

Hitler's "Legal" Ascension 1933

NCSS Thematic Strand(s): Power, Authority, and Governance
Time, Continuity, and Change
Global Connections

Grade Level: 10-12

Class Periods Required: 1-2 50 Minute Periods

Purpose, Background, and Context

Recently, we have been analyzing democratic constitutions and how to make them "democracy-proof", i.e. they have a failsafe to prevent them being abolished from within. We are familiar with constitutional language and parliamentary democracy of various kinds, especially with 20th century western democracies. We have discussed reasons and demand for "strong men" leading nations and how constitutions allow for that while also keeping it in check.

The most recent catastrophic example of (perceived) constitutional failure is Adolf Hitler's rise to chancellor of Germany and then dictator. It is often framed as a "legal" ascension, but we will get to the heart of this half-truth. We will introduce the main actors, and constitutional roles in the fractured multiparty system of the Weimar Republic (already introduced). Also, we have started looking into the person of Adolf Hitler, his early years, his political beginnings and the rise of his mass base in the National Socialist German Workers Party (NSDAP) and the SA.

The lesson will start with a short clip showing the end of the Putsch-trial in 1924 after the attempt to overthrow the Bavarian government in Munich on November 9, 1923. The chief objective in this lesson is to look at how Hitler used and abused the constitution in his interest and how he undermined the political system through manipulation of actors and exploitation of loopholes. The *Weimarer Reichsverfassung* provided points of access for a skilled demagogue with a strong semi-military group for intimidation and mobilization behind him – Hitler knew the constitution well and used this knowledge paired with powerful manipulation to his and the NSDAP's advantage.

Looking at the actual constitution and how events in 1933 came to pass, exploring possible alternative options and outcomes, evaluating political actors and their policies of restraint, and bolstering it with a 10 minute clip of the documentary “Rise of Evil” will constitute the lesson here. This will lead into an assignment for the students on comparing a previously covered constitution of their choosing (e.g. contemporary France, Germany, USA) to Weimar and see if that one is guarded against authoritarian exploitation and implosion. Constitutions after Weimar and World War II looked to these dramatic failures to ensure a more stable political system. If time permits, we will start looking into constitutional lessons learned from the end of Weimar, especially the roles of chief executive (premier/chancellor/president), the parliament and emergency laws to help with the assigned comparison; if not, students will try to come up with these aspects on their own as homework (handout with instructions can serve for homework as well as in-class preparation).

The following lesson(s) will continue to look at constitutional checks and balances in the light of the failure of Weimar and the young German democracy before World War II, culminating in the examination of the *Grundgesetz* of the Federal Republic of Germany, a modern blueprint for constitutions on a global scale. Side-tracks to consider the social, economic, and political developments leading up to WWII will break the potential monotony of constitutional analysis and show applications.

Objectives & Student outcomes

Students will:

- ❖ Examine the *Weimarer Reichsverfassung* of 1919 for the roles of *Reichspräsident*, *Reichskanzler*, formation and reasons for dissolution of the *Reichstag*, and the powers associated with *Notstandsgesetzgebung* (NCSS Standards 2010: Power, Authority, and Governance); read and interpret a common constitutional diagram
- ❖ Apply critical thinking skills to historical inquiry by interpreting, analyzing and synthesizing events of the past (NCSS Standards 2010, pp. 30-31: Time, Continuity, and Change)
- ❖ Understand the historical significance of the collapse of the Weimar Republic and the results of the previous and ensuing political system in Germany, with a

special focus on constitutional foundations of stronger checks and balances (NCSS Standards 2010: Time, Continuity, and Change; Power, Authority, and Governance)

- ❖ Prepare a comparison of the above mentioned constitutional roles from the failed Weimar Republic to a contemporary European or North American constitution (NCSS Standards 2010: Global Connections; Time, Continuity, and Change; Power, Authority, and Governance)

Materials

- ❖ Short clip of outcome of Putsch-trial March 1924 (from “Rise of Evil”), 4 minutes long
- ❖ Photos of and information on main figures of Germany in 1933 (Included after lesson plan)
- ❖ Handout: excerpts from the Weimar Constitution and diagram (After lesson plan)
- ❖ YouTube-clip of scenes from “Rise of Evil” called “How did Hitler become Chancellor in 1933”, 9:30 minutes long
- ❖ Worksheet: Comparing the Weimarer Reichsverfassung and an modern constitution

Procedures

Procedure 1

Hand out NS-vocabulary sheet for general reference

Show 4 minute clip (1.23:30-1.27:30) of “Rise of Evil” that portrays the end of the Putsch trial and has Hitler sent to jail (Landsberg am Lech) for treason; actual jail time was a mere 9 months out of his 5-year sentence.

