ANTI-JEWISH MEASURES AS A PREPARATION STEP TO THE WAR OF AGGRESSION

From Article 5 of the Charter of the International Military Tribunal it follows unequivocally that "crimes against humanity" include not only acts of violence, enumerated in the above article, which were perpetrated against the civilian population "before or during the war," but also "persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

Persecutions of political, racial or religious minorities were carried out by Nazis not only by means of acts of violence (bustings, pogroms, prevention of liberty, treatment of Jews, etc.), but also by means of special laws which by their very content, form and purpose were both unlawful (unconstitutional) and criminal.

The Purpose of Anti-Semitic Legislation

Hitler's legislation of the earlier period up to the Nuremberg laws was designed mainly to destroy the spiritual, cultural and economic life of the Jews, and to segregate them from the people among whom they lived for generations.

The defendant Priess, former Reich Minister of the Interior, wrote in 1934: "Das Schuldengesetz steht in der politischen Ebene, das Bildungsgesetz in der Wirtschaftsebene" (Zeitschrift für Soziologische Rundschau. 1936, p. 2 ff.)

The second period of Nazi legislation can be characterized as the final destruction of the economic life and the beginning of successive exterminations. The third period consisted in the physical extermination of Jews. In every one of these steps the law gave villains and eager cooperation and collaboration.
On the day of boycott (April 1, 1933) the Nurnberger Nachrichten appeared with this headline: "War at the Jewish World Power," and the defendant Julius Streicher, official boycott leader, began his article with the following words: "This hour the greatest war of all time is being declared."

However, government officials were afraid of the reaction which measures of violence against Jews might produce in Europe and America and preferred so-called anti-Jewish legislation to direct action. The reason given by Gen. Wrangel, Chief of the Police in Frankfurt-on-the-Main, to the terrorized Jews clearly illustrates the method the Nazis had chosen in the earlier period in order to exterminate them: "You, Jews, need not trouble us. We will be legal, on legal, yes, because we are one of our legality." (Staat, Sozial und Recht, Berlin, 1934, p. 199.) These words show that the Nazis were determined to oppress and exterminate the Jewish people.

The purpose of this legislation was threefold:

1. To create a monolithic German Volksstammstolz by eliminating the Jewish element which by its very nature was the bearer of democratic ideas and, therefore, the stumbling block for a war-ready Germany, morally, spiritually and materially.

2. To use anti-Semitic propaganda as a powerful means for the disintegration of national unity and for the weakening of the morale and the will of resistance of the prospective enemies in the planned war of aggression.

3. To use Jewish wealth and Jewish physical labor up to the last ounce of energy for the German State and the German war machine.

The Jews were eliminated from the economic, military, cultural and social life because the Nazis wanted to create a monolithic state composed of elements blindly obeying Hitler and sharing Nazi ideology. Hitler stated that National Socialists fight with such fanaticism, against the Jews because it is their duty to establish in Germany a true community of the people" (Hitler: Mein Kampf, p. 189).
This idea is most clearly expressed in the preamble to the Civil Service Law of January 21, 1937. Hitler demanded a professional body of officials rooted in the common people and patterned with the National Socialist Volkswirtschaft, which is loyal to the Fatherland of the German Nation and People (GWA. L. 1937, p. 4).

The violent anti-Jewish crusade in the racial legislation was an explosive weapon of deadly efficiency used by the Nazis in all foreign countries in the hope of provoking serious internal discord, creating political disorder, and corrupting the state apparatus, thereby undermining the strength of the country and seriously compromising its power of resistance in case of an armed conflict planned by the Nazis. As Walter Lauter put it: "The Jewish question is the dynamic with which we exploit the forces where the last liberalist efforts have their former justified way of living with the false ideals of liberalism." (Berlin, September 12, 1932).

The real purpose of Nazi racial legislation was that it might change the situation among their enemies in their favor. "It is an iron law that a trend... implying as it does moral danger to the Jews can never be reversed once the people begin to feel the bite of justice in their own body." (Jewish Social Review, May 27, 1942). Anti-Semitism drove a wedge into foreign Jewry, created a powerful Fifth Column, prepared the ground for future collaborators, and undermined the national spirit of resistance. Anti-Semitism was to serve as a great factor of disunity in the international life of Europe. The adoption of racial legislation became compulsory for future nations of Hitler. In a conversation with the Czechoslovak Ambassador, after the occupation of Czechoslovakia, Hitler declared:

"This war must be destroyed. The Jews are our sworn enemies and by the end of this year there will not be a Jew left in Germany... We will give similar advice to Romania, Hungary, etc. Germany will seek to form a bloc of anti-Semitic states, as she could not be able to treat as friendly states in which the Jews, either through their economic activity or through their high positions, could exercise any kind of influence." (The French Foreign Office, 1942)."
The anti-Semitic legislation before and during the war was one of the significant means of preparing and waging an aggressive war. It was directed not only against Jews, but also against democratic elements which Germany wanted to destroy. The form and subject of anti-Semitic legislation were also unlawful. Hitler and his gang were afraid that some of the Socialists and all Communists would be against the Dictator of Power Law under which he intended to destroy the Reichstag, and that the functioning of the citizens was based on the basis of the Reichs Constitution. This measure was promulgated. As early as March 9, 1933, former Reich Minister of the Interior, now defendant Frick, made the following threatening statements:

"When the new Reichstag convenes on March 27, the Communists will be prevented, by peaceful and legal means, from taking part; they should again become accustomed to productive labor. The concentration camps will provide ample opportunity for this."  

