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CHAPTER TWO

DISFRANCHISEMENT AND STIGMATIZATION

Disfranchisement signifies the deprivation of the rights a citizen possesses to participate on equal terms with all others in the political, social and cultural life of his country, to enjoy the same protection of the law, to make free use of existing public or private institutions of any kind, to move around freely, etc. Stigmatization is the external or outward branding of the members of a politically and socially inferior group.

A. Intent and Purpose

If the Jews were to meet the fate which was prepared for them in advance, viz., total extinction, they first had to lose the status of normal citizens, inhabitants of a given country, and even that of an ordinary human being; to be deprived of every opportunity of service to the community, to be singled out legally and outwardly as not belonging to

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The same category as the rest, to the extent of being placed in the lowest rung of the Nazi hierarchy of races, religions and peoples, and to be banned from all contact with the remainder of the population. Only in that event could individual Jews be easily identified and accounted for so as to be subjected as a group to the final measure of extermination: to be deprived of all their property and economic activity, herded into ghettos, sent to forced labor and concentration camps, starved to death, and annihilated in gaseous factories. Thus, disfranchisement and stigmatization were the deliberate and premeditated measures applied by Germany to prepare for the mass murder of all Jews and must, therefore, be classified as a preconceived preparatory step to all other crimes committed against the Jews.

h. Scope of the Charge

Jewish disfranchisement and stigmatization under the Nazis involved, inter alia: the major basic step, namely, exclusion from citizenship. This was followed by debarring Jews from partici-

1 - Exhibit C, Germany, Nos. 20, 33, 68, 71, 73, 87, 88, 104, 106, 111; Austria, Nos. 6, 26; Belgium, No. 7; Czechoslovakia, Nos. 1, 3, 14, 19; Exhibit C, France, (Lorraine) No. 13; Poland, No. 31.

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pation in established governmental organs, from public offices,

the police, military service, labor service, and similar honorable

duties, as well as from professions of high social standing (liberal
professions, etc.).³ In the field of cultural activities, it meant

prohibition of work (and later even attendance) in the theatre and

other places of entertainment, the movies, the teaching profession,

the press and literature, and of attending general schools.⁴ Jews

were deprived of the advantage of social security by the denial of

every kind of public assistance and benefits afforded all other

3 - Exhibit D. Germany, Nos. 1, 3, 14, 19, 19, 20, 20, 26, 31, 34,
35, 40, 45, 48, 52, 58, 60, 62, 63, 64, 65, 66, 69, 75, 75, 76, 89,
84, 86, 88, 89, 100, 101, 102, 103, 105, 106, 114, 171, 173; Austria,
Nos. 1, 2, 14, 16, 17, 18, 20; Belgium, No. 3; Czechoslovakia, Nos. 9,
12, 21; France (Lorraine), No. 7; Poland, Nos. 12, 37; Yugoslavia,
No. 7; Netherlands, Nos. 2, 5, 18.
4 - Exhibit C. Germany, Nos. 3, 8, 10, 14, 15, 16, 17, 20, 24, 38,
39, 42, 43, 45, 58, 59, 64, 69, 69, 70, 80, 81, 81, 83, 85, 90, 92,
96, 105, 106, 109, 110, 115, 115, 134, 138, 142, 159, 161, 167, 183,
187, 191; Austria, Nos. 2, 17, 18, 19, 21, 22, 25, 27; Belgium, Nos.
3, 17; Czechoslovakia, Nos. 17, 18, 24, 25, 27, 29, 31, 35, 37, 61;
France (Alsace), Nos. 4, 8, 18; Poland, Nos. 34, 63, 71, 80, 85, 86;
Yugoslavia, Nos. 7, 10, 11; Netherlands, No. 17.
4 - Exhibit C. Germany, Nos. 7, 11, 11, 44, 46, 55, 56, 57, 65, 104,
148, 150, 197, 197; Austria, Nos. 7, 9, 10, 11, 13, 36, 37; Belgium,
No. 3, 9; Czechoslovakia, Nos. 2, 3, 4, 10, 30, 38; France (Alsace),
Nos. 8, 11; (Lorraine), Nos. 6, 7, 11; Poland, Nos. 18, 20, 25, 43,
60; Yugoslavia, Nos. 1, 2, 3, 4, 7, 8, 11; Netherlands, Nos. 2, 11,
13, 23, 26.

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inhabitants (marriage and birth grants, tax exemptions for dependents, social insurance and protection, unemployment relief and so on). All these measures also served to undermine the economic bases of existence. Segregation was ruthlessly enforced in the area of personal relations. Jews were forbidden to live in marriage or otherwise with non-Jews.

