

Racial State

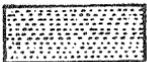
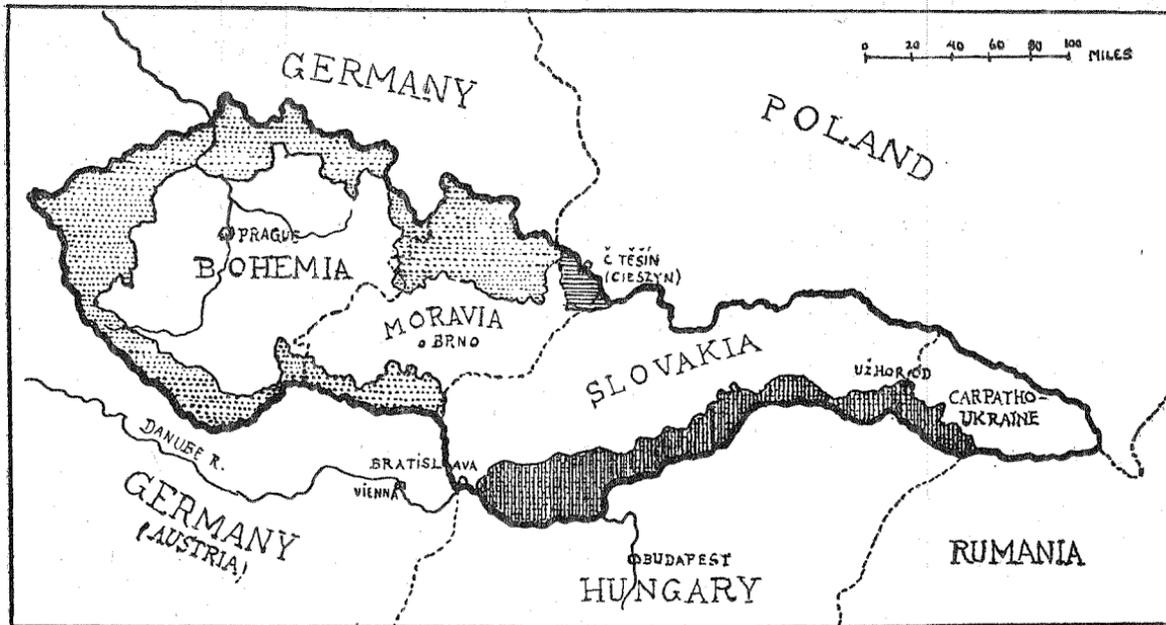
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by

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OF THE
AMERICAN JEWISH CONGRESS AND WORLD JEWISH CONGRESS
NEW YORK

RACIAL STATE



Territory ceded to Germany under Munich Agreement.



Territory ceded to Hungary by the German-Italian Award of Vienna, October 1938 (subsequent cessions during November).



The area ceded to Poland by the Award of November 1938.

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RACIAL STATE

The German Nationalities Policy
in
The Protectorate of Bohemia-Moravia

by

GERHARD JACOBY



INSTITUTE OF JEWISH AFFAIRS

OF THE

AMERICAN JEWISH CONGRESS AND WORLD JEWISH CONGRESS

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FOREWORD

The racial problem has not been neglected by the various branches of social science. There is a large literature on this problem in the fields of anthropology and sociology, as well as social psychology. Yet despite the various changes in the concept of the state which have occurred during past centuries, no real importance was ever attached to the element of race in the theory or practice of government. It was the Nazis who first introduced the racial point of view in modern government.

However, it was not Germany, but the Protectorate of Bohemia-Moravia which actually became the first racial state in modern history. Obviously, the necessary scope for the hierarchical racial doctrine is hardly given when there are only two "races," one of them present in small and dwindling numbers. This was the case in Germany, where all parts of the population, whether racially Germanic, Slavonic, Lithuanian, Danish, or Frisian, were declared to be of "Aryan" or "cognate blood," with Jews being singled out as the only exception. In the "Protectorate of Bohemia-Moravia," however, the Germans were able to operate with three distinct groups, segregated in different legal positions. Highest among them were the Germans, regardless of their connection with the Protectorate; next came the Czechs, in an inferior status; and at the very bottom of this ladder were the Jews, singled out for ultimate destruction. This policy was not always consistent. It may even be said that it was full of contradictions; but the basic legal structure remained that of the racial hierarchy, as defined in the fundamental documents of the organization of the Protectorate.

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FOREWORD

This volume, based on a study of first-hand material, and especially of the legal and interpretative material of the Nazis themselves, attempts to convey to the American reader what this racial state really meant to the people of the so-called Protectorate.

The structure of the Protectorate cannot be completely understood in terms of racial doctrine only. Its structure was complicated by the element of so-called protection. The author has given full consideration to this element, in drawing the outlines of these novel theories and practices.

In publishing such a monograph today, on the eve of liberation, we are full aware of the general expectation that racialism and all it stood for will disappear like a nightmare at the end of the present war. While confidently sharing these hopes, one cannot deem it useful to fail to learn practical lessons from a study of the machinery through which the racial state functioned. Furthermore, ideas have a strange capacity of revival in places and periods where they are least expected to appear.

