

# Capitulation to Fascists Can Be Deadly: Take Germany, Spring 1933-August 1934

by Steve Douglas

**Editor's Note:** *Over recent weeks, leading opponents of the fascist jurist Samuel Alito have been temporizing on the fight to stop his accession to the Supreme Court, with excuses of varying sorts. The following article, adapted from a lengthier piece first published in The New Federalist on July 8, 2002, is dedicated to destroying the illusions of those who are either deluding themselves, or acting as cowards, in the face of the threat of Hitlerism in the United States, which the Alito nomination represents. If Alito is confirmed, the United States itself is facing a process similar to that of Germany, between the Spring of 1933 and August 1934.*

Adolf Hitler was installed as Chancellor of Germany on Jan. 30, 1933, by the aged President Paul von Hindenburg, during the depths of a raging world depression. Hitler's hold on power as he was sworn in as Chancellor was anything but absolute. Even though Hitler had been installed as Chancellor, his Nazi Party remained in the distinct minority in his own Cabinet, holding only 3 of the 11 posts. Furthermore, the treacherous technocrat Franz von Papen, a former Chancellor and close personal friend of President Hindenburg, was named Hitler's Vice Chancellor. He had secured a promise from Hindenburg that Hitler would never be allowed to meet with the President except when in the presence of von Papen, who was to act as a kind of "Co-Chancellor," and keep Hitler on a "short leash."

In his first Cabinet meeting on Jan. 30, Hitler proposed that new Reichstag (lower house of parliament) elections be held on March 5, hoping that his Nazis would be able to secure a majority of the vote. The members of the Cabinet endorsed Hitler's call for elections, but only after he assured them that the Cabinet's composition would remain unchanged—irrespective of the outcome of the elections. They, like von Papen, were deluded in their belief that they were effectively "controlling" Hitler and the government.

## The Last 'Democratic' Election

Calls for decorum and restraint notwithstanding, the "election campaign" was an utterly brutal one. In early February, Hitler's government banned all Communist Party (KPD) meetings, and banned their press. Leading Socialist newspapers were also suspended, and Social Democratic Party meetings were alternately banned or broken up by Ernst Röhm's

brown-shirted SA thugs. The Catholic Center Party was also targeted for SA disruption. Fifty-one anti-Nazi activists were reported as murdered during the 34-day campaign, while the Nazis claimed that 18 of their members were killed.

Events took a dramatic turn for the worse on Feb. 27, 1933. That night, the Reichstag—the equivalent of the U.S. Capitol building—was burned down. While a mentally unstable Dutch Communist by the name of Marinus van der Lubbe was ultimately convicted and executed for the crime, it is clear that he was no more physically or mentally capable of having been the mastermind/perpetrator of the crime, than Lee Harvey Oswald was with respect to President Kennedy, or Osama bin Laden is, with respect to the events of Sept. 11, 2001. Abundant evidence, including reports of statements from Reichstag President and later Gestapo chief Hermann Göring himself, indicates that the fire was set up on orders of the Hitler government—i.e., Göring.

On the day after the fire, the Göring-von Papen Prussian government issued a long statement, claiming that it had found Communist documents which "proved" that: "Government buildings, museums, mansions, and essentials plants were to be burned down. . . . Women and children were to be sent in front of terrorist groups. . . . The burning of the Reichstag was to be the signal for a bloody insurrection and civil war. . . ."<sup>1</sup>

Göring's Prussian government promised to publish the "documents proving the Communist conspiracy," but somehow it never got around to doing so.

