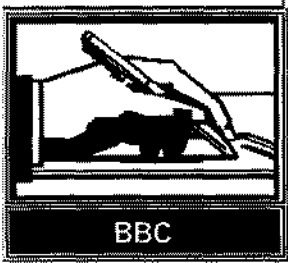




"Those willing to give up essential liberty in order to obtain temporary safety deserve neither liberty or safety." Benjamin Franklin

Hitler's Enabling Act <http://www.historyplace.com/worldwar2/timeline/enabling.htm>



On March 23, 1933, the newly elected members of the German Parliament (the Reichstag) met in the Kroll Opera House in Berlin to consider passing Hitler's Enabling Act. It was officially called the 'Law for Removing the Distress of the People and the Reich.' If passed, it would effectively mean the end of democracy in Germany and establish the legal dictatorship of Adolf Hitler.

The 'distress' had been secretly caused by the Nazis themselves in order to create a crisis atmosphere that would make the law seem necessary to restore order. On February 27, 1933, they had burned the Reichstag building, seat of the German government, causing panic and outrage. The Nazis successfully blamed the fire on the Communists and claimed it marked the beginning of a widespread uprising.

On the day of the vote, Nazi storm troopers gathered in a show of force around the opera house chanting, "Full powers - or else! We want the bill - or fire and murder!!" They also stood inside in the hallways, and even lined the aisles where the vote would take place, glaring menacingly at anyone who might oppose Hitler's will.

Just before the vote, Hitler made a speech to the Reichstag in which he pledged to use restraint.

"The government will make use of these powers only insofar as they are essential for carrying out vitally necessary measures...The number of cases in which an internal necessity exists for having recourse to such a law is in itself a limited one." - Hitler told the Reichstag.

He also promised an end to unemployment and pledged to promote peace with France, Great Britain and the Soviet Union. But in order to do all this, Hitler said, he first needed the Enabling Act.

A two thirds majority was needed, since the law would actually alter the German constitution. Hitler needed 31 non-Nazi votes to pass it. He got those votes from the Center Party after making a false promise to restore some basic rights already taken away by decree.

However, one man arose amid the overwhelming might. Otto Wells, leader of the Social Democrats stood up and spoke quietly to Hitler.

"We German Social Democrats pledge ourselves solemnly in this historic hour to the principles of humanity and justice, of freedom and socialism. No enabling act can give you power to destroy ideas which are eternal and indestructible."

This enraged Hitler and he jumped up to respond.

"You are no longer needed! - The star of Germany will rise and yours will sink! Your death knell has sounded!"

The vote was taken - 441 for, only 84, the Social Democrats, against. The Nazis leapt to their feet clapping, stamping and shouting, then broke into the Nazi anthem, the Hörst Wessel song.

They achieved what Hitler had wanted for years - to tear down the German Democratic Republic legally and end democracy, thus paving the way for a complete Nazi takeover of Germany.

>From this day on, the Reichstag would be just a sounding board, a

cheering section for Hitler's pronouncements.

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A MORE EXTENSIVE EXPLANATION

The Enabling Act - March 23, 1933

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On January 30, 1933, Adolf Hitler was elected Chancellor of the Weimar Republic. He swore the oath: "I will employ my strength for the welfare of the German people, protect the Constitution and laws of the German people, conscientiously discharge the duties imposed on me and conduct my affairs of office impartially and with justice to everyone. (Dawidowicz 48). By this time, his mind was already set on the destruction of the Weimar Constitution. He was preparing himself to unleash a relentless war on his enemies: democracy, freedom, pluralism, and, above anything else, the Jews. Under the Article 48 of the Weimar Constitution, the Chancellor had the authority to impose dictatorial power to protect the democratic order from being overthrown. This measure was intended to put a stop to a possible Communist revolution. In February 4, 1933, Hitler convinced Paul von Hindenburg, the president of the Weimar Republic, to sign a decree that authorized the Minister of the Interior and the police to prohibit public meetings and publications that could endanger public security.

To Hitler's advantage, the Reichstag building was set on fire on February 27, 1933. A deranged Communist pyromaniac, Marinus van der Lubbe was blamed for the crime. However, the Nazi party more than likely staged the fire and used Lubbe as an scapegoat in order to blame the Communists. Consequently, the incident yielded political unrest in Germany and provided Hitler the opportunity to issue a series of emergency decrees over Hindenburg's signature that undermined the Constitution and destroyed basic liberties. "Described as measures to ward off 'Communist acts of violence endangering the state,' these decrees suspended all fundamental freedoms of speech, assembly, freedom from invasion of privacy (mail, telephone, telegram) and from house search without warrant" (50).

Hitler's next step was to acquire the two-thirds majority vote in the new Reichstag session that was necessary for the Enabling Act to be passed. The Enabling Act gave the government the absolute power to pass legislation for a specific period of time. Using the SA (Sturmabteilung-Storm Troops), Hitler ardently suppressed Communist, Socialist, and Catholic opposition throughout Germany up until the new elections of the Reichstag were held. The new Reichstag met in March 23, 1933, to vote on the passing of the Enabling Act. In this session, all of the Communist deputies and 26 Socialist deputies were missing because they had been arrested or they fled the country. When the vote was taken, 441 deputies voted in favor of the Act and all of the Social Democrats present voted against it. Thus Hitler came to near absolute power.