From a Jewish viewpoint, the present study gives us a vivid picture of the gradual process of degradation, deprivation of property and occupations, forced emigration, segregation, and ultimate destruction of a Jewish community which, for centuries, was bound up with the soil and spirit of its country. It also documents the high degree to which even those Jews who still somehow managed to remain on their native soil were uprooted, and it gives an approximate idea of the tremendous problems which will face both the free Czechoslovak Government and the Jewish community in the process of rehabilitation.

* * *

In concluding this foreword, I wish to express the grateful acknowledgment of the Institute of Jewish Affairs, as well as

FOREWORD

of Dr. Gerhard Jacoby, the author of this volume, to Dr. Ben Halpern, who, as editor, cooperated for two years with the author, and contributed unstintingly of his time and ability to the preparation of this volume in its present shape.

* * *

All Czech names in this volume have been spelled in the Czech manner. However, it has not proved technically possible to use the accent signs of the Czech orthography.

Jacob Robinson
Director, Institute of Jewish Affairs

October, 1944

CONTENTS

	PAGE
FOREWORD	v
INTRODUCTION	1

PART I

THE PROTECTORATE OF BOHEMIA-MORAVIA

CHAPTER I: DIPLOMATIC BLITZKRIEG	9
Self-Determination	
Sphere of Interest	
<i>Lebensraum</i>	
ANNEX TO CHAPTER I: A VOID TREATY.....	27
CHAPTER II: THE PRINCIPLES OF THE PROTECTORATE.....	31
Protection or Annexation	
The True Meaning of the Protectorate	
ANNEX TO CHAPTER II: PROTECTORATE MADE IN JAPAN.....	43
CHAPTER III: DIVISION OF POWERS.....	51
Essential Functions Reserved by the Reich	
Government	
The Reich Protector	
The Autonomous Protectorate Government	
<i>Reichsauftragsverwaltung</i>	

PART II

THE METHOD OF SEGREGATION

CHAPTER IV: BLOOD AND HONOR.....	73
Who could be a Reich Citizen?	
First Class Citizens—the Germans	
Second Class Citizens—the Czechs	
Third Class Citizens—the Jews	
The Right of Expatriation	

CONTENTS

	PAGE
CHAPTER V: CODES AND COURTS.....	93
German Subjects	
Protectorate Subjects	
Judicial Review	
CHAPTER VI: MASTERS AND HELOTS.....	108
Army	
Civil Service	
a) Germans Installed	
b) Czechs Retired	
The Professions	
a) Jews Debarred	
b) Czechs Displaced	
Final Word on Segregation	
<i>PART III</i>	
THE METHOD OF ASSIMILATION	
CHAPTER VII: GLEICHSCHALTUNG	129
German Organizations	
Czech Organizations and Parties	
The Jewish Question: Test of <i>Gleichschaltung</i>	
CHAPTER VIII: REEDUCATING A NATION.....	144
Censorship	
a) Books	
b) The Film Industry	
Liquidating a Language	
Disciplining the School System	
Public Enlightenment	
CHAPTER IX: PUNISHMENT AND REWARD.....	161
Penalties for Dissidents	
Rewards and Bribes	
a) for Nazis	
b) for Germans	
c) Special Rewards for Czechs	
Discrimination against Jews	

CONTENTS

	PAGE
CHAPTER X: COORDINATED ECONOMY	176
The Legal Basis	
Money and Banking	
Communications, Customs, and Taxes	
Controlled Economy	
Enterprises under German Jurisdiction	
Final Word on Assimilation	
<i>PART IV</i>	
THE METHOD OF DEPOPULATION	
CHAPTER XI: EXPROPRIATION	203
General Measures	
The Expropriation of the Jews	
a) The Purpose of Jewish Expropriation	
d) The Final Bans	
c) Confiscation by other Names	
b) The Legal Basis	
CHAPTER XII: DEPOPULATION AND RESETTLEMENT.....	221
Strategic Colonization	
Agricultural Resettlement	
Colonization by Evacuees	
Forced Labor	
Manpower Export	
CHAPTER XIII: THE EXTINCTION OF THE JEWS.....	233
The Central Office of Jewish Emigration	
Emigration	
Local Segregation	
Forced Labor	
Deportation	
Civil Death	

CONTENTS

	PAGE
CHAPTER XIV: THE FAILURE OF FORCE.....	248
Neurath: the Gloved Fist	
Heydrich: the Hangman	
Reprisals by Dalugee	
Frick and Frank	
Final Word on Depopulation	
CONCLUSIONS	265
ABBREVIATIONS	275
FOOTNOTES	277
APPENDICES	305
TABLES:	
I. Statistics of Nationalities	
II. Structure of the German Ministry of State for Bohemia-Moravia	
III. The Czechoslovak School System, 1923 - 1934	
DOCUMENTS:	
I. The Hitler-Hacha Agreement of March 15, 1939	
II. The Hitler Decree of March 16, 1939	
III. The Thirteenth Ordinance to the Reich Citizen's Law	
BIBLIOGRAPHY	325
INDEX	349
MAP: Czechoslovak Territorial Losses September-November, 1938	Frontispiece

INTRODUCTION

INTRODUCTION

EVEN though the Nazi regime in Germany has plunged the world into its most disastrous war, there is still very little general understanding of the policies which Nazi rule applied against subjected peoples, or of some of the underlying ideas by which these policies were powerfully influenced. This book illustrates one of the most complete elaborations of those policies in the first non-German country annexed by the Reich. It is the purpose of this introduction to sketch certain of the basic concepts which shaped the nationalities policy of the racist Protectorate of Bohemia-Moravia.

