

Vortrag Justizrat Dr Westenberger
Vor der Lord Reading Law Society in Montreal, Canada
Am 16.10.2006 aus Anlaß der Eröffnung der Ausstellung
Anwälte ohne Recht
Anrede

It is a great honor and a pleasure for me to be invited to address the Lord Reading Law Society today. I was really impressed to learn about the history of your society. The influence in the 50 years since your society was founded of your society in the development of the judiciary in Canada was remarkable .

Let me first say a word about myself so you know who is speaking to you. I am now for more than 40 years a practicing lawyer in Germany, I am President of one of the 27 regional Bars in Germany and I am Vice-president of the German federal bar, the umbrella- organization of all German regional bars. As you probably know, the opening of the exhibition "L w r" took place last week initiated by the German federal bar. And I am here to represent the German federal bar.

So you see I am not a historian but a normal lawyer who has been asked to speak about this exhibition and its background.

You know, the topic of my speech is the fate of Jewish lawyers in Germany after 1933. And this is subject and theme of our exhibition. and what the exhibition will explain with life histories of several Jewish lawyers.

In 1933 in Germany almost half of the practising attorneys at law Rechtsanwälte we translate it with lawyers- were Jewish. In Berlin alone there were 3400 lawyers of whom about 2000 were Jewish. Already at the beginning of the 20th century the number of Jewish lawyers was relatively high and it increased up until the 1920th continuously.

But I think I should mention here: none of them would never have called themselves Jewish lawyers. They were German lawyers and Jews, there was no distinction between a lawyer and a Jewish lawyer.

This has been changed completely when the Nazis came to power. From January 1933, when Hitler became Reichskanzler, individual units of the SA, the storm troopers, organized like paramilitary groups, caused so much terror, that the democratic state, governed by the rule of law, ceased to exist.

Jews were excluded from all areas of social life. In the administration of Justice, too, a distinction was made between Jews and non- Jews.

In March 1933 a decree was published which refused all Jewish judges prosecutors and all lawyers access to court from the following day on.

You can imagine the seismic effects .There were 10.000 of vacancies in the judicial system and even more in the legal profession.

Jewish lawyers from the day on could only work as a so-called Rechtskonsulent, a legal adviser, but they were not admitted to the courts. In most cases their income was not enough to live on.

One would have expected that most of the disbarred Jewish lawyers would leave Germany immediately. But surprisingly they did not.

Some of them believed all this as temporary, like most Germans also did. Some of them feared to emigrate because of the need to learn and study a different legal system in other countries. For instance in England or America the common law. German lawyers have been educated in the Roman law system and are still today.

Some other lawyers had language problems, having learned Latin and Greek and French, but very seldom English.

And there was also the commercial and financial situation. Not all lawyers were wealthy enough to live for a longer time without any professional income.

And rather soon the transfer of money and valuable assets into a foreign country was inhibited by the Nazis. And again very soon private Jewish property was confiscated.

All this is to be seen in the exhibition.

The main task of it is to record the fate of Jewish lawyers in the third Reich. This way we preserve the memory of these colleagues.

It is not first of all an exhibition about well-known persons, about prominent lawyers known to everybody. No, it is a documentation of not well-known lawyers and knowing their names, learning their history- their fates after 1933 – so that they shall not to be forgotten this way.

Let me say a word about the origin of this exhibition.

This exhibition is a milestone in the history of the German legal profession. After the End of Second World War it took a long time , more than 50 years, until the German lawyers became more and more conscious of their own history so they started to clear off the past of their history.

The German National Federal Bar and the German Jurists Association started this exhibition. But it was a lawyer from Tel Aviv who gave the first ignition to this work and who has to be mentioned.

This lawyer from Tel Aviv, Joel Levi asked the Bundesrechtsanwaltskammer, the german federal bar, in 1995 for a list of the Jewish Rechtsanwälte who were excluded from exercising their profession during the

Nazi-Regime. He said if I may quote Joel, “ such a list would have been a sign that the expelled Jewish colleagues had not been forgotten.” But there wasn't such a list. And that is how it all began.

It is the great merit of Dr, Simona Ladwig-Winters who worked out a very informative and professional book about the situation of Jewish lawyers in the third Reich in Berlin. This documentation was the basis of our exhibition .

