

**On 26 August 1941 the Chief of the Civil Administration in Alsace considers
the use of former Jewish cemeteries¹**

Memorandum from the Chief of the Civil Administration in Alsace, Administration and Police Department (no. 48 227), signed Schmitt, Strasbourg, dated 26 August 1941

According to telephone communication from the regional commissioners in Mulhouse and Strasbourg, the Jewish cemetery in Rixheim (Mulhouse) has an area of 22 ares and 52 m², the one in Hegenheim (Mulhouse) 3 hectares and 17 m², and the one in Ettendorf (Strasbourg) 2 hectares, 33 ares and 60 m².

Under Art. 8 of the Decree of 23 Prairial XII,² still in force in Alsace, cemeteries that have been closed must remain unused in their former state for five years. After the expiration of this period, plots that previously served as graveyards may be leased, albeit with the stipulation that they may only be sown and planted. The excavation of soil or construction of foundation walls is not permitted. Former cemeteries may not be put on the open market until ten years after the last burials.

In response to the letter of 25 January 1941, no. 524³

I. To the Chief of the Civil Administration – Personal Department

Strasbourg

There are fifty-nine Jewish cemeteries in Alsace, with a total area of around 45 hectares, which are for the most part recorded in the land register in the name of Jewish religious communities, with only a negligible portion owned by the municipalities. As according to information from Einsatzkommando III/l of the Security Police there are no longer any Jews in Alsace, not even Jews living in mixed marriages, these cemeteries can be closed. In view of possible exceptional cases (death of Jews in transit or of Jews with foreign nationality) one cemetery could be kept open, perhaps in Strasbourg.

Jewish cemeteries that belonged to Jewish asset holders are administered by the Liquidation Commissioner for Organizations.⁴ The municipalities, which are generally responsible for establishing and maintaining cemeteries, currently come under consideration for taking over the cemeteries.

According to the regulations in force in Alsace, however, the Jewish cemeteries that have been closed cannot be used for other purposes during the five years they have to remain unused after the last burial. After this period expires, they may be used only for cultivation. Cemeteries that have been closed can only be put on the free market after ten years. From a public health perspective this last period is brief; in Baden it runs to twenty to twenty-five years.

1 Archives départementales du Bas-Rhin, Strasbourg, 126 AL 121. This document has been translated from German.

2 Décret du 23 Prairial XII sur les Sépultures, 12 June 1804 (Prairial Decree). Published in Jürgen Gaedke and Joachim Diefenbach (eds.), *Handbuch des Friedhofs- und Bestattungsrechtes* (Cologne: Heymann, 2010), pp. 598–599. Prairial was the ninth month in the French Republican calendar, starting on 20 May and ending on 18 June.

3 Not included in the file.

4 Franz Schmidt.

As on one hand a decision has not yet been made regarding the ultimate fate of the assets administered by the Liquidation Commissioner – I refer in this context to the copy of the decree of the Reich Minister of Finance dated 21 March 1941⁵ that was sent with your letter of 30 April 1941, no. 2149⁶ – and on the other hand alternative use of the land on which closed Jewish cemeteries are located cannot take place for the time being on public health grounds, it is my opinion that no measures regarding the Jewish cemeteries are necessary for the time being. At most, it could be ordered that, should the interment of Jews be necessary, it may be carried out exclusively in a designated Jewish cemetery that is kept open, possibly in Strasbourg.

I venture to make reference to the letter addressed directly to the Reichsstatthalter⁷ in Karlsruhe by the Baden Minister of the Interior,⁸ dated 8 August 1941, no. 58 257.⁹

5 Not included in the file.

6 Not included in the file.

7 Robert Wagner.

8 Karl Pflaumer.

9 Not included in the file.