* * *

The "right to space" (*Raumrecht*) was one of the bases of National Socialist policy after the Nazis came to power in Germany. It was the counterpart of the better known principle of "blood and soil" (*Blut und Boden*). In 1934, the protagonist of the National Socialist geopolitical doctrine, Karl Haushofer,⁽¹⁾ asked for the restoration to Germany of its "pillaged space right." Haushofer based the claim to these alleged rights on the principle of self-determination, but he recognized the right of self-determination only in the case of big peoples. He denied that right to the small peoples because, he declared, they were becoming less and less capable of exercising self-determination.

Carl Schmitt,⁽²⁾ the accepted authority for National Socialist doctrines of international law, in 1939 demanded an "Inter-

(1) Karl Haushofer: *Weltpolitik von heute*, Berlin, 1934.

(2) Carl Schmitt: *Voelkerrechtliche Grossraumordnung mit Interventionsverbot fuer raumfremde Maechte*, Berlin, Vienna, 1939.

RACIAL STATE

national Order of Big Spaces" (*Voelkerrechtliche Grossraumordnung*). His proposal involved reserving the right for Germany to determine the situation in its "space" without other powers external to the space being consulted. He wrote:

"The construction and execution of the principles valid for such a Big Space (*Grossraum*) is not the business of external powers which interfere with the Space from the outside; therefore it is neither the business of the Western European democracies nor of an American Government, but of those powers and states which bear (the responsibility in) that Space."

The principle of the administration of the Big Space by Germany was developed in a paper by the German *Ministerialdirektor*, Dr. Werner Best.⁽³⁾ He feels that only special groups of men or special peoples are entitled to be participants in the Order of Big Spaces. He recognizes as the supreme principle of human history the survival of the fittest national entities—such entities being vital units superior to personalities and above time. With regard to non-dominant peoples, he arrives at the following brutal conclusion:

"History proves that the annihilation or expulsion of a foreign nationality is not contrary to biological law, if it is complete."

If a foreign people was allowed to continue living in a Big Space, however, Best warned the dominant people to be on its guard against becoming soft by relying on the labor of enslaved subjects. This possibility should lead to moderation in the treatment of smaller peoples in the Big Spaces. For such "Big Space Peoples," different grades of subjection by the dominant nation are provided: to be, more or less, in the

(3) "*Grundfragen einer deutschen Grossraumverwaltung*," Festgabe fuer Heinrich Himmler (Darmstadt, 1941); excerpts published in *Zeitschrift fuer Politik* (June, 1942).

INTRODUCTION

position of allies; to administer themselves under supervision; to be governed by the dominant people, with provisions for autonomous administration of their own regional affairs; finally, to live under rules prescribed in all detail by the leading people, whose main interest is in the working power of the subject people.

The dominant people is entitled to demarcate the Big Space, to establish its administration, and guide the "Big Space Peoples" toward collaboration, "actively or passively," in preserving or developing the Big Space Order. Denying the conceptions of "international law" and "municipal law," Best declares the national Big Space Order to be the new legal form for the symbiosis of peoples, while all problems of sovereignty, citizenship, and state territory disappear.

* * *

It was characteristic of the Nazis to use the form of scientific doctrines and legal norms for achieving their political aims of annihilation and conquest. The results of the Germanization of a whole continent will not be undone automatically by the victory of the armies of the United Nations. It will take a long time before the Nazi network of systematically woven relationships between the Reich and subject Europe will be dissolved. To attain this end, the intricate procedure applied by Nazism must be thoroughly known.

The Nazis did their most subtle work in that part of Europe which always was regarded as the key to the East, Czechoslovakia. By creating the "Protectorate of Bohemia-Moravia" they set up a demonstration model of their Big Space Order that was proudly announced as an "independent product of National Socialist thought." The subjection, not only of the country but of the people, was accomplished, step by step, by

RACIAL STATE

way of law and decree. If, as Carl Schmitt explains, " 'Legal' means what is formally correct," everything that was done to the Czech people was quite legal.

The present study shows how the legislation, by which the Nazi ruled, was built up. It shows how "by legal means" the Nazi Reich tried to open new "living space" for Germans. And it shows what fate was destined for the other peoples in Europe who were to live under the New Order of National Socialism.

PART I

THE PROTECTORATE OF BOHEMIA-MORAVIA

CHAPTER I

DIPLOMATIC BLITZKRIEG

THE NAZI "ideology" was a weapon of aggression no less than the German armored columns. Hitler himself outlined the technique of mass propaganda by which he rose on the backs of the Nazi mob to power. Lies, simple and direct, monotonously and insistently repeated, were the formula prescribed in *Mein Kampf*.