## Rule by Emergency Decree

Meanwhile, on the same day, Feb. 28, Hitler prevailed upon Hindenburg to sign an emergency decree—*Notverordnung*—"for the Protection of the People and the State." It suspended seven sections of the constitution which guaranteed individual and civil liberties. It specified that: "Restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press; on the rights of assembly and association; and violations of the privacy of postal, telegraphic and telephonic communications; and warrants for house searches, orders for confiscations as well as

1. William L. Shirer, *The Rise and Fall of the Third Reich* (New York: Simon and Schuster, 1959), p. 195.



*Hitler ruthlessly manipulated the delusions of every “constituency,” until nothing stood in his way. On Aug. 19, 1934, ninety percent of German voters affirmed Hitler as the “Führer.” Tens of thousands attended Nuremberg rallies like the one in the photo.*

restrictions on property, are also permissible beyond the legal limits otherwise prescribed.”

This emergency decree also authorized the Reich administration of Hitler to take over the functioning of any state government, if it were deemed necessary.

Armed with the dictatorial powers of the *Notverordnung*, Hitler jailed over 4,000 Communist officials, as well as large numbers of Social Democratic and Liberal leaders, during the concluding week of the campaign. More restrictions were slapped on the non-Nazi and non-Nationalist press. Even members of the Reichstag, who were supposed to be immune from arrest, were incarcerated.

With Hitler’s propaganda chief Josef Goebbels doing the orchestrating, the full weight of the government was deployed on behalf of the Nazi Party election effort. Goebbels brought Hitler’s campaign events and speeches to every hamlet and village in the country. The effects of Hitler’s campaign spending and brown-shirted thuggery were thus amplified manifold.

With all that, the Nazis won only 44% of the vote on March 5, falling well short of the majority Hitler had demanded.

### **The Enabling Law**

What did the non-Nazi majority of his Cabinet and the newly elected Reichstag proceed to do? They congratulated Hitler on his fine campaign! Worse, on March 23, they pro-

ceeded to enact, by overwhelming majority, the *Ermächtigungsgesetz*—the “Enabling Law.” It was this law which ratified Hitler’s virtually unlimited powers to rule by emergency decree, as was otherwise specified in the *Notverordnung* of Feb. 28. This act constituted a legislative initiative of practically historically unrivalled self-delusion and suicidal madness. Since the passage of the Enabling Law embodies the distilled essence of the form of delusion which grips many of the American people and their correspondingly deluded elected representatives today, it is worth examining the circumstances surrounding this particular, lamentable, historical moment in some detail.

More than an absolute majority for the Nazi Party in the Reichstag, Hitler wanted complete freedom from the “shackles” of the Weimar Constitution. He enjoyed virtually unlimited powers in the form of the Feb. 28 *Notverordnung*, and could, therefore, arbitrarily circumvent it, given the declared state of emergency. Yet, obsessed as he was with maintaining both the appearance of overwhelming public support and a plausible veneer of “legality,” Hitler demanded a change in the Weimar Constitution which would grant him virtually dictatorial powers for an open-ended period of time. Since any constitutional change required the approval of at least two-thirds of the Reichstag, Hitler busied himself with securing this objective.

The Nazi Party had 288 seats in the Reichstag, and its collaborators in the Nationalist Party had 52 seats, giving



*The political leadership capitulates: "Hitler's hold on power, as he was sworn in as Chancellor, was anything but absolute." In this 1934 photo, Hitler is shown deferring to President Hindenburg (center).*

Hitler 340 votes upon which he could rely. Since there were 647 seats in the Reichstag, at least 432 votes were required to secure a two-thirds majority. If one declared the 81 Communist members to be "ineligible" for seating, as Hitler's government ultimately did—and did so "legally" under the *Notverordnung*—then there would be only 566 seats in the Reichstag, and 378 votes would therefore represent the requisite two-thirds majority. Hitler courted the Catholic Center Party of Monsignor Kaas and former Chancellor Heinrich Brüning, to put himself over this threshold, accordingly.

He did so against the backdrop of the spectacular political theater that he and his newly appointed Minister of Propaganda, Josef Goebbels, staged at Potsdam. The anti-Semitic, anti-Christian, gnostic Adolf Hitler selected the Christian Garrison Church in Potsdam, where the bones of Frederick the Great lay buried, and where the Hohenzollern Kings had worshipped, as the centerpiece for all activities associated with the opening session of the new Reichstag.