With the Enabling Act passed, Hitler legally acquired dictatorial powers in Germany. The government now had the power to make any legislation necessary, which would be primary to the Constitution, for four years. With this authority, he would reset the conditions of the act in order to stay in power.

The Jewish Question

Having obtained dictatorial powers over Germany, Hitler focused his attention on what he would do about the Jews. His first step was to appoint Josef Goebbels as the Minister of Public Enlightenment and Propaganda. His instructions, as recorded in his diary, were:

We shall only be able to combat the falsehoods abroad if we get at those who originated them or at those Jews living in Germany who have thus far remained unmolested. We must, therefore, proceed to a large-scale boycott of all Jewish business in Germany. Perhaps the foreign Jews will think better of the matter when their racial comrades in Germany begin to get it in the neck.(52)

Hitler also started the boycott committee by assigning Julius Streicher to work on it. The boycott was initiated by spontaneous anti-Semitic acts by the SA and Nazi members against Jewish-owned businesses. On March 11, 1933, Herman Göring said that

"I will ruthlessly set the police at work wherever harm is being done to the German people. But I refuse to make the police the guardians of Jewish department stores" (52).

The anti-Semitic violence dramatically increased throughout Germany on a daily basis and brought worldwide criticism on the Germans. As a result, Hitler ordered Göring to take care of things. On March 26, 1933, he held a meeting with the Jewish business leaders where he directly ordered them to inform Jews throughout the world to cease spreading stories of German atrocities toward Jews and demands to halt the boycott. Unwillingly, the Jews conceded to the order. The main reason behind this decision was that their families' lives as well as their own were at stake. The typical message from the Berlin Gemeinde (Jewish community)

was:

According to newspaper reports, atrocity and boycott propaganda against Germany is continuing overseas, apparently in part also by Jewish organizations. As Germans and Jews we must enter a decisive protest against this. The dissemination of untrue reports can only bring harm, affecting the reputation of our German fatherland, endangering the relations of the German Jews with their fellow citizens. Please try urgently to see to it that every atrocity and boycott propaganda report is halted.(53)

On April 4, 1933, Goebbels ended the boycott with the declaration that it had been successful in ending the "outrageous foreign propaganda" (54). In all, over 400 laws and decrees were passed by the Third Reich, resulting in the destruction of the Jewish population in Europe. On April 25, the government issued the Law Against the Overcrowding of German Schools and Institutions of Higher Learning, causing the reduction of the non-Aryan students attending schools. The National Press Law placed newspapers and writers under state supervision. With

these laws and decrees, the Nazis accomplished the exclusion of Jews from public life, government, culture, and the professions. Most adults had to prove their ancestry, especially civil workers, back to three generations.

The Nazi party faced little opposition within Germany. Most intellectuals supported the party, enhancing it with their prestige, or otherwise fled to other countries to avoid the consequences. The SA was the only group to show their dissatisfaction with Hitler's leadership. In 1934, Hitler moved against the SA and its leader, Ernst Röhm, his one-time comrade. In June 30, the SS (Schutzstaffel-Defense Corps. Most sinister of Nazi organizations). was responsible for a purge which killed over 200 SA men, including Röhm.

In May 21, 1935, Hitler offered to conclude bilateral non-aggression pacts with all of Germany's neighbors and solemnly assured the world that he wanted only peace. Boycotts and terrorism against Jews resumed in March 1935. Then, suddenly, the SS and the party called a halt. Frick even went so far as to draft an order disciplining citizens that acted against the Jews. It was never issued.

The Nuremberg Laws

In 1935, the violence of the Nazi anti-Semitism was once again channeled into law. A series of laws were unanimously adopted at the annual Congress at Nuremberg. These laws, termed the "Nuremberg Laws," made anti-Semitism legal and enforced the disenfranchisement of non-Aryan German subjects. Göring emphasized that the Nazis would not allow interracial marriages in a campaign speech. The party encouraged pyre marriages and oaths of political loyalty, both of which were required by law after 1933. Euthanasia followed as a logical consequence to the Nazi goal of the purest people. In September, Frick oversaw the drafting of the Law for the Protection of German Blood and German Honor. It, and the later Reich Citizenship law, "protected" the true German population from the taint of non-Aryan races. Reich citizenship was bestowed on either those who were racially pure or politically subservient.

A Jew was anyone with at least three full Jewish grandparents. Also legally to be regarded as a Jew was someone who had two full Jewish grandparents and who belonged to the Jewish religious community when the law was promulgated September 15, 1935, or who joined later, or who was married to a Jew then or later, or (looking to the future) who was the offspring of a marriage contracted with a Jew after September 15, 1935, or who was born out of wedlock after July 31, 1936, the offspring of extramarital relations with a Jew. Anyone who was one-eighth or one-sixteenth Jewish-with one Jewish great-grandparent or great-great-grandparent-would be considered as of German blood.(58).