For the "intellectual elite," the Nazis had a different propaganda technique. Plausible equivocation and slippery phrasing marked the public statements of Nazi diplomacy and legislation. Each succeeding German aggression was veiled by "political theories" or "legal constructions" purporting to show that what had been done was in accord with generally accepted ideas of international law and principles of justice. For any change of policy Nazis always found new "scientific" excuses, often diametrically opposed to the old, wherewith to lull the conscience of the "thinking classes."

In the case of Czechoslovakia, the Germans reversed their ideological fronts with an aplomb and speed that foreshadowed the military *Blitzkrieg* technique.

SELF-DETERMINATION

The early stages of the German plot which led to the Second World War were veiled by a camouflage of misappropriated democratic concepts. Open rearmament and the reoccupation of the Rhineland were explained as a restoration of German "equality." The Saar plebiscite and the seizure of

RACIAL STATE

Austria were declared to be cases of democratic "self-determination."

The latter concept was also used in the first phase of Germany's aggression against Czechoslovakia. The Munich Pact of September 29, 1938 was won on the pretext that the Germans were only demanding their rights in accordance with the Wilsonian principle of self-determination. Hitler himself, on four separate occasions within a period of about two weeks,⁽¹⁾ declared that his sole aim was to obtain the right of self-determination for the German majority in the so-called Sudetenland, along the German border of Czechoslovakia. To be sure, in an interview with Ward Price of the London *Daily Mail* on September 18, 1938,⁽²⁾ Hitler reviled the Czechs as an inferior nation who had never enjoyed independence for very long, and should never have been given power over peoples with "a thousand-year-old culture like the Germans, Poles and Hungarians." In spite of this peevish outburst, Hitler's official communications insisted only on the "right" of the predominantly German-speaking Sudeten districts to join the Reich, and not on the destruction of Czechoslovakia.

Thus, if the Nazis were to be believed, in September 1938 Germany had absolutely no designs against the existence of an independent Czechoslovak State. In a speech on September 26, 1938 at the Berlin Sportpalast, the Fuehrer solemnly proclaimed that, if the Sudeten question were solved, Germany's last territorial claim in Europe would be satisfied. The Germans, he said, did not wish to rule over Czechs. In a letter to Prime Minister Chamberlain on September 27th, Hitler gave further assurances:

"... Under the conditions which I laid down, I am even ready to give a formal guarantee for the remainder of Czechoslovakia."

DIPLOMATIC BLITZKRIEG

Accordingly, Annex I to the Munich Pact contained a declaration by France and Great Britain, reaffirming their offer to back an international guarantee of the new Czechoslovak boundaries; and Germany and Italy pledged themselves to guarantee the new and final frontiers, after boundary adjustments should have been made with respect to the Polish and Hungarian minorities, similar to the Munich Agreement with respect to the Sudeten Germans. The Soviet Union, of course, had been bypassed in the whole procedure of the Munich Agreement.

In their anxiety for "peace in our times," Chamberlain and Daladier agreed to the cession of the Sudeten areas to Germany, accepting the Nazi explanation that it was merely a boundary adjustment required by the principle of self-determination. Subsequently, the Czechoslovak Republic was forced to cede Tesin and other areas to Poland (in October and November) and parts of Slovakia and Sub-Carpathian Ruthenia to Hungary (under the terms of the German-Italian Vienna Arbitration Award of November 2, 1938). As a result of the territorial cessions of 1938, Czechoslovakia lost about one-third of its entire population,⁽³⁾ a considerable part of whom, in the name of self-determination, became minority groups in their new countries. The following population shifts occurred:

(1) *To Germany*: 3,576,719 persons of whom 2,822,899 were Germans and 738,502 were Czechs or Slovaks. The Czech and Slovak minorities in the ceded territory were thus 20.73% of the total population, approximately as large a minority as the Germans had been in the total population of Czechoslovakia.

(2) *To Hungary*: 992,496 persons of whom 587,892 were Magyars, while 288,803 were Slovaks and 35,261 Ruthenians. Among the ceded population the Slav groups were more than half the number of Magyars

(3) *To Poland*: 230,282 persons of whom only 76,303

RACIAL STATE

were Poles, and 134,311 were Czechs or Slovaks. There were thus almost twice as many Czechs and Slovaks in the ceded territory as there were Poles.

The original plan for the cession of the Sudetenland called for a plebiscite on the question. However, even before the Munich Pact was concluded, Lord Runciman, the English Commissioner delegated to settle German-Czechoslovak differences, stated in his report to Prime Minister Chamberlain that "any kind of plebiscite or referendum would . . . be a sheer formality in respect of these predominantly German (Sudeten) areas."⁽⁴⁾ Eventually, the plebiscite was dropped by tacit agreement in all the ceded areas. As a result, 1,161,616 Czechs and Slovaks and 114,899 others were placed in a minority position in Germany, Poland, and Hungary, without their consent being asked. These victims of the self-determination of other peoples were 26.6 per cent of the total ceded population.

As for Czechoslovakia itself, the cessions made it almost a completely homogeneous "national state." The German, Hungarian, and Polish minorities were almost entirely ceded. In 1930 there had been in Czechoslovakia:⁽⁵⁾

3,231,688 Germans constituting 22.32%;
691,923 Hungarians constituting 4.78%; and
81,737 Poles constituting 0.57% of the population.

