 1914. Her dissertation on family law received a "magna cum laude" and was published in a well-respected scholarly series in 1915. (Over forty years later, in 1958, it served as a model for the legal reform of inheritance and property laws in the Federal Republic of Germany). Despite her outstanding dissertation, Margarete Berent was neither admitted to become judge nor an attorney. This would have required her to pass the bar examination (*Staatsexamen*), which women were not allowed to take. Instead, she worked as a "legal assistant" in lawyers' offices and legal protection agencies for women and temporarily for the Berlin municipal administration.

"I have not been able to attain a sufficient and sustained means of support."

Dr. Margarete Berent,
November 1959

In 1919, during the Weimar Republic, women were finally allowed to take the *Staatsexamen*, for which Margarete Berent applied immediately. She passed the first examination in 1919 with an above average grade of "good." After a legal clerkship and passing the second *Staatsexamen*, she opened her own law office in March of 1925 in Berlin—the first female lawyer in Prussia ever—and a successful one at that. Looking back, she wrote in the 50s: "By 1933 the law firm had become the foundation of my livelihood. I had succeeded in establishing myself well enough to maintain my own office with an adequate income and was able to travel abroad repeatedly... I might want to add that I enjoyed trust, prestige and growing recognition... I spoke on the radio several times, in Hamburg, among other places, and during a program on family law at the Central Institute for Education and Teaching..."

Margarete Berent was a member of several women's associations, active in legal organizations and also taught at vocational schools for social work. She was an advocate for the recognition of women in all professions, particularly in jurisprudence, and for social and legal equality.

At the same time, she was a member of the board of representatives of the Jewish Community Berlin and belonged to the board of the Prussian Regional Association of Jewish Communities.

After the Nazis came to power, Margarete Berent was barred from practicing law and forced to close her office. She found a new position at the Central Welfare Agency of German Jews in Berlin and Cologne, where she became active in mid-1933.

At the end of 1939, already after the outbreak of war, she was able to flee via Switzerland and Italy to Chile. She lived in Chile until the end of July 1940, earning a living as a language teacher. Finally, she received a visa for the US (that she had applied for already in 1938) and arrived in New York in August of 1940.

The U.S. and the vibrant metropolis had not exactly been waiting for Prussia's first female lawyer to arrive. Still, she remained in New York. Margarete Berent worked as a household help and in postal delivery. In 1942, she began studying American law in the evening, while working on the side by day. In 1948 she received her LL.B. from New York University School of Law and passed the New York State bar examination in 1949. In 1950, at the age of 63, she started working as a lawyer again. From 1953 until the end of 1959, she was employed at the legal department of the City of New York.

Margarete Berent remained a lawyer until the end of her life, even though her profession did not provide her with adequate material support again. She died in New York in 1965, shortly before her 78th birthday.



View of 34th Street and Empire State Building, 1940s

Dissolving Prussia

Wilhelm Dickmann (later William Dickman)

October 13, 1900, Hermsdorf/Berlin – October 28, 1987, Alexandria, Virginia

"..There we were faced with a large white marble bust of Adolph Hitler standing high on a pedestal – a perfect piece of evidence that the spirit of the Führer was not at all dead in [the court of] Altenburg. Major Haskell, who had gone through agony during all this, dashed forward, grabbed the bust with both hands and smashed it on the floor with all the energy he could muster. With a terrific crash, it broke into hundreds of pieces. What a relief for us all!"

Dickman's memories of 1945

Immediately after graduating from high school, Wilhelm Dickmann was drafted to fight for Germany at the Western front during the last months of World War I. Back in Berlin, he studied law enduring much personal and financial hardship. After graduation, he worked in the law office of Bruno Weil before opening his own practice.

After the Nazi takeover in 1933, Dickmann, who had been baptized as a child, was considered "non-Aryan" and was threatened with losing his profession under the Nazi laws. However, since he was a World War I veteran who had fought at the front, he was able to continue practicing as a lawyer.

On September 25, 1938, around 2 a.m. the telephone rang: "Hello, I understand that you are going on your vacation tomorrow. I just heard the latest weather report. The weather will change radically later in the morning, so it would be advisable for you to take the earliest possible flight out..." and hung up. Dickmann didn't recognize the voice at all, but the warning was unambiguous. He got ready immediately, said goodbye to his sister and gravely ill father—he was not to see them again—and fled to his brother in Copenhagen. At the end of 1938 he traveled on to New York on a tourist visa.

His German legal degree was not recognized in the U.S., so he took on several odd jobs, such as night checker in a restaurant, working 12 hour shifts at night, writing short stories and articles by day under the name William Dickman.

In 1939, Dickman won one of eight scholarships granted to European jurists. In 1943 he graduated from the University of Pennsylvania, Philadelphia, and married Ilka Deutsch, a physician and daughter of a rabbi, formerly of Prague. The couple first lived in Philadelphia, where Ilka had begun practicing as a physician again.

After becoming an American citizen in

1944, William Dickman served in the Office of Strategic Services (OSS) and was deployed to Great Britain. In 1945, he returned to his hometown Berlin as an officer with the American troops. As a staff member of the American high commissioner General Lucius D. Clay he wrote the Control Council Law No. 26 of February 25, 1947, that decreed the dissolution of Prussia.

Dickman never saw his family members again: His father had died, his sister and her husband had been murdered in a concentration camp. Ilka Dickman's father, Dr. Aladar Deutsch, had survived the concentration camp of Terezin, but was a broken man. After 1945, Dickman attempted to improve the general situation in Germany and ameliorate the hardship of the German population as a member of the U.S. armed forces. Ilka Dickman pursued the same goals in her work at UNRRA on behalf of Displaced Persons.

Dickman also played an important role in rebuilding the German judicial system, such as the reopening of the administrative court in Bavaria and the Nuremberg military tribunal. The Dickmans returned to the U.S. in 1948. William Dickman continued working for the government in Washington until his retirement at the age of 70. The couple settled in Alexandria, Virginia, where Ilka Dickman died in 1983, William Dickman in 1987, at the age of 87.



William Dickman in the 1950s

A Biograph of Biograph by Wilhelm Dickmann, Copyright: Photo, 1986



William Dickman with his wife Ilka and her father, Rabbi Dr. Aladar Deutsch, formerly of Prague, 1947

The Long Jump Fair with You, 1984



William Dickman in US Army uniform in London, 1945

Ilka and William Dickman, The Long Jump Fair with You, 1984

The only female legal consultant in Germany

Hanna Katz

23 October 1895 Berlin – July 1982 New York

"...police notice of departure of June 6, 1941, the day of my emigration..."