Have students recap events leading up to the segment.

Procedure 2

Hand out assignment “Weimar Vs.” and explain what the goal is: we are going over key elements of the Weimar Constitution today and they are to compare more stable constitutions (e.g. USA, Germany today, and France) to it in a table. We are engaging in comparative politics here! The Weimar-bit can be filled out in class today as we go; the other half is homework for tomorrow.

By showing how the Bavarian constitution was upheld in the Putsch trial, remind students of the lesson’s focus on constitutions and protection of political systems. Set

the stage for looking into the legal premises for Hitler's politically powerful reemergence after Landsberg by way of exploring the *Weimarer Reichsverfassung* of 1919 (parts were revised in the 1920s; we are looking at the then current version) and the key positions in it. Use diagram (document cam) and go through slides on the constitution "Select Looks."

Students can fill out parts of the assignment right away.

Procedure 3

Introduce faces of 1933 to the constitutional roles just outlined Weimar, slide show "Germany's political leaders in 1933", slides 1-5 – remind students that there were many more involved, but that we are only focusing on the ones politically essential to Hitler's formal ascension.

Procedure 4

Introduce clip on the rise to chancellor. It contains scenes from "Rise of Evil" and has been cut; that may hide time lags, but actually serves quite well to show how very quickly all this happened in January and February 1933. YouTube clip called "How Hitler became chancellor in 1933", 9:30 minutes [let that load a while before needing it]. <http://www.youtube.com/watch?v=eTjY0fD3xBM>

Procedure 5

Re-cap process by showing/discussing slides 7-8 of "Germany's political leaders in 1933".

Remind students of assignment for tomorrow: second constitution compared to Weimar.

Assessment of Outcomes

Through their re-caps, questions and comments, students will prove whether they grasp the constitutional and political issues at stake here.

The assignment assures their focus on the constitutional aspects of Hitler's rule, not just the catastrophic social outcomes of this demagogue's work. Collect the tables and see to it that they get completed by the student. Comparative politics is a valuable enterprise and fosters constitutional awareness as this assignment can build it.

Extensions and Adaptations

- ❖ Have students make posters exposing the reality of Hitler's "legal" rise to power.
- ❖ Make some form of collage (poster, animated PowerPoint presentation, Smart Board, etc.) showing lessons of the Weimar failure.

Discover the social, economic, and military developments in Germany after 1933.

- ❖ Move to the beginning of World War II in Europe – German and international perspectives in subsequent weeks.
- ❖ Especially for 1945 refer back to this lesson when looking at allied concerns, the constitutional debates and development of the *Grundgesetz* in Germany.

Resources and Primary Sources

TV-miniseries "Hitler - Rise of Evil" (2003), DVD, 130 mins.

Constitution of the Weimar Republic (German version, selectively translated for students), from documentArchiv: <http://www.documentarchiv.de/wr/wrv.html> (accessed Feb. 15, 2012)

Ppt. Images: all via Google image search by individual names

Extras

Goebbels' introduction and Hitler's speech at NSDAP gathering after the election 1933 (with subtitles): <http://www.youtube.com/watch?v=CPrygWuELwo&skipcontrinter=1>

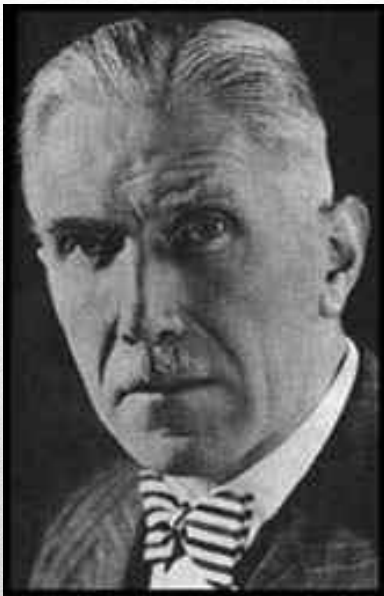
Germany's political leaders in 1933

**Decisive Influences in
Hitler's "legal" Formal Rise
to Political Power**

- 86 years old in 1933
- Very well respected
- Appoints/dismisses chancellors
- Dissolves Reichstag Feb. 1, 1933
- Signs and issues Hitler's edicts to suspend basic rights
- Signed law to allow executive to make laws without consent of the Reichstag
- Died August 2, 1934 while in office