After November 1938, there were only:

377,830 Germans (3.90%);
100,379 Hungarians (1.04%); and
4,157 Poles (0.04%).

The remaining 95 per cent of the population were Czechs and Slovaks, the original closely related ethnic groups who had joined together to form Czechoslovakia after World War I.

In the aftermath of Munich, the Slovaks obtained a greater

DIPLOMATIC BLITZKRIEG

degree of autonomy within the Republic. This was symbolized by a change of name, whereby the *Czechoslovak* Republic was split by a hyphen and became the "Second" *Czecho-Slovak* Republic. The Germans, in subsequent months, made effective use of political divisions which they stimulated between Czechs and Slovaks in the Second Republic.

SPHERE OF INTEREST

For months after Munich the Germans played a peculiar cat-and-mouse game with the Czechs. Even though the Czechoslovak Republic had been critically weakened by the loss of its strategic Bohemian frontiers, by the forced resignation of its duly elected Government, and by its concessions to the Slovakian autonomist party, the Germans were still not satisfied. They continued to withhold the promised guarantee of Czechoslovak independence, while pressing numerous new demands on the Prague Government.

Three months passed after Czecho-Slovakia's neighbors had each seized portions of its territory, in part aided by Germany and Italy through the Vienna Award of November 2, 1938; yet, the promised German guarantee of Czecho-Slovak boundaries was not forthcoming. On February 8, 1939⁽⁶⁾ the French Government, "anxious to see all the clauses of the Munich Agreement effectively carried out," finally sent a note to Germany asking what the Reich intended to do about the guarantee. Germany replied on February 28, 1939⁽⁷⁾ that it could not guarantee Czecho-Slovak independence and territorial integrity "unless the other neighbors of the State showed themselves equally disposed to enter into a similar agreement." Thus, the promise Germany and Italy had given at Munich to France and Great Britain was now made conditional on the agreement of Hungary and Poland.

RACIAL STATE

Germany went even further. The note of February 28, 1939 expressed concern lest a guarantee of Czecho-Slovak boundaries by the Western Powers contribute to aggravate differences with Hungary and Poland by encouraging "unreasonable tendencies." The note added:

"The German Government is perfectly aware that, all things considered, the general evolution of that part of Europe falls primarily into the sphere of the Reich's most vital interests,—and that, not only from the historical point of view, but also from the geographical and, above all, the economic angle."⁽⁸⁾

Thus, in diplomatic phraseology, the Reich served brusque notice on the Western Powers that the fate of Czecho-Slovakia would be decided without consulting them further. Having eliminated Czechoslovakia itself, as well as the Soviet Union, from influencing decisions in that area during the Munich conversations, Germany now announced that Britain and France, too, had no standing in the matter.

Long before the new position of France and Great Britain was so bluntly announced, the Czecho-Slovak Government already understood that after Munich it could no longer safely rely on French and British support. While seeking the best terms they could get for an agreement with Germany, they had to depend upon Germany and Italy to temper the demands of other claimants to Czecho-Slovak territory. The Czecho-Slovak Government was thus forced to become a suitor for German goodwill. At first the Nazis were full of vague and pleasant promises of a peaceful future. When the Czecho-slovak Press Bureau pointed out, immediately after Munich, that no guarantee of Czechoslovak independence had been given, the German Foreign Office merely repeated Hitler's spoken word in his speech of September 26th, that Germany

DIPLOMATIC BLITZKRIEG

"wished to have no Czechs within its frontiers, and that, for its part, it would regard the boundaries established between Germany and Czechoslovakia after the plebiscite as final." With regard to the Czechs who would become a minority in Germany through the cession of their homes, the Foreign Office made no specific promise, but called attention to the "model treatment" Germany had previously extended to Czech groups resident in Vienna: "schools, clubs, kindergartens of their own, and full linguistic freedom."⁽⁹⁾

The minorities question was, indeed, a crucial test of the sincerity of Germany's professed peaceful intentions. Even the 378,000 Germans who remained in Czecho-Slovakia (235,000 in Bohemia and Moravia and 143,000 in Slovakia and Sub-Carpathian Ruthenia) could serve as a pretext for a quarrel—as, in fact, they subsequently did—if the Germans were interested in finding one. On the other hand, if the Germans really meant peace, it would soon be evident in their attitude about the remaining minorities.