Hanna Katz's father before her had been a lawyer and bore the title Privy Councilor of Justice. Barely 35 years old, Hanna Katz opened her own law office, which was temporarily located on Berlin's glamorous "Unter den Linden". During her legal training, Katz had already established close ties with international associations of jurists and even took an exam as an interpreter. She was on the board of the International Law Association, specializing in competition and trademark law.



Hanna Katz

In the spring of 1933, the National Socialists decreed a ban on all practicing Jewish lawyers, with the exception of veterans of World War I and lawyers who had been practicing before 1914. These were conditions women could obviously not meet, since they had been admitted to the legal profession only in the 1920s. Hanna Katz would have been disbarred like most Jews, had this not meant losing her seat for Germany at the International Law Association, which would probably have gone to a colleague from Great Britain.

In order to prevent this from happening, an exception was made and Katz was able to continue to practice. In 1936 she went to a conference in Budapest with the German delegation headed by the high Nazi functionary Hans Frank.

When the general ban on Jewish lawyers was decreed in November 1938, Hanna Katz was affected as well. In the meantime, she called herself Hannacha, possibly to avoid having to take the compulsory name "Sara". At this time, Hanna Katz was admitted as a legal consultant and—as research to date seems to indicate—the sole female Jewish law consultant and representative for Jews. The only stipulation was for her not to appear in court. In the meantime, Hanna Katz shared office space with another legal consultant, while working on her emigration. Finally, in 1941, she obtained the last necessary visa, the transit visa for Portugal. She asked her secretary to liquidate her office, gave all her articles of value to her shoemaker, her "Aryan" dentist, and the owners of a fashion boutique on *Kurfürstendamm*.



Justice, bas-relief above the entrance of the District Court in Berlin, where Hanna Katz was admitted as an attorney.

On the very next day, June 6, 1941, she flew to Lisbon, from where she went to the U.S. by boat.

Hanna Katz was not to see any of her confidants again: her colleague from the office, as well as her secretary with her husband and their four children were murdered; the dentist soon died after her departure, the two Danish owners of the fashion boutique fled to Denmark in the last days of the war.

In the U.S. Hanna Katz had an easier start than others on account of her good command of the English language. After the end of World War II she was admitted as an attorney both in New York and in Germany. In addition, she was a member of numerous organizations in New York and was on the board of the American Association of Former European Jurists for many years.

Abmeldung
bei der polizeilichen Meldebehörde

Weggehen Sie nicht, bis in den Meldeschein für den Festlegung Wohnen und für die Zustellung nachweislich per Post eingeleitet um für den Staatsangehörigen die Abmeldung vorzunehmen!

als Personalausweis

Am 6. Juni 1941 verlässt
nach New York City (U.S.A.)
Person (Name, Vor- und Nachname) Katz, Hanna
Wohnung: Berlin - Charlottenburg 4

Nr.	Familienname (bei Frauen auch Geburtsname mit geänderten Namen und bei letzten früheren Ehe)	Vorname (Namen- Stamm- unterschieden)	Familien- stand (Ehe-, verh., verm., geb.)	Beruf (genau Beschreibung der Beschäftigung und Angabe, ob leitend oder Angestellter, Arbeiter usw.)	Geburts-		
					Tag	Monat	Jahr
1	Katz, H.	Hannacha	led.	Präsidentin	23	5	1895

Hanna Katz's notice to the police of her departure from Berlin on June 6, 1941

Hanna Katz
Rechtsanwalt

Signature of Hanna Katz, 1937

Simone Ladwig-Winters

A life for the law

Ernst Stiefel

27 November 1907 Mannheim - 3 September 1997 Baden-Baden



Ernst Stiefel, 1960s

"The United States was not receiving them with open arms."

From the introduction to the conference on the influence of German refugees on American and German law, 1991



PanAm Building (now Met Life), in which Ernst Stiefel had his office

The son of a prominent teacher in Mannheim, Ernst Stiefel already published his first book, a commentary on car insurance, during the period of his legal training (*Referendariat*). The first edition appeared in 1931, the 17th edition is currently in print with C.H. Beck Verlag in Munich. He opened his own law office in his hometown immediately after qualifying to practice law by passing the second state examination (*Staatsexamen*) in 1933. Only two weeks later, however, he was banned from practicing his profession for being a Jew.

He left Germany and went to Strasbourg working for a French insurance company, since German law remained in effect after World War I in Alsace. At the same time, he studied law for a second time receiving the *licence en droit* (1934), the *diplome d'études supérieures* (1935). Realizing that as a refugee and a German he had no future in France, he left for England and received a British law degree in 1938. After the outbreak of World War II, he was interned as an enemy alien, but succeeded in securing an exit visa for the U.S. and left Europe on September 14, 1939.

After his arrival in New York, and after initial jobs as chauffeur, busboy and dishwasher, he was able to pass the bar exam without having to study law again due to his English law degree. He wrote articles for various journals concerning martial law and questions

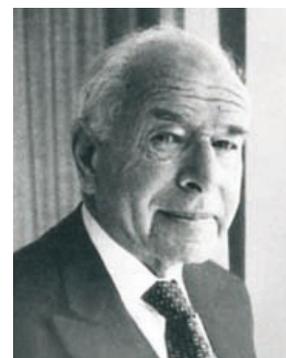
of insurance. Due to his acquaintance with John Foster Dulles, he became involved with the Board of Economic Warfare researching and writing on insurance questions in German occupied territories. In December 1943, he was drafted into the U.S. army but deployed with the Office of Strategic Services.

After the war, he worked at the State Department, the US Embassy in Rome, and for the military government in Germany. He returned to the U.S. in 1947 and became an attorney, since 1970 with the firm of Coudert Brothers. He worked as legal advisor in large investment projects, both for German as well as American companies. In addition, like his fellow attorney Otto Walter, Stiefel trained a new generation of legal professionals at the New York Law School.

Simone Ladwig-Winters



Mannheim, market square "Planken" and post office, about 1925



Ernst Stiefel, 1990s

Just im Portrait, C.H. Beck, 1988

Stadtrevue Mannheim

Per aspera ad astra (from the detestable to the everlasting)

Otto Walter

7 December 1907 Hof, Bavaria – 12 January 2003 New York

“All of this as well as other issues dashed my hopes of having landed in a better world. On the other hand, my conviction remains – justified or not – that the laws granting the right to liberty that are in part anchored in the constitution and partly the result of interpretation by the courts, do outweigh the disadvantages...”