Hitler's Potsdam machinations had achieved the desired effect. The credulous who wished to be deluded about his actual murderous intent, or who chose to blind themselves to the hideous strategic implications of his Anglo-American sponsorship, now had the theatrical pretext to do so. Nowhere were these delusions more rampant than in the "negotiations" that produced the Enabling Law.

### **'Negotiations' in Fantasy-Land**

The "discussions" which the members of the Cabinet and various non-Nazi Party leaders conducted with Hitler, during March 1933, about various clauses and features of the Enabling Law, were colored by the following principal delusions: 1) Hitler was a "German" politician, just like them, and

therefore would "play by the same rules"; 2) Hitler could be "tamed" by the combined forces of the German political establishment; 3) Hitler's Anglo-American patronage need not be addressed; 4) Hitler's government would soon be shattered on the shoals of the world Depression; 5) Hitler was a "man of his word," who would "keep his political promises"; 6) President Hindenburg represented an effective and efficient institutional counterweight to Hitler's most extreme tendencies; and 7) when in doubt, always opt for the "lesser evil."

So, on March 23, the Center Party's leader Monsignor Kaas, was offering words of reassurance to his restive and fearful Party members, based upon solemn promises that he had received from Herr Hitler! He told the Center Party Reichstag members that Hitler had personally promised him that, even after the passage of the Enabling Law: 1) No measure contrary to the will of President Hindenburg would be implemented; 2) future laws adopted by his regime would be designed only after thorough consultation with a "working committee" of the Reichstag; 3) "equality before the law" would be maintained for everyone in Germany except Communist Party members; 4) Catholic Center Party officials would not be persecuted; 5) neither the existence of the individual German states nor the rights of the Church would be limited; and 6) the judiciary would remain "independent"—free from any political interference. He concluded his speech motivating his party's Reichstag members' affirmation of the Enabling Law by reminding them of their duty to "prevent the worst" from happening. He observed that Hitler's regime could achieve its designs "by other means," and that it were better, therefore, that it be done by this "legal" pathway.

Perhaps the most prominent other leader of the Catholic

Center Party was former Chancellor Heinrich Brüning.

Brüning believed that Hitler would be brought down, as he himself had been, by the economic turbulence of the Depression. Until that happened, it were best to “avoid the worst”—i.e., the *Notverordnung*, or Nazi seizure of absolute power “by other means”—by containing the Nazis through legislative measures. Then the legislative efforts of the Reichstag could be complemented by treaty agreements with other nations, that would supposedly serve to further hem in the Nazis.

After all, said Brüning, the Enabling Law included at least a minimum of important safeguards and restrictions against Hitler’s unbridled impulse for dictatorship. Among these safeguards, which non-Nazi opponents of Hitler had been allegedly able to extract from him were: 1) The Enabling Act empowered not Hitler personally, but rather the entire Cabinet, to address the emergency conditions confronting Germany. It stipulated furthermore, that the Act had the force of law, only as long as two-thirds of the Cabinet posts remained in non-Nazi hands; 2) it was subject to renewal or repeal, after four years; 3) it was prohibited from deviating from the Weimar Constitution, insofar as encroaching upon the independent existence of the Reichstag and the Federal states was concerned; and 4) it was to constitute no form of limitation on the independent powers of the President. Indeed, Hitler swore to operate within these “limitations,” as he addressed the Reichstag on March 23, 1933, the day the Enabling Law took force:

“The government will make use of these powers only insofar as they are essential for carrying out vitally necessary measures. Neither the existence of the Reichstag nor that of the Reichsrat [the upper house of Parliament] is menaced. The position and rights of the President remain unaltered. . . . The separate existence of the Federal states will not be done away with. The rights of the churches will not be diminished, and their relationship to the state will not be modified. The number of cases in which an internal necessity exists for having recourse to such a law is a limited one.”