In other cases, when the Third Reich desired temporarily to secure peaceful relations with its neighboring countries, it occasionally agreed to a mutual exchange of populations, in order to remove potential sources of trouble. Shortly after the Vienna Arbitration, Germany entered into an agreement of this type with Czecho-Slovakia, through the treaty of November 20, 1938.⁽¹⁰⁾ The agreement was proclaimed immediately following a very significant new concession made by the Czechs to the Germans. On November 19, 1938⁽¹¹⁾ the Czecho-Slovak Government agreed to allow Germany to build a motor highway through its territory. The road was to connect Breslau in Silesia with Vienna in Austria through the Czecho-Slovak city of Brno. The land for this road was transferred, without cost, as an extra-territorial zone to the Reich (*viz.* to the

Reichs-Auto-Bahn Company) and placed under the jurisdiction of German customs authorities and administrators. The negotiations also dealt with the construction of a canal through Czecho-Slovakia connecting the Oder and Danube Rivers. On the day following this substantial concession,⁽¹²⁾ a joint German-Czech declaration was issued establishing a permanent intergovernmental commission and other machinery for ironing out any dispute which might arise regarding Czecho-Slovak nationals in Germany or members of the German minority still remaining in Czecho-Slovakia. At the same time the German-Czecho-Slovak treaty with population exchange clauses (items 2 and 3 below) was signed. It almost seemed as though Germany really intended to cancel all the minority problems still existing between the two countries by what one German commentator called a complete reciprocal "nationality purification."⁽¹³⁾

The treaty of November 20, 1938 provided:

(1) That all *Czecho-Slovak citizens* living in the ceded area who were born there before January 1, 1910 or who were German citizens before January 10, 1920, as well as their wives, and their children or grandchildren, and the wives of the latter, were to become *German* citizens as of October 10, 1938.

(2) Until July 10, 1939, the German Government could order other persons of *non-German nationality* in the ceded area who had immigrated after January 10, 1910, as well as their descendants of Czecho-Slovak citizenship, to leave the German Reich upon three months notice. Czecho-Slovakia agreed to admit such persons. On the other hand, up to July 10, 1939, Czecho-Slovakia could order *Germans* living in its territory, who had immigrated after January 10, 1910, as well as their descendants, to leave upon three months notice, and Germany agreed to admit them. Such persons lost their Czecho-Slovak citizenship.

An exception was made for former German and Austrian citizens who were naturalized as Czecho-Slovak citizens after January 30, 1933: that is, mainly for refugees.

(3) Until March 29, 1939, non-Germans in the ceded areas who otherwise would become German citizens, and Germans remaining in Czecho-Slovakia, with the exception of refugees, could opt for a change of citizenship and transfer to their co-national state.

By this series of agreements, the Czecho-Slovak Government certainly demonstrated its goodwill and interest in a complete and definitive "pacification of the whole area." On December 13, 1938 the Czecho-Slovak Prime Minister, Rudolf Beran, specifically stated:⁽¹⁴⁾

"It is now certain that we can continue neither the program nor the methods of the policy we pursued until September of this year. Our international relations are determined today by the new geographic situation of the state and the new relations between states in Europe. . . . Our primary task will be the care for our friendly relations with our greatest neighbor, Germany."

But German policy suddenly changed its direction and, as a result, the area was not "pacified." As a German commentator put it, the idea of population exchange now appeared "technically possible and at first sight attractive but nonetheless nonsensical. . . . The uprooting of settlers of German nationality from their old soil threatened to impede the *new solution* whose purpose is a massed German resettlement in the East, in Hungary, Rumania, Poland, Yugoslavia, and other countries. Towards this end, the settlers of German nationality in the remainder of Czechoslovakia must now act as an example for all the nuclei of German settlement."⁽¹⁵⁾ In accordance with the needs of the "new solution" the proposed Czecho-German population transfer was promptly pigeon-holed. There was no trans-

RACIAL STATE

fer of Germans: the German minority in Czecho-Slovakia, having been assigned a new role as the sappers of the German advance, had to stay at their posts.

They did not have to hold the fort alone for very long. Intrigue within and aggression from without soon completely destroyed independent Czecho-Slovakia. Instructed by Berlin, the remaining Germans in Czecho-Slovakia stirred up disorder. The Slovak autonomists, who, using electoral tactics reminiscent of the Nazis, had obtained overwhelming control of the Slovak provincial parliament, were even more effective tools. After the Premier of the Slovak provincial Government, Josef Tiso, had been dismissed by Prague for acts bordering on subversion, he repaired to Hitler for support. Returning, he convened the Slovak Diet in a rump session of the Autonomist Party members on March 14th, and delivered Hitler's orders to declare Slovakia independent. It required three votes of the Autonomist Party to pass this measure. On the same day, similar action was taken in the province of Sub-Carpathian Ruthenia.

This was the signal for the outer foes. Hungarian troops marched into the province of Sub-Carpathian Ruthenia during March 14th. Hitler sent his forces into the Czech provinces of Bohemia and Moravia-Silesia at 6 A.M. on March 15th.

From September 29, 1938 to March 15, 1939, when German troops crossed the Czecho-Slovak borders, a period of less than half a year had passed. Only six months after pleading the rights of self-determination of its minorities in Czechoslovakia and solemnly pledging that it wanted "no Czechs" in the Reich, Germany now took over, together with 234,798 Germans in Bohemia and Moravia, 6,458,357 Czechs, and 44,798 persons of other non-German nationalities, including 21,324 persons claiming Jewish nationality. The number of Jews, according

DIPLOMATIC BLITZKRIEG

to a religious classification, was much larger, because many Jews registered in the census as of other nationalities, including the German. Statistics later compiled by the Nazis showed that there were on October 1, 1939, 80,419 professing Jews in the Protectorate of Bohemia-Moravia.⁽¹⁶⁾

Thus six and a half million non-Germans of Bohemia-Moravia, submerged by eighty million Germans in the Greater Reich, were consigned to the position of a national minority. The two hundred thousand local Germans reaped the reward of their labors by being elevated to the rank and status of the majority. The concept of self-determination could not be stretched in any possible manner to cover this transaction. New excuses were in order.