Otto Walter in his memoirs, 1995

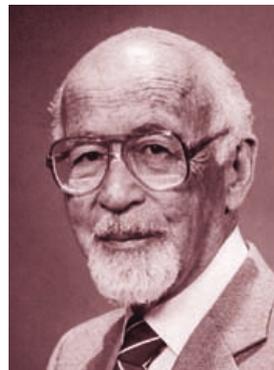
Otto Walter, the son of a Bavarian notary, settled in Munich after his legal training in 1932. After the Nazis came to power in 1933, he was immediately banned from practicing and emigrated to the U.S. in 1936. Barely conversant in English, he considered himself lucky to have landed a position as a bookkeeper in a hotel on Broadway. In his own estimation he brought all sorts of qualifications to this position, except for a knowledge of bookkeeping. In an earlier attempt to apply for a job, he had been overwhelmed by the sheer number of competitors, thinking to himself: “How will I ever survive in this jungle?” Exceedingly happy to hold a job at all, he acquired the necessary bookkeeping skills at night and became a private accountant and—after additional training—a certified public accountant (CPA). In the meantime, his parents had arrived in the U.S. as well. His father had been arrested during the November 9/10, 1938, pogroms and been incarcerated in the Dachau concentration camp. Working now as a senior accountant in an accounting firm, Walter was able to support his parents. At the end of the war his knowledge of both the American as well as the German tax systems turned out to be a great advantage.

In 1946 Otto Walter returned to Munich, hoping to become readmitted to the German bar. The Bavarian minister of justice, Josef Müller, assured him that his request should pose no problem since his disbarment had been unlawful. The president of the Munich bar association, however, saw things differently: In his opinion, a readmission was possible only if Walter were to settle in Munich permanently, thus fulfilling the residency requirement for attorneys. In addition, he would have to become a German citizen again as the Nazi regime had revoked the citizenship of all Jews living abroad at the end of 1941. Otto Walter abandoned his plans for the time being, but was readmitted as an attorney in Germany once the residency requirement had been removed.

In his accounting practice in New York, Otto Walter had been dealing with an increasing number of legal issues and decided to study law in evening classes at the New York Law School, from which he graduated two years later, at the age of 46. Shortly thereafter Walter opened his own firm, which soon began to focus on cases involving tax, inheritance and trust law. Walter practiced both in the U.S. and Germany and his firm with headquarters on Park Avenue became a very reputable address. Based on his vast knowledge of the tax system, he published a bilingual commentary on the double taxation treaty of 1954/66 and also taught at the New York Law School.

In the 1980s, Walter assumed the role of the firm's senior partner. The Federal Republic of Germany recognized his contributions by awarding him the Order of Merit and later the Grand Cross of the Great Order of Merit of the Federal Republic of Germany.

Together with his wife, to whom he had been married since 1947, Walter established the Otto and Fran Walter Foundation. Equipped with a good sense of humor, Walter was a devoted jurist, a well-rounded and intellectually curious man and, above all, a true humanist.



Otto Walter in his 80s

Otto and Fran Walter Foundation



New York Public Library, a well-known meeting point for European emigrants, during the 1940s

Fifth Avenue, Photograph by Fred Steis, Queens, 1947



Otto Walter with his wife Frances

Simone Ladwig-Winters

Prohibition to practise – detention – survival in Palestine

Dr. Ludwig Bendix

28 June 1877 Dorstfeld - 3 January 1954 Oakland, California

“To my clients: I had to give up my activities as lawyer and notary. – However, having practised and studied German law my whole life, I feel so closely linked with German law that even if it were only for this innermost, idealistic reason, I have to continue my activities within the new framework that remains under current legislation...”
(around 1933)



Ludwig Bendix, 1927/28

Ludwig Bendix had been practising as a lawyer in Berlin since 1907 and later also as a notary. At the same time he was presiding judge at the Berlin Labour Court, and labour law was also the main area of his professional activity in general. Bendix, too, was prohibited to exercise his profession, despite the fact that, according to the legal provisions of 7 April 1933, he should have been re-admitted to the profession since he had been admitted to the Bar before 1914. In May 1933, however, he was banned from practising on the grounds of “Communist activities” because he had defended members of the Communist Party. Thus, Bendix had become conspicuous in a displeasing way also from a political point of view. The so-called communist activity served as an argument to exclude him from

the legal profession. On 2 June 1933 he was taken into protective custody for four months. On his release he was told that his detention was supposed to “teach him a lesson”.

Following the ban from practising, Bendix worked as a legal adviser (*Rechtsberater*) without making much profit. However, this did not keep a former colleague from reporting him to the authorities for unlawful provision of legal advice and unfair competition. Although Bendix won the case, he felt morally beaten by the virulent campaign which accompanied the proceedings. Subsequently, a general solution to this kind of problem was provided by the Law against the abuse of legal advice (*Rechtsberatungsmissbrauch-Gesetz*) established at the end of 1935, which was used extensively at the time to further ostracize Jewish lawyers.

Bendix was held in custody again – this time in Dachau concentration camp – from July 1935 until May 1937. He was released on the condition that he would emigrate to a non-European country. In May 1937 he left for Palestine. From 1947 onwards he lived in the United States with his son Reinhard who had become a prominent sociologist.



Ludwig Bendix after his stay in concentration camp passed 1937

Last greetings from the concentration camp

Justizrat Dr. Georg Siegmann

21 May 1869 Berlin – 1944 missing, Auschwitz



Naatz-Album



Postcard from Theresienstadt (Terezin) to Naatz

Theresienstadt, 28.8.44

Dear Mr. Naatz!

After more than two years of separation I shall send you my greetings as a sign that I am still alive. Please give my regards also to Wilhelmine Schickmer (?) Kluckstr. 25, c/o Sommer. Tell her that we are wondering why we have not heard from her for such a long time. The postal service here works very well. Any kind of mail is permitted and delivered. I often think of the delicious sandwiches you served us for breakfast accompanied by juicy anecdotes!

