

**Discussion at the Staff of the Deputy of the Führer in Munich on 20 December 1934  
regarding 'special legislation on Jews'**<sup>1</sup>

Note, unsigned, dated 20 December 1934 (draft)<sup>2</sup>

*Outcome of the discussion on racial policy at the Brown House, Munich, on 20 December 1934.*<sup>3</sup>

The handling of Aryan legislation to date has had a number of extremely detrimental effects on foreign and domestic policy:

In foreign policy, this can be seen in that the concept of 'Aryan' and 'non-Aryan' appears to have resulted in large population groups of different races being equated with and placed on the same footing as Jewry in the German state.

In terms of domestic politics, it can be seen from the fact that, first, beyond the (very incomplete) elimination of the Jews from a series of professions there are no clear principles for the further elimination of Jewry from Germany itself and, second, not only does the treatment of Jew Mischlinge by the state and the Party occur according to various principles, but also within the state and Party agencies the treatment is not uniform.

It therefore seems necessary to create specific Jewish legislation alongside the general racial legislation in order to consciously separate Jewry from other non-Aryan population groups in terms of status, and in this way to regain the possibility of adopting the necessarily stringent measures against Jewry both in law and in propaganda. The present approach of placing Jews and non-Aryans on an equal footing for domestic and foreign policy reasons largely rules out this possibility.

This legislative settlement of the Jewish question will have to distinguish politically between (I) the definitive and total elimination of the Jews from the German national community, and (II) the treatment of the Jew Mischlinge.

I. A Jew is a person who has two Jewish parents. According to these definitions, a Jew is also a person who has one Jewish parent or one Jewish grandparent.<sup>4</sup>

The following legal provisions are to be applied to this group:

1 BArch, R 1509/35, fols. 51–54. This document has been translated from German.

2 The original contains handwritten underlining and revisions. The transcript was made by Walter Groß and Gerhard Wagner, and the last paragraph was written by Wagner and Dr Bartels without the knowledge of the other participants. The note was sent without the handwritten additions, for example under 1(a) and (b), as well as points 6 and 7: letter from the Staff Office/Reich Farmers' Leader to the Reichsführer SS/Race and Settlement Main Office dated 15 March 1935, with note from 20 Dec. 1934, BArch, NS 2/143, fols. 15–18. In mid Jan. 1935 Himmler (Reichsführer SS), Heydrich (Gestapo Central Office, Gestapa), and Darré in his capacity as chief of the Race and Settlement Main Office of the SS also received the note regarding the meeting: *ibid.*, fols. 19–31.

3 Reich Physicians' Leader Wagner had invited the staff of the Deputy of the Führer to the meeting: BArch, NS 2/143, fol. 38. Ministerialrat Bartels, Ministerial Director Dr Schultze, Dr Groß, Dr Gercke, SS-Standartenführer Rechenbach, SS Sturmbannführer Brandt (Race and Settlement Main Office), and SS-Untersturmführer Mayer (Race and Settlement Office) attended the meeting, which was chaired by SS-Obergruppenführer Buch and SS-Obergruppenführer Wagner: *ibid.*, fols. 15–18.

4 This definition follows the Aryan Paragraph of the Law for the Restoration of the Professional Civil Service: see Doc. 32, 11 April 1933.

- (1) A ban on marriage with persons of German descent.
  - (a) A Jewish person who has extra-marital sexual intercourse with a non-Jewish person is subject to punishment.<sup>5</sup>
    - For the Jew, penitentiary; for her, prison
  - (b) defilement – death<sup>6</sup>
- (2) A ban on holding public office.<sup>7</sup>
- (3) The preclusion from serving as a company manager according to the Law for the Regulation of National Labour of 2 May 1934.<sup>8</sup>
- (4) A ban on owning land or soil that can be used for agriculture and forestry.
- (5) A ban on employing German female domestic staff.<sup>9</sup>
- (6) In terms of criminal prosecution  
service for Mischlinge
- (7) Special education<sup>10</sup>

Germany considers the Jewish question to be resolved definitively only once a complete spatial separation between the Jewish people and the German people has been achieved. For this reason, Germany therefore supports every endeavour that aims to cause the Jews to migrate from Germany and to take up residence in their own settlement area.

II. For the treatment of Jew Mischlinge, the same provisions apply as to the Jews. Insofar as these Mischlinge forego having any offspring, they can retain public positions and continue to possess land suitable for agriculture and forestry as long as they prove themselves. The prohibition of marriage with a German person and of extramarital sexual relations with a German person nonetheless also apply to them. Children of such Mischlinge who were conceived after the enactment of the law fall under the provisions of paragraph I.

(1) Jew Mischlinge are people whose ancestors alive on 1 January 1800 were descended from parents who were not christened at birth.

(2) The Führer alone decides on cases where it is necessary to deviate from this underlying position. Petitions to the Führer in this connection can only be addressed to a special court yet to be established, which then submits them to the Führer.

The proposed regulation will clearly differentiate Jewry from Volksgemeinschaften made up of other races.

The concept 'Aryan' is to be understood as applying to members of those population groups that originate from the closed racial nuclei that have formed in our Lebensraum in the narrower sense.

5 Demands 1 and 1(a) were achieved with the Law for the Protection of German Blood and German Honour, 15 Sept. 1935: see Doc. 199.

6 The words from 'Jew' to 'death' were inserted by hand.

7 This demand was met with the First Regulation to the Reich Citizenship Law, 14 Nov. 1935: see Doc. 210.

8 The Law for the Regulation of National Labour was in fact passed on 20 Jan. 1934: see Doc. 145, 7 Dec. 1934, fn. 2.

9 This demand was realized with the Law for the Protection of German Blood and German Honour, 15 Sept. 1935: see Doc. 199.

10 The words from '6' to 'Special education' were inserted by hand.

The German racial community and Volksgemeinschaft have emerged from this Aryan group. The furtherance of this German community must have priority. However, absolutely no distinction may be drawn between the value of the descendants of the individual basic races in this German racial community.