

**Meeting in the Reich Ministry of Justice on 22 September 1938
regarding the abolition of tenant protection laws for Jews, and the impoverishment
and possible ghettoization of the Jews¹**

Inspector General of Building for the Reich Capital,² section head: Dr Fränk³ (II/Hp.), minutes of the meeting in the Reich Ministry of Justice, dated 22 September 1938⁴ (copy)

Re: tenant protection for Jews.

It has become necessary to issue legislation to abolish laws for Jews. Citing §§ 2 or 4 of the Tenant Protection Law,⁵ individual local courts have already denied protection to Jewish tenants on the grounds that simply living in a Jewish household is itself a cause of great disturbance to other tenants and the termination of these households' leases is therefore acceptable. The fact that the courts do not share a unified opinion on the interpretation of the provision of the law and the concern that such issues will be treated inconsistently gives rise to the following questions:

- (1) Has the moment arrived to take action against the Jews in this area, too?
- (2) How should the procedure be carried out and which economic and political consequences are to be expected?

Question (1) has been answered in the affirmative by all representatives of the departments involved. As regards question (2), Ministerialrat Scheffler⁶ has informed us on

1 BArch, R 4606/157, fols. 153–155. This document has been translated from German.

2 Albert Speer (1905–1981), architect; joined the NSDAP and the SA in 1931; from 1934 planner and architect of major construction projects, including the New Reich Chancellery; from 1937 Inspector General of Building for the Reich Capital (GBI); Reich minister for armaments and war production, 1942; sentenced to twenty years' imprisonment at Nuremberg in 1946 and released in 1966.

3 Dr Gerhard Fränk (1908–1975), lawyer; joined the NSDAP and the SS in 1933; probationary judge, 1935; municipal councillor in the Berlin city administration, 1937; from 1938 vice president of the department for the implementation of the new design of the Reich Capital (Durchführungsstelle für die Neugestaltung der Reichshauptstadt); in-house lawyer of the GBI; deputy head of Main Department II (evacuation, building materials, labour); from 1940 on the staff of the SS Main Office for Administration and Economics; SS-Standartenführer, 1944.

4 The meeting was chaired by Ministerial Director Dr Volkmar. Representatives of the Deputy of the Führer, the Reich Ministry of the Interior, the Reich Ministry of Labour, and the Reich Ministry of Economics were also in attendance.

5 Law on Tenant Protection and Tenancy Arbitration Offices, dated 1 June 1923, *Reichsgesetzblatt*, 1923, I, pp. 353–364, revised version dated 30 June 1926, *Reichsgesetzblatt*, 1926, I, pp. 347–357. The law was amended several times in the years that followed: Susanne Willems, *Der entsiedelte Jude: Albert Speers Wohnungsmarktpolitik für den Berliner Hauptstadtbau* (Berlin: Hentrich, 2000), p. 90. For the discussion on the abolition of tenant protection for Jews, see Doc. 101, 6 Oct. 1938.

6 Dr Gerhard Scheffler (1894–1977), lawyer; Landrat in Kreis Bentheim, 1931–1933; worked in the department for local government in the Prussian and the Reich Ministry of the Interior, 1933–1940; joined the NSDAP in 1940; mayor of Posen, 1940–1945; worked in the audit office of the federal state of North Rhine-Westphalia, 1949–1950; responsible for social affairs in the Federal Ministry of the Interior, 1950–1958.

behalf of the Ministry of the Interior that a final statement from his department cannot yet be given, as it is first necessary to verify how many Jewish households exist and will be affected by these measures. In the case of homelessness of the Jewish households, these would become a burden to the Jewish community, which in turn would be obliged to provide them with accommodation. Furthermore, the question of the creation of a ghetto is currently being investigated by the Reichsführer SS and there is no definitive decision as yet. He has, however, established that the community could not assume the substantial extra burden of building apartments and suchlike. He added that the question of Jewish business operations in this yet to be created ghetto must be discussed, in particular the circumstance that Jews from the provinces (Jewish cattle traders and the like) would move to the city and be unemployed there. At present it is already the case that one in four Jews is a welfare recipient, hence the current preparation of a draft to amend the regulation on obligations of welfare, according to which state benefits for Jews will be cut considerably compared to those for their German counterparts.

The representative of the Deputy of the Führer welcomed the measures proposed by the Reich Minister of Justice and deemed a speedy regulation to be of great urgency. In particular the tendency of the legal decisions passed so far is to be approved. He requested that the question of the ghetto and its further effects be adjourned. He has no misgivings about attempting first to leave it up to the Jews to organize alternative accommodation themselves. If necessary he would suggest that shanties be erected by the community and used to accommodate homeless Jews.

The representatives of the Reich Ministry of Economics and the Reich Ministry of Labour are generally in agreement with the comments made, but are not yet in a position to provide a conclusive statement on behalf of their respective departments.

Dr Fränk reports the view of the Inspector General of Building, which should fundamentally apply to Berlin in particular and probably also to other cities where urban construction measures are being carried out for the Führer. We are being urged in particular to remove Jews from large apartments, in order to grant these to tenants who previously resided in large apartments in demolished areas. In economic terms this would mean a saving of around RM 40 million, as it is basically the community that would be obliged to build replacement apartments. It remains to be considered whether barracks should also be built for Jews in large cities such as Berlin, Frankfurt, etc. Due to the urgency of the circumstances in Berlin, the intention is to accommodate these Jewish owners of large apartments in a part of Berlin yet to be determined – perhaps on the outskirts – in newly built apartments.

[Ministerial Director Dr] Volkmar⁷ requests the overdue statements from the Reich Minister of the Interior, the Reich Minister of Labour, and the Reich Minister of Economics by 15 October, in order to make appropriate proposals based on these.

⁷ Dr Erich Volkmar (b. 1879), lawyer; district court judge, 1908; privy government councillor, 1919, and ministerial director in the Reich Ministry of Justice, 1931; on the Reich Committee for the Protection of German Blood, 1936; member of the Academy for German Law; chief judge at the Reich Hereditary Farm Court (Reichserbhofgericht); honorary professor in Berlin; retired in 1943.

After the meeting I sought contact with Dr Werner Müller⁸ from the city of Berlin. In my opinion, statistical surveys should be conducted in order to establish to what extent Jewish households would be affected by such an action in Berlin. From the district mayor's electoral register it can be seen how many Jews currently in Berlin do not have the right to vote. According to a rough estimate, the number is around 160,000. From experience (one household = an average of 2.8 persons) we therefore have approximately 50,000 Jewish households. However, the statistics do not show how these households are distributed according to apartment size.

I therefore propose, with the support of the [NSDAP] political leaders, the investigation of further details regarding the Gau of Berlin. This process should not be too time-consuming, as every block administrator is very well informed as to the exact composition of his area.

I request a decision as to whether I may proceed in this way. There is, however, a danger with this measure that the masses may find out about the motive without us explaining our reasons for this approach.

⁸ Dr Werner Müller (1900–1955), lawyer; probationary judge in Berlin, 1926–1928; head of the Berlin main planning office; senior municipal councillor; after 1945, general consultant for construction and housing affairs in Berlin; minister of the interior in West Berlin, 1951–1953; from 1954 president of the administrative court in Berlin.