Arbitrary exclusion of legally elected deputies violated the rights of both the deputies and the Constitution itself. Deputies represented the state and not individual parties. The Reich of Power Law was an emergency measure designed to combat the state of crisis. Only the state of emergency was entailed by this change. The fundamental law of the Constitution.

Social legislation — contrary to the Constitution — could not be promulgated on the basis of the power of the Reich. The Reich had used this unlawful means for the preparation of an aggressive war. This war had been waged, among other things, for the destruction of democracy. Consequently, the war has been directed not only internally but also externally against sections of the population which were regarded as enemies of the ideals of democracy.
The Jewish people and Judaism were regarded by the Nazis as the best target for the destruction of democracy. The defendant Alfred Rosenberg wrote in Die Sturz der 20. Jahrhundert (p. 198) that "humanity, liberty, liberation, peace" are the "modern synecdoche of Jewish God," and in his speech on February 19, 1942, Goebbels said that Jews are the glue which hold the anti-Semitic coalition together.

Early in January, 1944, the personnel office of the German Army published a guide for the officers' corps, entitled Professionellen Raum, with preface by Alfred Rosenberg. This pamphlet provides an explicit and blind obligation for each National Socialist and soldier of the German Army to defend it in common against the enemies of the Eternal Father (pp. 2-4). Among these enemies the first place is assigned to Jews which attempts to attain world domination. The pamphlet states that this war is "a world conflict of Jews against the liberation of the Jewish population from the spiritual and material domination of Jews. The spiritual domination of Jews is manifested in the theory of human rights in detriment of the old German principle advocating collectivity, not democracy, but only the Fechter represents the people. Democratic principles exist thanks to the 'false Jewish doctrine and were created solely in the interest of Jews itself." (p. 2). Fascist and internationalist ideas are of Jewish origin. Nazism, therefore, serves as an instrument in the hand of world Jewry by means of which the latter, together with the Jewish liberal Anglo-American philosophy, wants to realize the premises of the Old Testament of world domination by the Jews." (P. 31). "The United States and Great Britain," continues the pamphlet, "fight against Germany because the Jew is the chief war-wage, and the fighting slogan of these countries is the fighting slogan of Jews." (P. 31). In conclusion, this official pamphlet declares that this war is an ideological one. The world has two wars, one, brought up by Judao-Anglo, liberal and democratic principles; the other, an old German tradition of leadership and totalitarian regime." (p. 31).
These allegations are not new. They are a restatement of what Hitler wrote in Mein Kampf and stated in his numerous speeches. For Hitler it was impossible to live together with Jews. The opinion that it would be possible to live together peaceably and even to live in harmony with these elements of decomposition is nothing but the belief that the body in time will reach a state in which it will assimilate the changes brought about by the New York Times, January 31, 1944. In Hitler's opinion, the Jewish people is not only the exception of liberalism, pacifism, internationalism, bolshevism and pacifism, but it has specific aims, that is, to extend its invisible state of supremacy over all other states in the world. The most decisive cause of the German collapse in World War I was the failure to recognize the Jewish menace. This incitement was directed not against a particular state or class in one country, but against entire Jewry as an indivisible body from whose undisturbed guilt there could be neither exception nor redemption.

The Nazi picture is the revival of the German people as dependent upon the extermination of Jews. "This war," said the defendant Goering, "is a war of revenge. It is to decide whether the Germans, the Aryan races, or the Jews shall rule the world. That is what we are fighting for."

In his Political Testament, on the eve of his suicide, Hitler declared once more that this war was caused and provoked exclusively by those international statesmen who either were of Jewish origin or worked for Jewish interests... and that the Jews, the race that is the real guilty party in this monstrous struggle, must be saddled with the responsibility for it. (The New York Times, December 31, 1945).

The primitive conception of the enemy as an outlaw guided the Germans in all relations with Jews not only during the war but in the pre-war period, too.
The expression "We are our enemies" was not merely rhetorical to express their feelings of hostility. Far from it. The Germans interpreted it as a

definite legal obligation and from the legal consequences therefrom, Jews
could not defend their civil rights because "Germany and Germany are hostile to

each other". This is even more true now that Germany is engaged in a war which
was imposed upon her in considerable measure by Jews abroad (Verdict of the

International Berlin, Deutsche Rundschau 1940, p. 397-399). In conformity with

instructions issued by the Ministry of Justice on December 22, 1935, Jews were
to be regarded as enemies, according to Par. 3 of the ordinance concerning

the treatment of enemy property (Deutsche Rundschau, 1940, p. 391). By this or-
dinance Jews were regarded as enemies, as understood by international law,

and their property — still remaining to that after nationalization and confis-
cation — shared the fate of the property of enemy aliens.