A prelude to ghettoization is seen in the segregation measures which prohibited Jews from moving about as freely in time and space as all others, ordered them to live in houses specifically marked as Jewish; deprived them of the right to frequent public buildings (schools, museums and even public parks), and of participation in associations and sporting events; forbade them to appear in certain streets

5 - Exhibit C, Germany, Nos. 12, 23, 29, 117, 132, 142, 145, 161, 166, 172, 183, 188, 193, 203; Czechoslovakia, Nos. 10, 23, 24, 25; Luxembourg, Nos. 6, 7, 8, 9; France (Alsace), Nos. 5, 7, 10; (Lorraine), Nos. 1, 2, 3, 8, 13; (Occupied), No. 13; Poland, Nos. 13, 14, 17, 20, 21, 22, 31, 65, 68.
6 - Exhibit C, Germany, Nos. 12, 77, 78, 89, 130, 190, 196, 210; Austria, No. 6; Czechoslovakia, Nos. 11, 60; Luxembourg, Nos. 1, 10; France (Alsace), No. 14; Poland, Nos. 23, 24, 100; Netherlands, No. 14.

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or parks, and to use freely public means of transport, and barred them from using telephones and the mails, as well as to acquire

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certain goods. Jews were also ordered to possess special identification cards, to adopt special names, to wear badges or similar stigmatizing signs, and were subject to special markings on passports and to special jurisdiction. They were also forced to do shopping or business only in certain places and during

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certain hours. Jews were also forbidden to possess weapons, hunting, fishing, driver's and other licenses, and to wear uniforms

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and decorations. They were also discriminated against in air raid

- 7 - Exhibit C, Germany, Nos. 163, 175, 179; Austria, Nos. 13, 30, 36, 37; Belgium, Nos. 6, 10, 18; Czechoslovakia, Nos. 30, 53, 49, 73; France (Alsace), No. 19; (Lorraine) No. 14; France (Occupied), Nos. 2, 12, 14; Poland, Nos. 4, 14, 25, 40, 45, 48, 49, 50, 53, 55, 58, 60, 73, 76, 81, 93, 107, 112; Yugoslavia, No. 7; Netherlands, No. 20.
- 8 - Exhibit C, Germany, Nos. 3, 11, 117, 137, 140, 147, 204; Belgium, Nos. 2, 14; Czechoslovakia, Nos. 8, 16, 73; France (Alsace), Nos. 16, 73; (Lorraine), No. 14; France (Occupied Zone), Nos. 2, 14; Poland, Nos. 4, 10, 11, 96, 101, 103; Yugoslavia, No. 7; Netherlands, Nos. 10, 13, 30.
- 9 - Exhibit C, Germany, No. 147; Austria, No. 3; Czechoslovakia, Nos. 72, 73; France (Lorraine), No. 14; Poland, No. 69; The Netherlands, No. 17.

shelter facilities and in compensation for war damages. Illustrations of these forms of stigmatization are contained in Exhibit K.

All the measures of disfranchisement and stigmatization were not always applied in all cases but the fundamental acts involving the separation of the Jews from the rest of the population, depriving them of their basic rights, and especially their outward "marking", were introduced everywhere. (see anti-Jewish legislation, Exhibit C).

C. The Criminal Character

Disfranchisement and stigmatization, as practiced by the Germans, deprived, in their direct effect, the designated persons (Jews) of every right enjoyed by members of a civilized community; placed them in an infinitely inferior position toward the rest of the community in every respect of life; made them outlaws for whom special and severer laws and summary procedures were applicable and generally singled them out from the rest of

10 - Exhibit C, Austria, Nos. 36; Czechoslovakia, Nos. 26, 49, 70, 71; Poland, Nos. 38, 39.

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the population as creatures not actually belonging to the human species. This in itself is a criminal undertaking, since it degraded the Jews to a status which is, in every sense, contrary to the basic principles on which civilization rests, and without which it cannot exist.

Furthermore, these measures were introduced in the occupied and annexed territories in flagrant violation of accepted international rules -- i.e., the IVth Hague Convention -- which obliges the occupant to respect the laws in force, and these laws -- without exception -- guaranteed the Jews equal treatment with all other inhabitants of the territory. Thus all these measures constitute international crime. Moreover, disfranchisement and stigmatization as practiced against Jews by the Nazi government and its agencies was the basic and often initial stage in the Nazi plan to exterminate the Jewish people.

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