Reichspräsident Paul von Hindenburg



- Member of the Central Party (Zentrumspartei), until 1932, then independent
- 1932 Chancellor (Reichskanzler)
- 1933-1934 Vice-Chancellor under Hitler
- Thought he could control Hitler

Franz von Papen

-
- Member of the National Socialist German Workers Party (NSDAP) since 1924
 - National leader for NS-Propaganda since 1928
 - Became Reichspropagandaminister in 1933
 - Coined phrases like Kristallnacht, Endlösung der Judenfrage, totaler Krieg
 - Wrote anti-Semitic literature (Jud Süß), initiated book burnings from 1933 on



Joseph Goebbels




- *20. April 1889 – †30. April 1945
- Leader of the NSDAP
- Coup on the Bavarian government November 9, 1923. He received only 9 months prison for treason & wrote "Mein Kampf" there
- Austrian, gains German citizenship only in 1932
- Named chancellor January 30, 1933

Adolf Hitler

- NSDAP have the most members in the Reichstag, but no majority; collectively walk out and force new elections
- Hindenburg dissolves Reichstag Feb. 1, 1933
- As chancellor, Hitler rules through emergency laws (*Notverordnungen*) until the elections in March
- “Reichstagsbrand” Feb. 27, 1933; catalyst and propaganda opportunity, blamed on Communists
- Through emergency rule and after, Hitler bans unions, the SPD, has other parties dissolve, makes NSDAP the only party, murders former allies under the pretense of a Putsch (SA Leader Röhm in June 1934)
- NSDAP do NOT gain a 2/3-majority in the March 1933 elections to the Reichstag, SA intimidates

Hitler as Chancellor

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- Hindenburg signs Hitler's laws into effect early 1933

Verordnung des Reichspräsidenten zum Schutze des Deutschen Volkes

Verordnung des Reichspräsidenten zum Schutz von Volk und Staat (Reichstagsbrandverordnung)

Gesetz zur Behebung der Not von Volk und Reich (Cabinet makes laws, not the legislature)

- These and other laws swiftly do away with freedom of assembly, freedom of the press, privacy of correspondence; everything is brought inline with Nazi-ideology and Hitler effectively abolishes democracy: Machtergreifung, Gleichschaltung
 - Takes over von Hindenburg's political duties and responsibilities upon his death in August 1934
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VÖLKISCHER BEOBSACHTER



Verantwortlicher Herausgeber: Adolf Hitler

Die Brennessel
Macht macht!

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Stammplatz bei national-sozialistischen Versammlungen

Druck: Dr. phil. habil. Adolf Hitler, Reichsminister für Volksaufklärung und Propaganda, Reichsministerium für Volksaufklärung und Propaganda, Berlin, Unter den Eichen 87, 1. Stockwerk. Telefon: 9090-10.



Das brennende Reichstagsgebäude

Der amtliche Bericht:

Das Maß ist voll!

Jetzt wird rücksichtslos durchgegriffen

Kommunistische Brandstifter zünden das Reichstagsgebäude an – Der Mitteltrakt mit dem großen Sitzungssaal vernichtet – Kommunistischer Brandstifter verhaftet – Das Zeichen zur Entfesselung des kommunistischen Aufwuhes – Schärfste Maßnahmen gegen die Terroristen – Alle kommunistischen Abgeordneten in Haft – Alle marxistischen Zeitungen verboten

Der Wallot-Bau in Flammen Das Fanal!

Das Foto ist eine amtliche Bild-Veröffentlichung des Reichsministeriums für Volksaufklärung und Propaganda. Es ist Eigentum des Reichsministeriums für Volksaufklärung und Propaganda.