With these “assurances” in hand, the Reichstag proceeded to enact this fateful legislation by a vote of 441-84. Only the Social Democrats voted against the bill.

## Descent Into Hell

The rapidity with which all of the institutions that Hitler had so piously pledged to protect, disappeared, was truly breathtaking. On April 7, he dissolved the separate powers of the historic Federal states, and absorbed them all as “administrative bodies” of the Reich. He appointed Reich “commissioners” to oversee the administration of these formerly proud and powerful entities. Under the constraints of the same Enabling Law, which Hitler had claimed would ensure that “the separate existence of the Federal states will not be done away with,” no one raised a voice of efficient opposition. As for the Reichstag itself, within less than four months, it had

become a one-party institution. On July 14, 1933, a law was decreed which declared:

“The National Socialist German Workers Party [Nazi] constitutes the only political party in Germany. Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be punished with penal servitude up to three years or with imprisonment of from six months to three years, if the deed is not subject to a greater penalty according to other regulations.”

What had happened to all of the other parties whose vote totals had amounted to 56% of the German electorate, on March 5?

The Communist Party, with its 4,848,058 votes, had been banned from participation in the Reichstag.

The Social Democratic Party (SPD), with its 7,181,629 votes, disappeared with nary a whimper. On May 10, Hermann Göring’s police seized the offices of the SPD and its newspaper. On May 19, hoping to curry renewed favor with Hitler, the SPD Reichstag faction voted unanimously in favor of Hitler’s foreign policy, and condemned those Social Democrats abroad, who dared to criticize the Führer. But their 11th-hour propitiatory efforts proved to be of no avail, as Hitler formally banned the SPD on June 22, on the grounds that it was “subversive and inimical to the state.”

The Nationalist Party, with its 3,136,760 votes, the much-vaunted coalition partner of the Nazis, “voluntarily” dissolved on June 29. On that date, Alfred Hugenberg, who had initially served as Hitler’s Minister of Economics and Agriculture, resigned. Eight days prior, police and brownshirts had seized the Nationalist Party offices throughout the country.

The Catholic Bavarian People’s Party, with its 1,075,100 votes, dissolved itself on July 4.

The Catholic Center Party, with its 4,424,900 votes, the party which Hitler had so assiduously courted less than four months earlier, the party which had been the bulwark of the Weimar Republic, quietly dissolved itself on July 5.

And so it was, that the majority of the non-Nazi Reichstag self-destructed, driven by its own wishful delusions, into a one-party rubber stamp for that Anglo-American-sponsored geopolitical madman otherwise known as Adolf Hitler.

## The Nazi Labor Front

The trade unions, with memberships totalling over 8 million workers, disappeared in an even more precipitous fashion. As was the case with the non-Nazi political parties, it was their own delusions that paved the way for their abrupt dissolution. The leadership, of course, had already badly discredited itself by failing to adopt either the Lautenbach or Woytinsky job creation/economic development plans.<sup>2</sup> They compounded that strategic error by attempting to appease

2. See Hartmut Cramer, “Wilhelm Lautenbach’s Concept of Productive Credit Creation,” *EIR*, April 18, 2003; and Gabriele Liebig, “How the German Trade Unions Could Have Stopped Hitler,” *EIR*, April 11, 1997.

Hitler in early 1933. Or, to put it in a way that might be more understandable to Americans today, they tried to “go along to get along” with Hitler.

On March 17, the chairman of the Christian Union Federation declared that his membership would be confining its attention to local economic and social concerns, and that they would leave the making of state policy to “others.” The time had arrived for the advent of a truly professional (i.e., non-political) people and workforce, according to the chairman. On March 21, the board of the ADGB, which represented more than 80% of Germany’s unionized workers, expressed its readiness to abandon all of its political functions and interests, and limit itself to the realm of purely and simply social concerns, “no matter what type of national government is established.”<sup>3</sup> Eight days later, the board promised to effect a complete break with the SPD which had so infuriated Hitler with its vote against the Enabling Law, as well as to begin “wide-ranging cooperation” with German employers.