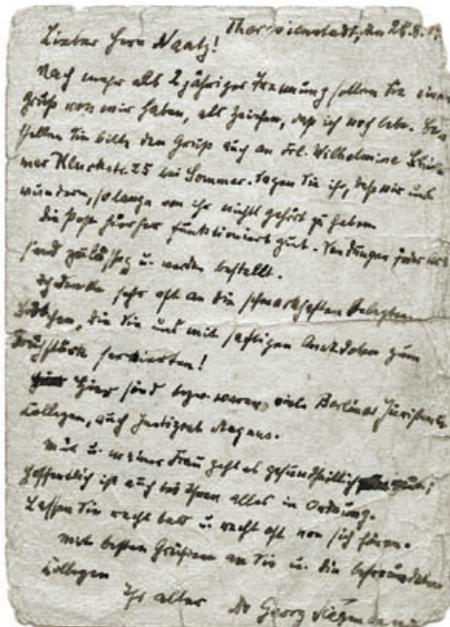
Many jurists and colleagues from Berlin are or were here, among them also Justizrat Magnus. [died 15 May 1944, Theresienstadt]

My wife and I are ... in good health; I hope that all is well with you, too.

I hope to hear from you soon and many times.

With my best wishes, also to my colleagues, I remain

your old Dr. Georg Siegmann



Since it was not allowed in Theresienstadt (Terezin) to give information about a person's status, Siegmann had to use a code for his message about Magnus' death.

Justizrat Georg Siegmann was admitted as a lawyer to the Berlin Regional Courts and also practised as a notary. When power was handed over to the National Socialists he was already 63 years old. As 'Altanwalt' (Senior Lawyer) who had been admitted prior to 1914, he felt safe and did not lose his profession in the spring of 1933. He practised until the general prohibition was imposed in 1938; his admission as a notary was withdrawn earlier.



Landesarchiv Berlin, GPP-Akte

The bank transfers the seized property to the Oberfinanzdirektion (Finance Ministry), 1943

On 2 July 1942 Siegmann signed his declaration of property, in which all those who were to be deported had to list their remaining assets (which were confiscated afterwards). Two weeks later, on 16 July 1942, Siegmann and his wife were deported to Theresienstadt (Terezin) with the 23rd 'Alters-transport' (Old People's Transport). As late as 1944, Siegmann sent a card from the camp to the trusted 'Anwaltsbeamten' Naatz. He informed Naatz about the death of the well-known Justizrat Magnus. Siegmann was transferred from Theresienstadt to Auschwitz, where his trace ends.

No way out

Dr. Gustav Herzfeld

7 May 1861 New York – 27 October 1942 Theresienstadt (Terezin)

„Dear Mr. and Mrs. Forster! You will ... have heard that I will be deported to Theresienstadt on Saturday, 3 October...“

Gustav Herzfeld set up as a lawyer in Potsdam in 1909. Born in New York, it remains unknown why he came to Germany. Herzfeld was married and had a son, born in Boston in 1897. In 1908 Herzfeld converted to Protestantism.

Herzfeld's son, Joachim, was an officer killed during the First World War. The Herzfelds suffered greatly from the loss of their only child. In 1922 they had the mortal remains of their son transferred to Bornstedt cemetery, where they were

laid to rest. Elise Herzfeld never came to terms with her son's death. She committed suicide in the 1920s. Gustav Herzfeld, who had a

national conservative outlook on life, was known as a socially conscious lawyer. During the years of economic crisis in particular, he was very committed to assisting the poor and those in need, for example by providing free legal advice.

Following the National Socialists' rise to power, Herzfeld was considered Jewish, although he was a Protestant. However, having been admitted to the Bar before 1 August 1914, he was a so-called 'Altanwalt' (Senior Lawyer) and thus came under one of the exemptions provided for by the Law regarding admission to the legal profession (*Gesetz über die Zulassung zur Rechtsanwaltschaft*) and was able to continue to practise for the time being. There is no information as to how

his firm developed economically. Herzfeld also moved offices. In September 1938 he set up a partnership with his Jewish colleagues Siegfried Lehmann and Herbert Marcuse. There is good reason to believe that they tried to keep costs as low as possible. But it was just in those weeks that the general prohibition for Jewish lawyers to exercise the legal profession was agreed. As of 30 November 1938 all three of them were banned from practising and thus deprived of their livelihood.

Herzfeld sold his house in Bornim, but continued to live in a room in the attic of the house. He kept in touch with his fellow Protestant parishioners. One of his contemporaries remembers that, probably in 1941, she, together with five or six other friends, went to visit Herzfeld to congratulate him on his birthday.

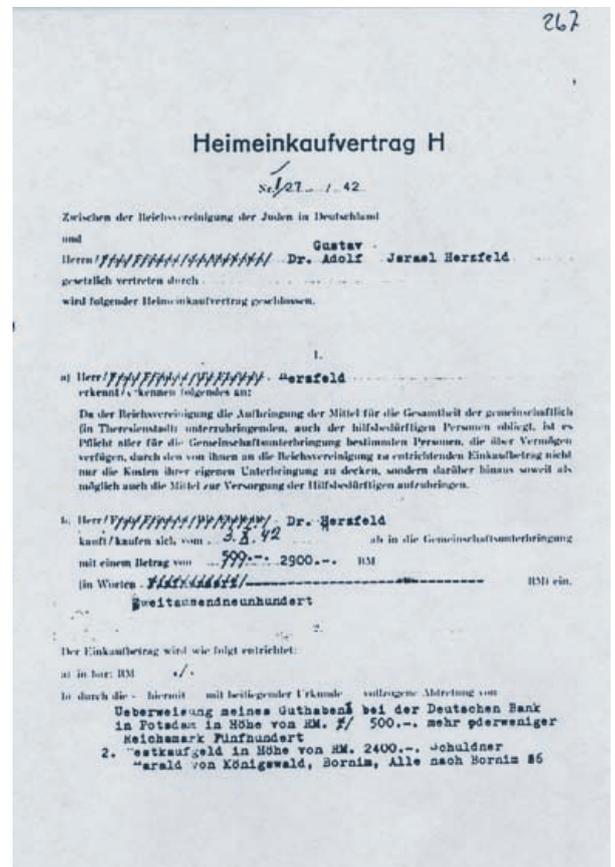


Gustav Herzfeld with a relative, 1930s.

In 1942 Herzfeld had to move to the Jewish old people's home in Babelsberg, Bergstraße 1. Trying to prevent his deportation to Theresienstadt (Terezin) he attempted suicide, but failed. Gustav Herzfeld was deported to Theresienstadt on 4 October 1942. He died there only a couple of weeks later. A commemorative plaque erected at his son's grave at Bornstedt cemetery reminds us of his fate.



Gustav Herzfeld



Gustav Herzfeld's contract concerning accommodation in Theresienstadt (Terezin), which was only used to plunder the people deported to the concentration camp.

