

BOOK REVIEW

GUN CONTROL IN THE THIRD REICH: DISARMING THE JEWS AND “ENEMIES OF THE STATE”

STEPHEN P. HALBROOK

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AUDREY D. KLINE

How did Hitler do it? There is no shortage of theories or writings related to the rise of the Third Reich and the subsequent Holocaust. Halbrook, however, offers a compelling and important account of the role of gun control in aiding Hitler’s goals of exterminating the Jews and other “enemies of the state.” While much of the early gun prohibition was created with supposedly good intent, Halbrook carefully and meticulously details how a change in political regime was all it took for some well-intentioned gun registration laws and other prohibitions to be used in ways never intended. The Third Reich was able to further its agenda due to

Audrey D. Kline (audrey.kline@louisville.edu) is associate professor of economics, University of Louisville College of Business.

available gun prohibition, and continued to expand such prohibition to aid in achieving its desired goals.

Students of this period of history as well as Second Amendment (and other) gun rights enthusiasts, will find this a fascinating book, and will find parallels between gun prohibition in pre-Nazi and Nazi Germany and attempts to prohibit types of gun ownership and implement other forms of gun control in the United States today. For example, Connecticut began requiring registration of certain firearms and magazines by January 1, 2014. Those who had not registered were told to surrender, get rid of, or make their firearms inoperable, or run the risk of facing felony charges. It remains to be seen how this will play out in Connecticut or in other states following this path. While gun control advocates have over time consistently minimized the role of gun control in the Nazi regime, even the United States Congress must have recognized its role given its explicit wording that forbade the registration of firearms by individuals when it passed the Property Requisition Act in 1941 (p. xvii).

While Halbrook is careful to point out that a combination of factors led to the events of the Holocaust, there is no denying that many of the pre-war activities—activities that are being discussed and implemented in some states and nationally in the United States today—contributed to Hitler's ability to disarm targeted groups, facilitating his campaign against the Jews. Of course, many purport that the Holocaust arose out of a unique series of events that could never be repeated. Others are less certain. Halbrook steers clear of the debate, other than to note its existence and the folly of ignoring history. Instead, Halbrook lays out a well-documented analysis of four distinct periods leading up to and including the rise of the Third Reich, and the gun control laws that accompanied these periods in history. It is an astonishingly fresh and important look at this historical period, if for no other reason than to raise the question as to why no other research on the Third Reich and the Holocaust has addressed the role of gun control in the tragedies that occurred. The rapid pace with which Hitler disarmed the populace in Germany is astonishing. Halbrook's account is gripping, thorough, and full of legal documentation, leading the reader through the sometimes-daily changes in gun prohibitions that furthered Hitler's agenda.

Halbrook breaks the book into four distinct historical periods. First, Part I spans from the start of the Weimar Republic (1918–1938) to its decline and the imminent rise of the Nazi party. This is the period when Germany first introduced gun control, requiring registration of firearms. At the close of this time span, confiscation of firearms was made law. Part II, reviewing circumstances in 1933, details the rise of Hitler and the use of Nazi power to confiscate firearms from political adversaries and the Jews. Part III examines the following five years of repression, which included instituting more gun control laws, such as outlawing issuance of gun permits to Jews and other “enemies of the state.” Finally, Part IV reviews how existing gun control facilitated the disarming of Germany’s Jews. Ultimately, the prohibitions enacted by the Nazi regime led to monopoly control of firearms by the Nazis and eliminated the ability of many groups in society to defend themselves. Halbrook offers further episodes of gun control in the conclusion, detailing how two decades of gun control unfolded during World War II.

In the opening Part I of the book, a chaotic post WW I Germany is the backdrop, a time in which there were no established policies or laws pertaining to firearm ownership. Concern about firearms not being turned in after the war and conflict between extremist groups and the government led to the implementation of initially well-intentioned gun control laws. It was never envisioned that the laws aimed at controlling extremists would ultimately contribute to the citizenry most likely to defend democracy being disarmed and unable to defend itself. However, well-meaning clauses in the laws were subsequently used to provide the government with complete control over gun ownership, creating registries of gun and ammunition ownership, which ultimately fell into the hands of the Nazis. These lists were methodically used to disarm any citizens who were deemed enemies of the state, particularly the Jews. Through the first three chapters of the book, Halbrook does a masterful job of detailing the ever-changing gun control policies, ranging from the most extreme (execution on the spot) to the postured “relaxation” of gun control laws that allowed possession of very expensive long arms that would not be affordable for the majority of the population.

Part II of the book opens with the naming of Hitler as chancellor of Germany at the end of January 1933, and the immediate utilization

of the Weimar gun control policies to begin the Nazi campaign to seize arms and eradicate the so-called "enemies of the state" (all of whom were tagged as Communists). All political parties were under attack by the Nazis, culminating in a manufactured report that Communists planned to attack the Nazis (pp. 51–52). Enemies of the state included Jews and gypsies, as well. As a result, less than a month later, Hitler and Göring convinced President Hindenburg that an emergency decree was needed, which ultimately gave the Nazis the ability to suspend the

constitutional guarantees of personal liberty, free expression of opinion, freedom of the press, and the rights to assemble and form associations. Secrecy of postal and telephonic communication was suspended, and the government was authorized to conduct search and seizure operations of homes. (p. 52)

This *carte blanche* for search and seizure essentially became the *modus operandi* of the Third Reich. By the end of March, Hitler had succeeded in passing the "Enabling Law" which gave him the ability to create laws as he wished, with no requirement for consultation (p. 60). Following this, the confiscation of weapons escalated, with continued fabrication of "confessions" by enemies of the state. Municipal governments were informed that all military weapons and ammunition had to be surrendered by the end of March. The Jews were targeted next, with a large raid in East Berlin on April 4, 1933. Jews were not forbidden to own firearms until 1938, but the raid led to confiscations and arrests (pp. 64–65). Halbhook relates one account after another about the methodical declarations of requirements to turn over weapons to any group or class that was deemed a potential threat, including some of Germany's own veterans of World War I. The 1928 Firearms Law was utilized to identify the so-called enemies of the state, locate them, interview them, and subsequently confiscate their weapons. Enemies of the state ultimately included anyone in disagreement with the new regime (p. 84). Numerous examples are provided of the ever-increasing efforts to brand large portions of the population "enemies of the state," thereby increasing Nazi control and eliminating private ownership of firearms from the majority of society.