LEBENSRAUM

When he created the new puppet state of Slovakia, handed over Sub-Carpathian Ruthenia to Hungary, and as a crowning blow established the "Protectorate" of Bohemia-Moravia, Hitler obviously did not fear any intervention on the part of other powers. Even so, he did not neglect to put forward theories and justifications for his action, hoping, if not to gain the approval of the world, then at least to confuse it. The occupation of Bohemia-Moravia was the occasion upon which the Nazis adopted the theory of German *Lebensraum* and rather tentatively proposed the idea of the *New Order* by which they hoped to win over the "thinking elements" of other nations to the idea of a German-dominated Europe.

At the same time, the Nazis did not abandon their old techniques and excuses altogether. The partition of Czecho-Slovakia in March 1939 was the last of Hitler's bloodless conquests, and it followed the procedure of his previous gains, made with the "consent" of the "legitimate" authorities of the

RACIAL STATE

annexed territory. Such consent was also obtained in Czecho-Slovakia through the old, familiar methods of intimidation and coercion.

The Slovak "secession," which was the signal for the new aggression, was largely engineered by the Nazis. Having given the Slovak people "independence" with one hand, Hitler with the other hand summoned President Hacha to Berlin, so that Germany and Czecho-Slovakia might "agree" upon the division of its territory and the destruction of its sovereignty.⁽¹⁷⁾ Arriving in Berlin, President Hacha and Foreign Minister Chvalkovsky were brought to a room in the Chancellery and confronted by Hitler, Goering, and von Ribbentrop. A prepared document lay on the table, together with a memorandum concerning the proposed incorporation of Bohemia and Moravia in the Reich and their administration as a "Protectorate." Briefly, Hitler announced that Prague would be occupied at 9 o'clock the following morning, and that it was not a time for negotiation, since Germany's decision was irrevocable. With that, he signed the document and left the room. For the rest of that night, the Czecho-Slovak representatives were browbeaten and bullied. Dr. Hacha, a man of advanced age, was so exhausted that he required medical attention repeatedly and was kept from collapse only by means of injections. So well had the scene been prepared, that when the Czechs pleaded that they could not agree to partition their country and see it made a "Protectorate" without the consent of their Government, the Nazis had a ready reply: a direct telephone connection to the Cabinet, then in session, had been installed secretly by local Germans in Czecho-Slovakia. At length, at 4:30 in the morning, Dr. Hacha was brought to the point of signing the document which was then published under the name of the "German-Czech Agreement of March 15, 1939."⁽¹⁸⁾

DIPLOMATIC BLITZKRIEG

This so-called Agreement, by which the President of Czecho-Slovakia consented to its dissolution, and laid the "fate of the Czech people and country confidently in the hands of the Fuehrer of the German Reich," could have no other purpose than to persuade the world that the occupation of Bohemia-Moravia was a legal act. The statement was phrased in such a way as to imply that no coercion was used against the Czecho-Slovak representatives. The Fuehrer was said to have received Dr. Hacha and the Czecho-Slovak Foreign Minister Dr. Chvalkovsky, at their request. Since it was mutually agreed that peace and order must be secured in Central Europe, the Czecho-Slovak President declared that he would relinquish his land and people to the Reich, and the Fuehrer accepted this declaration. Everything, therefore, according to this statement issued in Berlin, was open and above-board, and in good legal form.⁽¹⁹⁾

The announcements which Hitler made to the world concomitantly also repeated *motifs* from an earlier stage in German propaganda. They followed old routine in claiming that the Reich was forced to occupy Bohemia-Moravia because of alleged persecution of German minorities by the Czechs. In his Order of the Day to the German Army on March 15, 1939,⁽²⁰⁾ and in his Proclamation to the German People of the same date,⁽²¹⁾ Hitler spoke of Czech excesses against minorities, and of a stream of German refugees who were fleeing to the Reich. Hitler's March 16th decree,⁽²²⁾ which laid down the lines of organization for the "Protectorate of Bohemia and Moravia," repeats the old complaints about the disorderly management of the Czecho-Slovak Republic, which, allegedly, was not able to establish a "rational" administration of the nationalities problem in the mutual interest of the state and its minorities. In consequence, said Hitler, the Republic

had failed to enlist the loyalty of all sections of the population, or to interest them in the maintenance of a common state, so that as a result the Republic had fallen into a state of *de facto* dissolution. Thus, the preamble of the document establishing the Protectorate of Bohemia-Moravia continues to echo the ancient complaints and rationalizations of the days of "self-determination."

But by the March 16, 1939 decree, Hitler tried to do something quite different from his earlier "bloodless conquests" of the Saar, the Rhineland, and Austria: he sent his troops into a territory overwhelmingly populated by non-Germans. No slogans of German "equality" or "self-determination" could possibly be advanced here. Another rationalization was required.