Private collection

Private collection

Bundesarchiv, Akt. Unterfeld

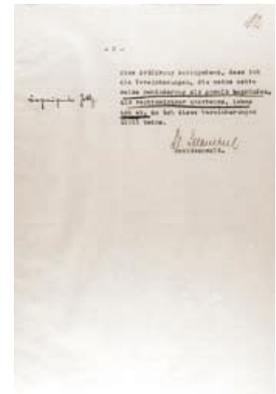
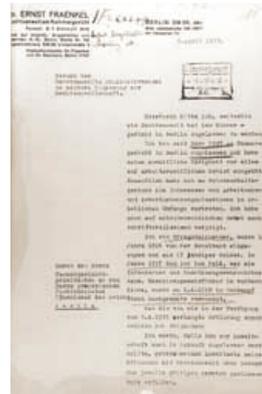
Exile, change of profession and return

Dr. Ernst Fraenkel

December 1898 Cologne – 28 March 1975 Berlin

"Finally the *Reichsgericht* itself deprived all Jews living in Germany of their status of persons in the legal sense. In a decision of 27 June 1936 the highest German court sentenced the German Jews to their 'civil death.'" (1940)

Fraenkel took part in the First World War and was seriously wounded. He studied law and history. During this period he became a member of the Social Democratic Party (SPD). After his studies, his traineeship as a lawyer and after having worked as an assistant to Hugo Sinzheimer, he set up as a lawyer in Berlin in 1927. Until 1931 he was an adviser to the metalworkers' union. Together with partner Franz L. Neumann, Fraenkel was known as one of the "young lions of the trade union movement".



Ernst Fraenkel's letter of application for re-admission as a lawyer. Fraenkel tries to avoid the required statement of loyalty which promptly earns him the remark "insufficient explanation". The remarks indicate which criteria were used for assessment: date of admission (before 1914?) and *Frontsoldat* ("F?"). Fraenkel is admitted to continue to practise because he is regarded as a First World War veteran having fought at the frontline; 8 April 1933, Federal Archives (BAL), Fraenkel's personal file.



Ernst Fraenkel and his wife Hanna in exile in the United States (approx. 1939)

Photography Prof. R. W. Müller, Freiburg

In early April 1933 Fraenkel applied for re-admission as a lawyer since he was considered a Jew according to National Socialist standards, although he had turned away from Jewish faith. Besides the racist ostracism, proceedings were initiated against Fraenkel in order to exclude him from the legal profession on the grounds of "Communist activities". Nothing could be proved against him and due to his status as First World War veteran who had fought at the frontline, he was able to practise as a lawyer until 1938. Defending various political prisoners between 1933 and 1938 was his own personal risk. Fraenkel's wife was considered 'Aryan', which protected Fraenkel to a certain extent.

Following the prohibition to practise law in 1938, Fraenkel and his wife emigrated to the United States via Great Britain. In exile, Fraenkel took his degree in American law. At the same time he was already working on his most important book "The Dual State", a shrewd analysis of National Socialism. From 1944 until 1950 Fraenkel worked for the US Government, temporarily as an adviser in Korea.

In 1951 Fraenkel returned to Berlin. He had always stayed in touch with his former partner Franz L. Neumann who had also published a critical study of National Socialism in the "Behemoth" (Neumann was killed in an accident in 1954). Fraenkel became a professor at the *Deutsche Hochschule für Politik* in Berlin, later also at the *Otto-Suhr-Institut* of the *Freie Universität Berlin*, where he taught until his retirement in 1967. He was one of the most eminent political scientists of the post-war era, yet he had to witness his lectures being disturbed during the student revolt.



Only few emigrants returning from exile were given a welcome like Ernst and Hanna Fraenkel in April 1951.

Photography Prof. R. W. Müller, Freiburg

„And therefore: No more Germany (for me)...“

Dr. Siegfried Guggenheim

12 October 1873 Worms – 31 January 1961 Flushing, New York/USA

„And this is the kind of people one is supposed to mix with again? Surely, not all of them, indeed many of them are not like that. But they are the „quiet ones in the country“ which have never been heard, not 2000 years ago and neither at the time of the Nazis, and therefore: No more Germany (for me). This is not an easy decision.“
(Siegfried Guggenheim to Dr. Karl Kanka, 1947)



Siegfried Guggenheim, drawing by W. Fischer, n.d.

Siegfried Guggenheim set up as a lawyer in Offenbach in 1900. He obtained the admission to appear before the Local Court, the commercial division of the Offenbach Regional Court, and in 1910 he was also admitted to the Darmstadt Regional Court. In 1919 he was appointed as notary. Guggenheim contributed to the city's public life in many different ways. He was particularly interested in fine arts and history. He was a member of Offenbach's Historical Society and the Fine Arts Society and a patron of the local arts and crafts academy. He held leading positions in the Association for the Stati-



Siegfried Guggenheim as a soldier with the Landsturm in the First World War, 1916.

stics of the Jews, the Association for Jewish History and Literature as well as in the Central Organization of German Jews which acted throughout the entire Reich. From 1933 until 1938 he was the chairman of the Jewish Community in Offenbach.

After the handover of power to the National Socialists, Dr. Siegfried Guggenheim did not have to give up his profession immediately. However, as early as in the summer of 1933, his license to practise as a notary was withdrawn. In September 1933 he had to dissolve the professional partnership with his colleagues Dr. Lachmann and Dr. Kanka. He lost his admission as a lawyer in November 1938 with the general prohibition to practise which was imposed on lawyers of Jewish origin.

Following the night of the pogrom on 9 November 1938, Guggenheim, just like many other Jews, was deported to Buchenwald concentration camp. He was released after a couple of weeks,

probably on the condition that he would leave Germany. Together with his wife Eugenie (1878 – 1984) he emigrated to Flushing, New York State, in December 1938. In 1941 the German Reich deprived both of them of their German citizenship.

In exile, Guggenheim lived in rather narrow circumstances. He gradually had to part from the few possessions he had managed to save. After 1945 he fought for several years and with increasing bitterness for a pension for his activities as a notary and for compensation for his expropriated property. Despite his persecution, Guggenheim maintained his ties with Offenbach, where he was made an honorary citizen in 1948. "My thoughts are always in Offenbach" he wrote in his last New Year's greetings to the city in 1960. However, he refused to return to Germany or visit Offenbach in view of the deprivation of rights and the humiliating treatment he had experienced. Only in death did Siegfried Guggenheim return to Germany. Following his last wish, his ashes were buried in his wife's family's grave in Offenbach.