The same deluded board appealed in vain in early April to President Hindenburg, beseeching him to curb Hitler’s brutal and blatantly illegal conduct against various trade unions. Hindenburg, not surprisingly, did nothing. On April 4, Hitler’s regime enacted a “Law on Factory Representation and Economic Association.” This empowered any employer with the right to fire any employee on the grounds of “suspicion of activity inimical to the state,” at the same time that it excluded the employee from any right to appeal the employer’s action. Furthermore, the law stipulated that, “the highest state authorities, or another authority designated by said authorities, can order the termination of membership of such factory council members, who are engaged in economic or political activity that is contrary to the interests of the state. They can also select, from eligible personnel within the enterprise, the new factory council members.”

Thus, the Nazi authorities usurped for themselves virtually unlimited powers, to hire and fire within any particular firm. It was an ignoble day for the unions, who responded by grovelling all the more.

On April 10, Hitler had a law enacted, which declared May 1 to be “National Labor Day,” and as such, a paid holiday for all workers. The deluded and fearful trade union leadership circles were universally ecstatic about this “overture of respect and appreciation” toward German labor, in his sup-



*The Social Democratic Party and trade unions capitulate: “On May 1, 1933, as Hitler was singing the praises of German labor at a rally of over 1.5 million in Berlin, the Nazi police-state machinery was being set into motion for the annihilation of the trade unions the next day.”*

posed recognition of labor’s traditional May Day holiday. One trade union paper even declared the May 1 holiday to be “The Day of Victory.”

Meanwhile, Hitler’s Nazi thugs were working furiously and secretly to prepare for the abolition of the trade union movement on May 2! Their efforts were headed up by Robert Ley, who would become notorious in the early weeks of May, as the head of the new Nazi Labor Front, which was to supplant the old (outlawed) trade union organizations. On April 21, with admonitions of “strictest secrecy,” Ley sent out a letter to all of the relevant Nazi Party, SA, and SS functionaries, informing them that “on Tuesday morning, May 2, at 10:00, the *Gleichschaltung* [elimination of opposition] actions against the free trade unions will commence.” They were to be supervised by the local Nazi Party *gauleiters* (district leaders). All bank accounts and offices were to be seized, and all the specified union officials and branch managers of the trade unions’ banks were to be taken into “protective custody,” i.e., thrown into concentration camps.

So, on May 1, even as Hitler was singing the praises of German labor at a rally of over 1.5 million people in Berlin, the Nazi police-state machinery was being set into motion for the physical annihilation of the trade unions the next day. What is particularly notable about the mass arrests of trade union leaders, and Nazi Party-SA seizure of offices and bank accounts, is that there was not even the hint of a legal pretext cited to justify the action! That is, the trade unions were not accused of violating any particular laws, nor were they even repressed by the state, as such. It was the Nazi Party and its SA brownshirts, not state or local

3. Bracher, Karl Dietrich, “Die national-socialistische Machtgreifung” (Cologne: Westdeutscher Verlag, 1974), pp. 250-251.



*The churches capitulate: Hitler greets his friend and fellow Nazi, “Reich Bishop” Ludwig Müller, following his establishment of the “Reich Christian Church.”*

police, who conducted the arrests and confiscations!

Such were the depths that Germany had descended to, under Hitler’s Enabling Law. Virtually no one raised a voice in protest, as the criminal Robert Ley proudly proclaimed the birth of the Nazi Labor Front, dissolved all the trade unions, and absorbed their membership under his new umbrella.

### **Hitler vs. the Jews and the Churches**

Hitler enacted a law on April 1, proclaiming a boycott of Jewish shops. He also enacted laws excluding Jews from public service, the universities, and a variety of other professions. This was the beginning of the process of stripping the Jews of their citizenship—one of the first steps in the monstrous plan to dehumanize Germany’s Jews, that led, inexorably, to the Final Solution, and the murder of 6 million Jews.