Part III of the book details episodes of enforcement and expansion of gun prohibition by Hitler's regime. To mark the one-year

anniversary of Hitler's power, the Law for the Reconstruction of the Reich was passed in January 1934. This served to centralize control over all police, and ultimately led to the replacement of the SA with the SS. Upon the death of President Hindenburg, Hitler assumed the presidency as well, allowing him the ability to rule by decree (p. 101). Thus, Hitler could declare law without any process and there was no right of appeal for those arrested. The military pledged allegiance to Hitler and the citizenry was instructed to follow Hitler's decrees.

Confiscated firearms were redistributed to the police and concentration camp guards. The number of searches and arrests continued to escalate, and with the adoption of the Nürnberg Laws in September 1935, Germans or those with "kindred blood" were decreed as citizens, leaving the Jews without citizenship and consequently, without civil rights (p. 106). A new weapons law was drafted in November that would also forbid Jews from operating in the firearms industry. Though not yet enacted, the draft opened the door for the theft of the gun manufacturing company, Simson & Co., by Hitler, who claimed that the Jewish owners were guilty of fraud. Additional accounts are given of exploitation of various incidents to further the Nazi campaign against the Jews. This usually included misrepresenting facts when Nazi party members were killed to drum up support for the anti-Jewish sentiment expressed by the Nazis, including the instigation of the Kristallnacht (p. 118).

The Nazis' control of the use and ownership of firearms was quickly implemented and was far-reaching, with refinements to the Weapons Law continuing over the next few years. Eventually, in April 1938, Jews were required to register their personal assets (if over 5,000 marks). Just a few months later, Jews were required to register at local police stations to receive identification cards. Jews began to flee Berlin and other parts of Germany, as they were able.

In the concluding section of the book, Reichskristallnacht (Night of the Broken Glass) is detailed. Jews had been systematically disarmed, and their identity and locations now on file with local police. It was simply a matter of time before the full shift into deportation and extermination of the Jews would begin. Records indicate that a campaign to arrest legally registered Jewish owners of firearms was now underway, along with the push by the Nazis

to pressure Jews to flee Germany. German (Jew) Alfred Flatlow, an Olympic gold medalist for Germany, appears to have been arrested in 1938 while standing in line (with others) at the police station to surrender firearms as had been ordered. His arrest record indicates the incident as political, which gave him no right to appeal and allowed the Gestapo to hold him indefinitely. Another Jew, likely standing next in line, was similarly arrested. Flatlow was deported to a concentration camp in October 1942, where he died two months later of starvation (p. 149).

The complete confiscation of weapons held by Jews at this point was sparked by the November 7, 1938 assassination attempt on a German diplomat, supposedly by a Polish Jewish teenager at the embassy in Paris. The Night of Broken Glass came in the following few days. All Jewish weapons (including such things as letter openers) were confiscated, and all Jewish organizations were deemed illegal. With the Jews disarmed, Hitler's plans could proceed with a defenseless populace. The majority of the non-Jewish German population was stunned by what had transpired but was too afraid to protest. As has been well documented, Jews were methodically attacked, their homes, businesses, and synagogues ransacked and burned. Upwards of 30,000 Jews were arrested. Halbrook does document some successful cases of defiance by individual Jews and their families, but most were too afraid to protest when the men showed up on their doorstep. Any Jews resisting arrest were ordered shot on the spot. Attacks on the Jews were to be carried out by the SA, with no interference by police. Jews arrested were to be sent to concentration camps for up to 20 years. The pogrom was so thorough that nearly all Jewish adult males in Stuttgart had been arrested. This was fairly common throughout Germany that night. With the population afraid and disarmed, Hitler could proceed with little worry about resistance. The Court reinforced the Nazi view that there was no judicial review needed for activities of the Gestapo (p. 203).

With the onset of World War II, Hitler expanded his policies and gun prohibitions to other countries he conquered. Subsequently, even within Germany, all firearms were required to be registered. Isolated cases of resistance remained, and Germans were instructed to avoid associating with Jews. When deportations commenced in October 1941, the possessions of the Jews were searched by the

Gestapo for anything of value, and this completed the disarming of the Jews. Still, isolated cases of resistance remained, despite the threat of the death penalty if caught with firearms or weapons (p. 212). The now well-known case of Oskar Schindler was one example of resistance.

Halbrook concludes by noting that less government regulation and a tradition of rejecting tyranny could have led to a different outcome in Germany. Instead, systematic creation and manipulation of firearms registration and regulations, coupled with the decimation of individual citizen's rights, enabled Hitler's dictatorship and the slaughter of millions of innocent Jews and citizens of Nazi-occupied countries, as well as tens of thousands of Germans. It remains for all of us to wonder what might have been had people refused to register their firearms. Indeed, we should all take note and bear in mind, Never Again.