Siegfried Guggenheim in his apartment in Flushing (New York/USA), sitting under a tapestry bearing his family's coat of arms and motto, n.d.

Odyssey across the seas

Bruno Cohn (later Bruce Carter)

5 October 1904 Angerburg (East Prussia) – 12 March 1988 Los Angeles

„Due to the measures taken by the Hitler Government, I have thus lost my profession twice...“

Bruno Cohn passed his *Abitur* in March 1923 in Königsberg, studied law and set up as a lawyer in Luckenwalde in early 1931. Only two years later the National Socialists brought his career as a lawyer to a halt: In June 1933 he was banned from practising as a lawyer because he was Jewish. Bruno Cohn found a new job in a hat factory in Luckenwalde, where he worked until this Jewish enterprise was liquidated on Government order in late 1938.

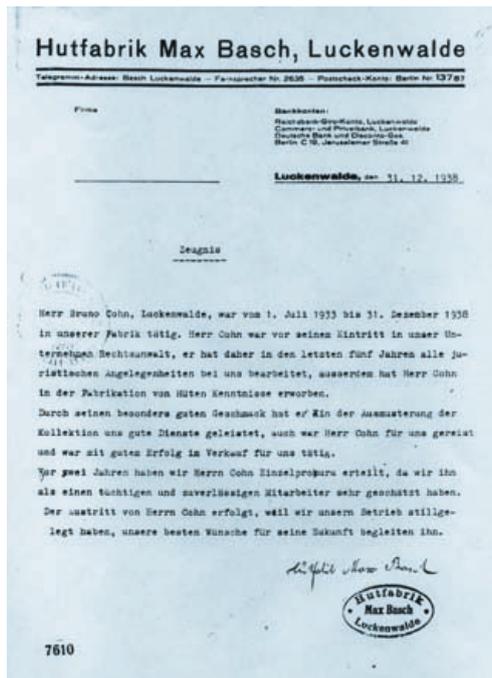
In October 1934 Bruno Cohn got married. With his wife Edith he had three children.

A daughter was born in 1935, a son followed in 1938, and a second son was born in 1943, just as they were fleeing the country.



Sammlung Dörfer, Bennet, Luckenwalde

Wedding picture, 1934



Niederdeutscher Hauptstaatsarchiv Hannover

Reference provided by hat manufacturer Max Basch

Shortly after Pogrom Night, Bruno Cohn was arrested on 10 November 1938 in East Prussia. He was released after seven weeks on the condition that he would leave Germany within a month. In late January 1939 Bruno Cohn left for Holland. His family remained in Luckenwalde. Bruno Cohn did not obtain a work permit in Holland, he was only tolerated there and his family was not allowed to join him. Cohn applied for a visa to the United States. Due to the long waiting lists he bought a visa for Chile in November 1939. His wife and his one-year-old son were finally able to leave Germany half a year later; the four-year-old daughter had already been taken to England in March 1939.

At the end of May 1940 the refugees reached Chile on the freighter *Ulysses*. The authorities refused the permission to land and declared the visas invalid. The refugees were facing the risk of having to return to Holland. Due to the War, however, the ship was sent to the island of Curaçao in Dutch West Indies and they were held in an internment camp as German citizens until the end of 1942.

Only after they had been released from the camp the family could return to a fairly normal life. Bruno Cohn managed to find a job. His income remained very modest, but it was just enough to make ends meet. After more

than eight years of separation, the family was finally reunited in late 1947: The daughter, now 14 years old, who had been sent to England in 1939, was allowed to move to Curaçao. However, living conditions remained oppressive and they all suffered under the tropical climate. In the spring of 1953 the family finally obtained the permission to enter the United States and settled down in Los Angeles. Bruno Cohn acquired US citizenship and changed his name to Bruce Carter. Finding an occupation that would have corresponded to his qualifications turned out to be impossible. At first he worked in a shoe shop and later in a factory.

In March 1988 Bruce Carter died in Los Angeles. He was buried on the local Jewish cemetery.



Heimatsmuseum Luckenwalde

Luckenwalde synagogue

From lawyer to farmer to coffee house owner

Max Ferse

24 December 1886 Röhlinghausen – 16 October 1946 Tel Aviv/Israel

"At first we had a farm. And we learned how to work the land. That was no fun at all. And it was a difficult and hard learning process which did not come at the right time at all. But somehow we learned how to do it and somehow we managed. And we also had a chicken farm. I don't know exactly, maybe 500 chickens or so. So we had to learn how to keep chickens. And that wasn't easy either... You don't just become a farmer overnight... The small town we had moved to was called Naharija... "
(Daughter Judith Broude, née Ferse, 1995)



Max Ferse, approx. 1920

Law regarding admission to the legal profession of 7 April 1933 (*Gesetz über die Zulassung zur Rechtsanwaltschaft*), Ferse was banned from representing clients on 25 April 1933. However, since Ferse had been admitted to the profession prior to 1914 and had been fighting at the front line, the ban was lifted shortly afterwards. And still, on 8 June 1933 the President of the Regional Court in Bochum sent an inquiry to the *Gauleiter* of the NSDAP in South Westphalia and to the Chairman of the local division of the National Socialist German Jurists' Association (*Bund Natio-*

Max Ferse passed the first law examination in 1909, the final State Examination (*Große Staatsprüfung*) in 1913. In January 1914 he was admitted as a lawyer to the Local and the Regional Court in Bochum, in 1924 he was appointed as a notary. His office was first in *Kortumstraße 71*, later he moved to *Kaiser-Wilhelm-Straße 8*.

In 1916 Ferse was wounded and released from war service. He received the Iron Cross 1st class. His brother Erich was killed during the First World War. With reference to the implementation provisions of the



The Ferse family's living room in Bochum, Kaiser-Wilhelm-Str. 8, late 1936



"And our first dwelling place was on that piece of land we had there, a hut made of corrugated iron. And this was about the most inappropriate material to have in this heat in Palestine." Judith Broude, September 1995 in Bochum

nalsozialistischer Deutscher Juristen, BNSDJ), asking whether Ferse and others "have acted against the national interest, in particular by donating money to the KPD, or if they fail in any other way to vouch for their support of the national State without reservation and at any time." The replies were contradictory: The BNSDJ *Gaubmann* said on 4 July 1933 that Ferse was not suspicious of any Communist activities, *Kreisleiter* Riemenschneider – on behalf of *Gauleiter* Wagner – wrote in his letter of 30 June 1933 to the Regional Court's President that it was not desirable that Ferse be re-admitted. He referred to an incident in 1922: at that time Ferse had insisted as a lawyer at a session of the Magistrates' Court (*Schöffengericht*) that the keeper of the minutes of the proceedings had to remove his golden swastika pin. In 1933 Ferse was briefly arrested, retained his admission as a lawyer, but was forbidden to practise as a notary on 25 August 1933.