Hitler was also anti-Christian. He launched an aborted campaign to establish a “German Christian” church. There were nearly 45 million Protestants in Germany, most of whom belonged to the Lutheran and Reformed Churches. Hitler wanted to establish a new “Reich Christian Church,” which would be headed by his friend and fellow Nazi, Ludwig Müller.

Hitler ultimately had to step back from his aggressive campaign to formally subordinate the Protestant Church to the Reich. But he was shrewd enough to recognize that the Protestants’ imagined victory against him in this realm, was itself a valuable form of delusion that he could exploit in other theaters. For example: Where were the Protestant voices of protest to be heard, after Hitler liquidated his opposition in an orgy of mass murder on June 30, 1934? Having secured a

nominal victory against Hitler’s “German Christians” in their narrowly defined sphere of interest, they did not see the need to address the larger, more fundamental, and more horrifying realities threatening Germany. But for the noble Dietrich Bonhöffer—a leading Protestant pastor, who attempted to rally people against Hitler, and was executed by the Nazis in 1945—and a handful of others, the silence was deafening, and strategic thinking in these quarters was altogether lacking.

### **The Blood Purge**

Capitalizing on a combination of the delusions of his enemies and the terror that was unleashed in the population by Ernst Röhm’s brutal SA legions, Hitler proceeded to further consolidate his one-party dictatorship in late 1933 and early 1934. Fifty concentration camps were established in the first year of his reign, where tens of thousands of “enemies of the state” were detained in “protective custody,”

without the benefit of trial or legal counsel. But even as he was strengthening his hold on the population-at-large, there were growing rumblings of unrest within his own party—within the SA, in particular. The ranks of Röhm’s SA were expanding, as membership rolls exceeded 2 million. Röhm and some of his associates began to speak of themselves as the “People’s Army,” and talked of changes that should be made in the doctrines of the Armed Forces, accordingly. Röhm submitted a memorandum to the Cabinet to this effect in February 1934. Many of Röhm’s colleagues were speaking of the need to conduct the “second phase” of the yet uncompleted Nazi revolution. Hitler responded by reaffirming the Reichswehr as the “sole bearer of arms” for Germany, and by flatly rejecting the idea of a “second revolution.” He otherwise praised Röhm’s conduct in lavish terms, and lauded the “important work” that had been accomplished domestically by the SA.

As tensions among Hitler, the Reichswehr, and the SA increased during the Spring, Hitler finally resolved on a course of action, deploying Göring’s special police and Heinrich Himmler’s SS thugs to “liquidate” Röhm and the entire leadership of the SA in the “Night of the Long Knives” (see box).

He claimed in a speech to the Reichstag on July 13, that Röhm and all the others were involved in an insurrectionary plot against Germany. As in the case of the Reichstag fire, Hitler never produced a scintilla of evidence. He defiantly declared to the deputies, “If anyone reproaches me and asks why I did not resort to the regular courts of justice, then all I can say is this: In this hour, I was responsible for the German



*Enactment of the April 1, 1933 anti-Jewish laws: The sign reads, "Germans, defend yourselves. Do not buy from Jews." "This was the beginning of the process that led, inexorably, to the Final Solution."*

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and that Adolf Hitler had assumed his new responsibilities as head of state and Commander-in-Chief of the Armed Forces. The title of President was abolished, and Hitler was to be referred to thereafter as "Führer and Reich Chancellor."

Also, all members of the Armed Forces were required to swear a new oath which stated: "I swear by God this sacred oath, that I will render unconditional obedience to Adolf Hitler, the Führer of the German Reich and people, Supreme Commander of the Armed Forces, and will be ready as a brave soldier to risk my life at any time for this oath." As they said later, some of the military command hated it—but they signed!