Unfortunately, what rights the people enjoyed were false. "There were no political parties, no elections, no freedoms, no protections...unless the Reich citizen [supported the party absolutely], he would more likely be cadaver than citizen." (68).

The laws enacted between 1933 and 1935 set the Jews (and other non-Aryans and non-Germans) apart from the Germans legally, politically, socially, and economically. They would lose all access to the law and become playthings for the secret police.

The Nazi party followed a program introduced as early as 1847 and outlined in Hitler's *Mein Kampf*. By 1935, the Jews and non-Germans had been totally disenfranchised. The Nuremberg laws foreshadowed the dark path towards which Hitler was leading Germany. The Law for the Protection of German Blood and German Honor, he said, was "an attempt to regulate by law a problem that, in the event of repeated failure, would have to be transferred by law to the National Socialist Party for the Final Solution" (69). As the Nuremberg laws went into effect, the Jews found themselves increasingly under the jurisdiction of the state as well as of the SS.

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Enabling Act

From Wikipedia, the free encyclopedia.

The Enabling Act (in German: Ermächtigungsgesetz) was passed by the Reichstag on March 23, 1933. It was the second major step after the Reichstag Fire Decree through which the Nazis legally established their dictatorship.

The full name of the Enabling Act was Gesetz zur Behebung der Not von Volk und Reich (Law in order to remedy the misery of the people and the Reich).

As with most of the laws passed in the process of Gleichschaltung, the Enabling Act is quite short, considering its consequences. It shall therefore be reproduced in full:

German English Translation

1. Reichsgesetze können außer in dem in der Reichsverfassung vorgesehenen Verfahren auch durch die Reichsregierung beschlossen werden. Dies gilt auch für die in den Artikeln 85 Abs. 2 und 87 der Reichsverfassung bezeichneten Gesetze. 1. Other than through the procedure prescribed by the constitution, laws of the Reich may be decided upon by the government of the Reich as well. This includes laws as referred to by articles 85 subsection 2 and 87 of the constitution. [These articles refer to the parliamentary budget rights.]

2. Die von der Reichsregierung beschlossenen Reichsgesetze können von der Reichsverfassung abweichen, soweit sie nicht die Einrichtung des Reichstags und des Reichsrats als solche zum Gegenstand haben. Die Rechte des Reichspräsidenten bleiben unberührt. 2. Laws decided upon by the government of the Reich may deviate from the provisions of the constitution insofar as they do not affect the institutions of the Reichstag and the Reichsrat as such. The constitutional rights of the Reichspräsident shall remain intact.

3. Die von der Reichsregierung beschlossenen Reichsgesetze werden vom Reichskanzler ausgefertigt und im Reichsgesetzblatt verkündet. Sie treten, soweit sie nichts anderes bestimmen, mit dem auf die Verkündung folgenden Tage in Kraft. Die Artikel 68 bis 77 der Reichsverfassung finden auf die von der Reichsregierung beschlossenen Gesetze keine Anwendung. 3. Laws decided upon by the government of the Reich shall be issued by the Chancellor [i.e. Hitler] and announced in the Reich Law Gazette. They shall take effect on the day following the announcement, unless they prescribe a different date. The articles 68 to 77 of the constitution shall not be applied to laws decided upon by the government of the Reich. [These articles regulate the ordinary procedure of legislation.]

4. Verträge des Reiches mit fremden Staaten, die sich auf Gegenstände der Reichsgesetzgebung beziehen, bedürfen für die Dauer der Geltung dieser Gesetze nicht der Zustimmung der an der Gesetzgebung beteiligten Körperschaften. Die Reichsregierung erläßt die zur Durchführung dieser Verträge erforderlichen Vorschriften. 4. Contracts of the Reich with foreign states which affect matters of Reich legislation shall not require the approval of the bodies concerned with legislation. The government of the Reich shall issue the prescriptions required for the execution of such contracts.

5. Dieses Gesetz tritt mit dem Tage seiner Verkündung in Kraft. Es tritt mit dem 1. April 1937 außer Kraft, es tritt ferner außer Kraft, wenn die gegenwärtige Reichsregierung durch eine andere abgelöst wird. 5. This law shall take effect with the day of its announcement. It shall become invalid on April 1, 1937 or earlier, if the present Reich government is succeeded by a different one.

While there had been previous enabling acts in the history of the Weimar Republic, this one was far more reaching since Article 2 allowed for changing the constitution as well. The law therefore formally required a two-thirds majority in the Reichstag. Hitler had taken care of that

though: by the powers provided of the Reichstag Fire Decree, most of the KPD deputies were already jailed, and those mandates were declared "dormant" through a change of the Reichstag rules of procedure. The remaining members of parliament were intimidated by the SA surrounding the parliament hall. In the end, only the Social Democrats voted against the bill.

It is symptomatic of the pain that the Nazis took to give their dictatorship a legal appearance that the Enabling Act was indeed formally prolonged twice by the Reichstag beyond the 1937 date.

After the Enabling Act, KPD and SPD were outlawed. Another law from July 14, 1933 prevented the foundation of new political parties. See Gleichschaltung for more information about the subsequent steps.

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