Max Ferse was a Zionist and tried to emigrate to Palestine soon. After having explored the country in October/November 1936, he emigrated to Palestine with his wife Edith, his two children Erich and Gertrude and with his sister

Grete with a so-called Capitalist's Certificate (*Kapitalistenzertifikat*). Initially they had a farm and bred chickens in Naharija, from 1939 they ran a restaurant in Tel Aviv. Due to a bout of malaria, Ferse was unable to obtain an additional qualification as a lawyer in Palestine and in 1937 he briefly thought about returning to Bochum. In December 1937 he finally applied for deletion from the register of lawyers admitted to the Bochum Local and the Regional Courts.

Max Ferse died of cancer on 16 October 1946, his wife died in 1986. His son Erich still lives in Israel, his daughter is married to Rabbi Dr. Samuel Broude and they live in the United States. Both of Max Ferse's children visited Bochum in 1995.

Dr. Hubert Schneider

Momentous times, the 1920s

Eugen Friedlaender

16 September 1878 Berlin – 16 June 1952 New York



Eugen Friedlaender as a young man

„Fama crescit eundo –
the rumor grows
as it goes about...”

Friedlaenders first words of his plea
in the Erzberger case, 1920

Eugen Friedlaender was a German patriot who fought for Germany in World War I. After graduation and legal training (*Referendariat*), Friedlaender settled in Berlin.

In the early years of the Republic he was asked to represent the co-plaintiff in a lawsuit that was among the most spectacular cases in Germany during the 1920s: Finance minister Mathias Erzberger had sued the banker and rightwing politician Karl Helfferich, because the latter had publicly accused Erzberger of various malfeasances and started a propaganda campaign against him. Helfferich had called Erzberger a "spoiler of the empire" and demanded Erzberger's resignation in German newspapers. This case became significant because it demonstrated the power of the press and the risks involved for the plaintiff. In the course of the lawsuit, Helfferich's lawyers, among them the attorney Max Alsberg, forced Erzberger into a more and more defensive position. Before the judgement, the effects of the hate campaign against Erzberger manifested themselves: he was shot by a young man in court. The *"Berliner Tageblatt"* reported in bold type on the front page on January 27, 1920: Assassination attempt against Erzberger. His lawyer, Dr. Friedlaender, "...jumped at the young man trying to wrest the gun away from him. However, before his attempt succeeded, the young man shot a second time, Erzberger fell to the ground, uttering a cry of pain..." Erzberger survived, because his courageous lawyer had been able to help him. In the end, Erzberger supported by his lawyers won the case. But Helfferich was fined 300 Reichsmark, a relatively small sum, while Erzberger's position was seriously compromised and he was forced to resign. When Erzberger tried to return to politics a year later, he became the victim of a second assassination attempt by two rightwing attackers who shot and killed him.

Friedlaender was a highly regarded member of society and a distinguished lawyer, also serving at the highest court in Germany, in Leipzig. Yet, he avoided litigation whenever he could. He remained a successful counsel for large companies and mining cartels, among others, but also to many families.

Friedlaender was a highly regarded member of society and a distinguished lawyer, also serving at the highest court in Germany, in Leipzig. Yet, he avoided litigation whenever he could. He remained a successful counsel for large companies and mining cartels, among others, but also to many families.

After the takeover by the Nazis, the atmosphere changed dramatically and many people openly flaunted their party membership. Friedlaender's son remembers: "My father had a meeting as counsel of the *Steinsalz-Syndikat* (rock salt syndicate) at the Adlon the day Hitler took power at the end of January. Father's car arrived at the *Brandenburger Tor* (Brandenburg Gate), a uniformed storm trooper mounted the running boards, and he was escorted to the Adlon where everybody came to attention and he was received as an honored guest. The procedure was repeated when he departed and he asked his chauffeur why. The driver sheepishly confided that, ...he had shown his N.S.D.A.P. membership card with its extremely low number which he had precautionarily taken out while Hitler was still one of the unknown extremist troublemakers or even in jail..."

On March 30, 1933, a day before the nationwide boycott day instigated by the Nazis, Friedlaender and his wife were on vacation in San Remo. As a "veteran who fought at the front," Friedlaender was still able to continue practicing law, but was disbarred a year later, as the note "inactive" in his file indicates. Friedlaender left everything behind when he left Berlin and arrived in New York in 1937, where he spent the rest of his life, however, without working as a lawyer again. He died at the age of 73 in June 1952.



Impressions from the Helffferich trial in the press



Eugen Friedlaender and his wife Hedwig, née Gumpel, with their son and daughter, about 1920



Eugen Friedlaender, drawing by the well-known artist Eugen Spiro, 1949

A Traveler Across All Continents

Bruno Weil

April 4, 1883, Saarlouis – November 11, 1961, New York

I looked at many additional files, I cannot list them all here, but they all form one single picture, a characteristic trait of Nazism: Cruelty and disrespect of others; an obsession with writing and an excruciating emphasis on details. On a few occasions, some penciled in comments come across as an attempt to promote a more humane point of view."

Weil in an article after visiting Berlin, June 1949



Bruno Weil, 1920s

Leo Baeck Institute, AB 7108, Photos Box III

Bruno Weil, a German Alsatian, opened a law firm in Strasbourg in 1910. From 1915 to 1918 he served in the German army during World War I, initially on the Western front. After publishing an article critical of the situation in Alsace in a Frankfurt newspaper, he was court-martialed and sent to the Eastern front. Bruno Weil was never shy to speak his mind, at times very forcefully, a trait that was never to leave him as long as he lived.

In 1920 he left Alsace—which had become French again after World War I—and settled in Berlin, where he worked as a trade lawyer and notary. In addition, Weil served as

secretary of the Central Association of German Citizens of the Jewish Faith, the *Centralverein*, an organization dedicated to fighting anti-Semitism. In 1930, the *Centralverein* nominated him deputy of the *Reichstag*, the German parliament, as a member of the German State Party, whose only Jewish candidate he was.

Weil also published several books, including a publication on the Dreyfus trial that ends with the words: "There is no freedom without justice!" Apart from German, he spoke French and English fluently, gaining him a position as a legal representative at the French embassy in Berlin.