So it was, that on Aug. 19, 1934, the German people went to the polls in a plebiscite to "vote" on Hitler's new leadership

## Schmitt's Justification Of Hitler's Blood Purge

On the night of June 30, 1934—the "Night of the Long Knives"—Chancellor Adolf Hitler ordered the murders of many tens (perhaps hundreds) of his political opponents. Among them were Gen. Kurt von Schleicher, who had preceded Hitler as Chancellor; von Schleicher's wife; and Gen. Ferdinand von Bredow, von Schleicher's long-time aide-de-camp; as well as many leaders and associates of the SA Brownshirts of Ernst Röhm, including Röhm himself. The murders were perpetrated by death squads that were handpicked from the ranks of Herman Göring's Gestapo and Heinrich Himmler's SS.

The savagery with which they were carried out almost defies description. General von Schleicher and his wife answered a knock at their door, only to be shot dead on the spot. General von Bredow met a similar fate. Gustav von Kahr, the man who had successfully suppressed Hitler's Munich Beer Hall Putsch attempt in 1923, and who had long since retired from politics, was found in a swamp near Dachau, having been hacked to death with pickaxes.

Loyal associates were executed, because "they knew too much." Father Bernhard Stempfle, who had helped edit Hitler's book *Mein Kampf*, but who had spoken too loosely about the circumstances surrounding the suicide of Hitler's former girlfriend, Geli Raubal, was found in a forest near Munich with his neck broken and three gunshots through the heart. Karl Ernst, the SA man who was deployed by Göring to set fire to the Reichstag on Feb. 27, 1933, was dispatched to Berlin for execution. Three other members of his Reichstag arson team met the same fate.

people, and thereby I became the supreme judge of the German people."

Von Schleicher was killed in this slaughter, his alleged crime that he had conspired with a foreign diplomat against Germany, Hitler said. Hitler's obedient Cabinet had already "legalized" the slaughter, when on July 3, they had endorsed Hitler's actions as necessary for the "defense of the state."

Out of all the senior officers of the Wehrmacht, only General Hammerstein-Equord, who had been Commander-in-Chief of the Army at the time of the Nazi seizure of power, raised a voice of strong condemnation against the murders of Generals Schleicher and von Bredow. He organized the retired Field Marshal von Mackenson to join him in his protest campaign. Their efforts were pitifully limited, and succeeded in merely prompting Hitler to admit, on the occasion of a secret meeting of military leaders and party officials on Jan. 3, 1935, that the murder of the two generals had been "in error," and that their names would be restored to the honor rolls of their regiments.

As for the population-at-large, they had been desperately seeking relief from the rampages of Röhm's brown-shirted thugs. Hitler, in one unspeakably bloody, lawless evening, had apparently provided them that relief. But this was a numb population, whose former standards of law and justice had become warped and twisted by the preceding 18 months of non-stop convulsion.

### The Final Consolidation

President Hindenburg died on Aug. 2, 1934, less than six weeks after Hitler's bloodbath. At noon, it was announced that Hitler's Cabinet had enacted a law the preceding day, which combined the offices of the President and Chancellor,

responsibilities. Ninety-five percent of the registered voters went to the polls, and over 90% voted to affirm Hitler as the “Führer.” That is, over 38 million Germans voted to ratify Hitler as Führer, and approximately 4,250,000 voted against the Führer. Only 18 months earlier, Hitler had received fewer than 17,300,000 votes, in a multi-party election, in which over 38 million voters had participated. What a change! What a descent into Hell!

That descent was paved with the delusions of the Germans, not unlike the way America’s descent into Hell is being paved with delusions of a similar nature today. As Lyndon LaRouche recently stated about the nature of delusion: A person “is fooled, simply, because each such fool wishes to be deceived into any illusion, which, for even a mere moment,

‘makes him or her feel good’. . . . The most effective way in which magicians and others succeed in causing people to fool themselves, is to say to the intended victims: ‘Seeing is believing’. . . . Or, ‘All the eyewitnesses agreed.’ Or, ‘But he had such an honest face!’ So, direct the victim to what you wish them to focus upon, give them the sense-experience they wish to believe, and, often, they are easily fooled.”<sup>4</sup>

It is time that Americans stopped deluding themselves. It is time that we learned the lessons of history from the deluded German experience of 1933-34. It is time that Americans finally listened to LaRouche.