This exhibition is not the only result of Joel Levi s initiative. A lot of activities followed and are still going on today. There is for instance a plan to bring this exhibition to all regional bars in Germany. It has been showed already in more than 30 German cities. In preparation of this event most of the bar-councils have started research and investigation into the history and the tragedy and fate of their Jewish colleagues.

This research brought a lot of facts and information but we are afraid , we are sure that also a lot of facts have been lost forever.

The book of the Berlin-Bar gives a very good example. And also smaller bars like my bar in Koblenz have done a lot of work and published the result. So that at the end we hope we will have a solid- as far as it is possible- documentation of Jewish lawyers in the third Reich.

Coming back to this exhibition. Before it came to Canada it has been shown in Jerusalem, Haifa, Tel Aviv, New York, Los Angeles and Mexico City The next place will be Toronto and Ottawa. It is a documentation of the fate of individual lawyers giving us a very strong impression of their lives.

Let me report You of one fate of a lawyer who survived under terrible circumstances.

Her Name was Anita Elsner. Her father died in 1914. She was born in 1904 and in 1931 admitted to the bar in Berlin. The new law regarding admission to the legal profession of April 1933 provided that Jewish lawyer could only continue to practise- as we know today only for a short time until the Nürnberg Law- if they had been veterans of World War I or they had been admitted to the profession before 1914. Now, she could not be a War veteran, and also admittance to the bar was not possible before 1920. So she lost her profession because she was jewish.

Her mother and sisters were deported and killed in Auschwitz. She could manage to disappear and found a hiding place with friends in Dresden. She survived. But there were only few people who had been able to go into hiding like her. The time of persecution had been so exhausting that she died shortly after the war. This is one of the personal histories in this exhibition, most of them ending in a concentration camp.

Justizrat Georg Siegmann was admitted as a lawyer in Berlin. When the Nazis came to power he was already 63. As so called senior lawyer, who has been admitted before 1914 he felt safe in Berlin an did not loose his licence as most of the lawyers in spring 1933.He practised until 1938. In July 1942, he signed a so called declaration of property. All Jews who were to be deported had to list their remaining assets. You see the Nazis had a terrible order in their murdering business.

Two weeks later Siegmann and his wife were deported to Theresienstadt with an so called old peoples transport. As late as 1944 he send a Postcard from the konzentrattion camp to Berlin Bar to inform the Bar about the death of another college. After this he was transferred from Theresienstadt to Auschwitz where his trace ends.

The personal fates of lawyers to show are the subject of our exhibition.

The exhibition has also the task, the duty, and the object to give a sign that we want to give back dignity to all the Jewish lawyers of German origin who have been discriminated during the Nazi-Regime.

The exhibitions' displays reflect a time in Germany when the individual rights and the rule of law were completely neglected

Many German non- Jewish lawyers in those days did not act, were silent, did not say a word, there was no resistance, most of them did not even try to help Jewish colleagues.

Why, we do not know and this exhibition does not give an answer. But it will remind us to raise the question again and again.

And finally let me mention another purpose of this exhibition and I think it is important for us for the future:

The fact that so many German lawyers and jurists from the German-Israelian jurist-organization came to the first opening of the exhibition in Berlin and Jerusalem and the fact that this exhibition has been asked to be shown in so many countries, is a challenge and a chance for all lawyers to build and deepen friendship between us, the German lawyers and Jewish lawyers in other countries. . We all need this network of personal friendship.

So let us see this exhibition also as a messenger of friendship to build and improve our network, to come together and to become friends. Because as lawyers we are committed to the principle that society must be ruled by law. Not by the passion of the mob , nor by the ambitions of powerful leaders, nor by the terror of dictators. We have learned through painful experience, and this exhibition is a very impressive reminder, that society not governed by the rule of law are more likely to engage in tragic violence. So we must do what we can to protect and advance human rights and freedom trough the rule of law, so never happens again what was the case in Germany between 1933 and 1945.

And let me end with a last remark I do believe that any attack on the independence of the legal profession in any country is an attack on the legal profession in all countries. And any harm to the people of one country because of the failure of the rule of law is harm to all of humankind. We all must therefore stand united to combat these attacks so that never will exist any lawyer without rights.