As a war veteran who had fought at the front and member of the bar before 1914, Weil was able to continue practicing as an attorney even after the Nazis came to power in 1933. However, he was prohibited from practicing as a notary in 1935.

Weil and his wife Alice became citizens of Argentina in 1936. The couple traveled extensively and on a trip to Paris in 1939, were caught in France after the outbreak of World War II. Weil was interned as an enemy alien in the *Le Vernet camp* in the Pyrenees and was not reunited with his wife in the U.S. until 1940. He wrote about his experiences in the camp in an eyewitness report titled, "Barracks 37 – Stand at Attention! I Saw France's Downfall from behind Barbed Wire."

The couple traveled untiringly across the American continent organizing aid committees for European refugees. In 1942, Weil co-founded the Axis Victims League and the American Association of Former European Jurists in New York and became its vice president.

After the end of World War II Weil became involved in restitution matters and worked to strengthen democracy in his old home country. In addition, he created a network of institutions supporting immigrants. When Weil died in 1961 at the age of 78, one of the speakers at his funeral expressed what many might have felt, "His life was fulfilled. May we derive comfort from the thought that he enjoyed it." (Lowenthal)

Simone Ladwig-Winters



Dr. Ernesto J. B. Weil and Mrs. Weil who arrived from New York yesterday.

REUNITED AND SAFE

Life in Concentration Camps

AFTER a dramatic reunion in New York, following months of separation in French concentration camps, Dr. Bruno Weil, prominent international lawyer and legal author, with his charming wife Alicia, sailed from New York on the Brazil and arrived in Buenos Aires yesterday.

Newspaper article on Bruno Weil's reunion with his wife Alicia after release from French concentration camps, 1940



Bruno Weil with fraternity brothers

Leo Baeck Institute, AB 7108, Photos Box III

The end of persecution

Conclusion



Private collection

Dr. Eugen Friedländer, a lawyer from Berlin, – here in a drawing by Spiro – emigrated to the United States with his family at the end of March 1933; he never set foot on German soil again.

Between 1933 and 1945 the legal profession lost its freedom. An entire profession was deprived of its independence and subject to the decision-making power of the National Socialist State. The antisemitic exclusion of Jewish lawyers benefited the non-Jewish colleagues. After the first prohibition for Jewish lawyers to practise law in 1933, which still provided for some exceptions, the general prohibition of 1938 had the effect that there were no Jewish lawyers anymore in Germany. Only those who were considered 'Mischlinge' (Hybrids) and those who were admitted to practise as 'Konsulenten' (Legal Consultants) were allowed to work in the legal domain. According to Nazi terminology, the legal profession was 'entjudet' (free of Jews). The ostracism and eviction of a large part of German lawyers did not only leave its mark on the situation prevailing in the administration

of justice during the National Socialist regime, but also on the reshaping of the legal system from 1945 onwards. But the effects were even more comprehensive. Lost were the people as carriers of contents, values and ideals.

Persecution left its mark on the lives of several generations: families and circles of friends were ripped apart, the people – if they survived – were severely trauma-

tised. What had happened to the individual? In Berlin, for example, almost one in four Jews whose fate is known to us, was killed. Some escaped murder by deciding to commit suicide. But even those who died of a so-called 'natural death' often died because of the immediate effects of humiliation and persecution. In some cases, like Justizrat Dr. Bruno Marwitz and Ernst Liedtke, for example, friends and family stated explicitly that they died of 'a broken heart' over the situation in Germany.

A few lawyers survived the camps or managed to 'disappear'. Almost all of them stayed in Germany and tried to start a new life after 1945. Some of those who had been able to emigrate returned. But the majority stayed in the countries that had offered them protection in the times of persecution. A phrase used by Siegfried Neumann applied to all of them: "This was not emigration, this was expulsion".

The fate of the individual lawyers presented here demonstrates how much intellectual power, linguistic brilliance and human diversity was lost through forced isolation, fragmentation, expulsion and murder.



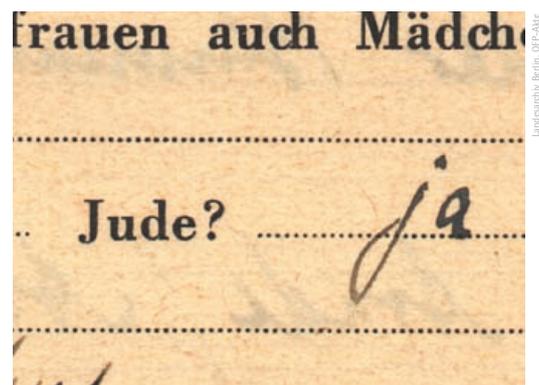
Judisches Museum Berlin

Rechtsanwalt Dr. Julius Fliess – with his daughter Dorothee in Berlin, 1942 – wearing a needle of honour on his lapel. Fliess was allowed to continue to practise as a lawyer after 1933 because he had been fighting at the front line in the First World War. His admission as a notary was revoked in 1935. Following the general prohibition of 1938, Fliess was admitted as a 'Konsulent' (Legal Consultant) and had to adopt the obligatory Jewish first name 'Israel'. In 1942 Fliess fled to Switzerland with his family in the framework of the 'Operation U-7', initiated by Wilhelm Canaris. They thus escaped deportation by a hair's breadth. He returned to Berlin in 1947 and was re-admitted as a lawyer the following year, later also as a notary. He died in Berlin in 1955.



Schiller-Nationalmuseum, Marbach

Justizrat Ludwig Chodziesner (28 August 1861 Obersitzko – 13 February 1943 Theresienstadt/Terezin) surrounded by the members of his family. Far left, his daughter Gertrud Kolmar, the famous lyric poet who was murdered in Auschwitz; front right, his daughter-in-law Dorothea née Galliner, also a lawyer (29 October 1904 – 6 November 1943). She emigrated to South America whereas her husband, who had left for England before her, was deported to Australia because he was considered a 'hostile foreigner'. Dorothea died in Chile, her son was given to foster parents and he reached his father in Australia only after the war had ended. In the meantime, Ludwig Chodziesner had died in Theresienstadt (Terezin). A distant relative, Hilde Benjamin, who later was to become Minister of Justice in the GDR, had helped him pack his belongings.



Landesarchiv Berlin, OP-Alt

Extract from Georg Hamburger's declaration of property



The exhibition "Lawyers without Rights" presented in the USA
is supported by the German Federal Foreign Office