NSDAP	Nationalsozialistische Deutsche Arbeiterpartei - National Socialist German Workers' Party
Mein Kampf	" My Fight " – Hitler's main ideological work, banned in Germany to this day!
SA	Sturmabteilung, paramilitary group led by Röhm, ensured "order", intimidated or quelled opposition of any kind
SS	Schutzstaffel, initially bodyguard to Hitler, became party-internal police force; decisive organ for NS-terror and oppression between 1933-1945
Machtergreifung	Process in which Hitler and the NSDAP abolish democracy from Jan. 30, 1933 on to seize absolute power
Gleichschaltung	Unification of all aspects of German public, private and political life under the NS-leadership, abolition of all other groups
Judenfrage	Jews considered a hindrance to German national identity and unity
Endlösung	Final Solution – Extermination of all Jews in concentration camps

NS-specific Vocabulary

Constitution of The Weimar Republic

Select Looks

Die Verfassung
des Deutschen Reichs.
Vom 11. August 1919.



Das Deutsche Volk,

einig in seinen Stämmen und von dem Willen befeuert, sein Reich in Freiheit und Gerechtigkeit zu erneuern und zu festigen, dem inneren und dem äußeren Frieden zu dienen und den gesellschaftlichen Fortschritt zu fördern, hat sich diese Verfassung gegeben.

Key Elements for 1933

- Reichstag (Parliament)
- Reichskanzler (Chancellor)
- Reichspräsident (President)
- Notverordnungsgesetz, Art. 48

Reichstag

- German parliament, Legislative body
- Directly elected by population

- Art. 21
 - (1) The delegates are representatives of the whole people. They are only subject to their conscience and not bound to orders.
- Art. 25
 - (1) The president can dissolve the Reichstag, yet only once with the same justification.
 - (2) Elections are to be held no later than the 60th day after dissolution.
- Art. 32
 - (1) A resolution requires the simple majority, as long as the Constitution demands no other ratio. [...]

Reichstag (2)

- Art 35
 - (2) [...] after a legislative term and after dissolution of the Reichstag, the Reichstag forms a standing committee to secure the rights of the parliament as representation of the people.

- Art. 36
 - (1) No member of the Reichstag [...] may at any time be persecuted legally or officially or held to account outside of parliament for his/her parliamentary votes or pronouncements.

Reichspräsident

- Directly elected by the population, 7 year term
- Art 42 (Oath)

“I swear that I will invest my strength into the wellbeing of the German people, further their benefits/ends, repel damage, uphold the constitution and laws of the Reich, fulfill my duties conscientiously and be just toward all.”
- Art. 47
 - (1) The president is commander in chief of the entire armed forces.
- Art. 48 (Notstandsverordnung)
 - (2) The president may, if the public security and order are disturbed or in jeopardy, take necessary measures to restore public security and order, including the use of armed forces, if needed.
 - (3) [...] Upon demand by the Reichstag such measures are to be suspended.

Reichsregierung/Administration (Chancellor and Cabinet)

- Art. 53
 - (1) The chancellor and the secretaries recommended by him are appointed and dismissed by the Reichspräsident.
- Art. 55
 - (1) The chancellor is head of the government in line with the rules of business order.
- Art. 56
 - (1) The chancellor determines the political direction and policy guidelines and answers to the Reichstag for them.

Legislative Process

- Art. 68
 - (2) National laws are enacted by the Reichstag.
- Art. 70
 - (1) The Reichspräsident has to sign constitutionally arrived at laws within a month and publish them.
- Art. 76
 - (1) The constitution can be changed by parliament. However, only when at least $\frac{2}{3}$ of the legal members of the Reichstag are present and when at least $\frac{2}{3}$ of them vote for the change.

Judiciary and Basic Rights

- Art. 102
 - (1) Judges are independent and only subject to the law.
- Art. 109-165

All the basic rights you would expect today also: equality before the law, personal freedoms, confidentiality of correspondence, right to assemble peacefully, freedom of expression and the press, etc.

Weimar Vs.

Constitutional Comparison

Look at the elements in the left column and find articles in the Weimar Constitution and the constitution you chose (USA, Germany, France). Give the prerequisites for the positions, their duties and responsibilities. Note the article and summarize the content – be specific with numbers though, e.g. if terms or majorities are mentioned.

	Weimar	_____ (your choice)
Head of State/President		
Chancellor/Prime Minister		
Parliament/Public representation		
Emergency Rule		
Make laws/Change Constitution		

Diagram of the Weimar Constitution 1919