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4. LaRouche, Lyndon, “Once Again, They Have Fooled You,” *EIR*, June 21, 2002.

There was no hint of “legal justification” for this purge, before the fact. Hitler simply wanted to eliminate leading elements of his real, imagined, and potential opposition, so as to terrorize all others into submitting to his dictatorship. He commenced his efforts to veil his mass murder with a veneer of legality on July 3, when he submitted a draft law for the Emergency Defense of the State to his Cabinet, which stated simply, “The measures taken on 30 June and 1 and 2 July for the suppression of high treasonable and state treasonable attacks are, as emergency defense of the state, legal.” Minister of Justice Franz Gürtner declared that Hitler’s draft did not create new law, but merely confirmed pre-existing law. The Cabinet then unanimously adopted Hitler’s bill.

Ten days later, Hitler made a two-hour speech to the Reichstag (13 of whose members had been executed on June 30) and the nation, brazenly justifying his actions. “Mutinies are broken according to eternal, iron laws,” he said. “If I am reproached with not turning to the law courts for sentence, I can only say: In this hour I was responsible for the fate of the German nation, and thereby the supreme judge of the German people. . . . I gave the order to shoot those most guilty of this treason, and I gave the order to burn out, down to the raw flesh, the ulcers of our internal well-poisoning and the poisoning from abroad!”

It then fell to Carl Schmitt—the man who is the inspiration and “legal” godfather of the Federalist Society of Judge Samuel Alito—to present an elaborated legal justification of Hitler’s actions, in the August 1934 edition of the *Journal of German Lawyers*. Schmitt had already been providing legal cover for Hitler’s drive toward dictatorship during the prior 18 months. In an article entitled “The Leader Protects the Law,” Schmitt claimed that every murderous and criminal act ordered to be carried out during the bloodbath of June 30 and its aftermath, was both legal and courageous. Schmitt asserted that the Leader/Dictator,

acting in a time of crisis, by definition *both is and creates* the law. The action of the Dictator is not subordinate to justice; it is, itself, the “highest justice.” Furthermore, the greater the crisis, and the more “exceptional the action or deed of the Leader/Dictator, the greater the purity/essence of the law so created. . . .

“The Leader protects the law from the worst abuse, when he, at the moment of danger, by virtue of his leadership as the supreme judge, directly creates the law. ‘In this hour, I was responsible for the fate of the German nation, and as such [I became] the supreme judge of the German people. . . .’ [said Hitler to the Reichstag]. The true Leader is always also judge. From the realm of the Leader, flows the realm of the Law. . . . In reality, the act of the Leader was the true authority. The deed is not subordinate to justice; it is, in fact, the highest justice. It was not the action of a republican dictator, who, in a legal vacuum, while the law momentarily turns a blind eye, creates *faits accomplis*, and thereby, on the basis of such newly created facts, perpetuates the fiction of a seamless, continuing legality. The power of the Leader as judge springs from the same fount of law, from which spring the rights of the people. In times of the greatest emergency, the supreme law proves itself worthy, and only in such great crises, does there appear, to the highest degree, the juridical, vengeful realization of this law. All law is derived from the people’s right to existence. Every state law, every judgment of the courts, contains only so much justice, as it derives from this source. . . . The content and the scope of his action, is determined only by the Leader himself.”

Thus, in a continuing or permanent state of emergency, the Leader continuously creates “new law,” with each new “exceptional deed.” And, after Sept. 11, 2001, just like after Feb. 27, 1933, all such exceptional deeds are justified in the name of “defending the existence of the people.”

—Steve Douglas