The new "line" had already been foreshadowed in the German note of February 28, 1939 to the French Government, making the significant claim that the area of Czechoslovakia and its neighbors was primarily a German sphere of interest, "not only from the historical point of view but also from the geographical and, above all, from the economic angle." It was this hint which the Hitler decree of March 16, 1939 proceeded to elaborate into the full theory of Bohemia-Moravia as part of the German *Lebensraum*.

The decree begins with an explanation, in what presumably is a Nazi "historical-philosophical" style, of the basic reasons why the establishment of the Czechoslovak Republic was a "mistake" and why, in Hitler's opinion, a German "Protectorate" over Bohemia and Moravia was both natural and just:

"For a thousand years Bohemia and Moravia belonged to the *Lebensraum* of the German people. Force and ignorance arbitrarily tore them from their old historical environment, and eventually by their incorporation in the

artificial structure of Czechoslovakia they became the breeding ground of constant unrest."

The expression "*Lebensraum* of the German people" is one of those intentionally vague phrases used by the Nazis for rhetorical effect. That the facts upon which such claims rest are hard to define is in accord with German interests: it makes the slogans both difficult to verify and easy to manipulate so as to fit a new situation. To the extent that any historical basis can be advanced for the claim that "Bohemia and Moravia belonged to the *Lebensraum* of the German people," it rests in the fact that the Kingdom of Bohemia was part of the Holy Roman Empire.

While the members of the Holy Roman Empire were generally German principalities or estates, the Kingdom of Bohemia was distinctly an exception.⁽²³⁾ Originally an independent Slavic state, the country was predominantly inhabited by the Czechs for even more than a thousand years. Not only were Czechs the majority population but they carried on one of the most persistent national struggles in Europe in their fight against Teutonic domination.⁽²⁴⁾ The history of their fight for freedom includes the great religious upheavals of the Hussite Wars in the fifteenth century,⁽²⁵⁾ and the disastrous Battle of the White Mountain in 1620, during the Thirty Years War. It culminated in the vigorous national revival of the nineteenth century, and in the political struggle for national rights begun in the Diets of Bohemia and Moravia and the central parliament of Austria and successfully concluded on the battlefields of World War I. The historical record shows that the Czechs have always stubbornly preserved and defended the Czech character of their country, even against superior force.⁽²⁶⁾ But in Nazi hands, the principle of historic rights, like that of self-determination, is a sword which cuts only one way. *Lebens-*

raum is a right pertaining only to the mighty and competent German people, not to "inferior nations"—to use Hitler's description—like the Czechs.

Dubious as the historical argument is, it was probably worth Hitler's while to put it forward because it was bound to arouse controversy on questions which might divert attention from Germany's real aims. If "*Lebensraum*" meant only the "historic frontiers" of German settlement as drawn on the maps of the literature of Pan-Germanism, then Hitler's ambitions, while vast and elastic, could be said to have some ultimate geographical limit after all. There was even room for the soothing implication that with the occupation of Bohemia and Moravia, practically the last component of the Holy Roman Empire had been reconquered and German territorial claims in Europe were once more completely satisfied. Besides, time spans of a thousand years, whether in the past or the future, have always appealed to the megalomania of the Nazis on "esthetic" and psychological grounds.

The theory of German *Lebensraum*, as advanced in Hitler's March 16th decree, also had a contemporary political, economic, and military side. As one German commentator put it, it was "the tragic fate" of the Czech people that its territory was "wedged into the German area of settlement," thus "impeding" economic organization and the system of communications. In this way it interfered with the "vital requirements" of the German people: especially since the Bohemia-Moravian "space" lies in the geographic center of the Central European space for whose organization and leadership—not oppression—the German people was "ordained and empowered." This "gigantic tension" made any compromise between German and Czech vital interests particularly difficult, and caused "the great historic dissension between the two peoples."⁽²⁷⁾

There is no doubt that even though Germany had bypassed the strategic defenses of Czecho-Slovakia⁽²⁸⁾ through the Munich Pact, shattered its system of alliances and its economic foundations,⁽²⁹⁾ and then later carved out a German-controlled highway cutting through Czech territory, even the subservient Second Czecho-Slovak Republic was an obstacle to Germany's further plans for expansion. The Czecho-Slovak army still existed. The Czech foreign trade network, although severely damaged after Munich, still remained outside German control, and hampered the efforts of the Nazis to bind Southeastern Europe to its chariot wheels by barter agreements and other methods of economic domination.

The Fuehrer's statement of the *Lebensraum* theory does not, of course, refer to these strategic considerations.⁽³⁰⁾ Instead, it declares that Czechoslovakia, by force of geography and economic development, is vitally connected with the organism of German economic life. It is, therefore, an "objective" necessity for Germany to have peace in the Czecho-Slovak area, and free and unimpeded communications with and through it; and if this could only be achieved by German control, such a "New Order" in "that area" was in the interests of Germany and the world.

"In this region, which for its own peace and safety as well as for the common weal and the general peace is of such decisive importance, the German Reich cannot tolerate continued disturbances. Sooner or later the Reich, as historically and geographically the Power most interested in that region, would have to bear the heaviest consequences. It is in accordance, therefore, with the principle of self-preservation that the Reich is resolved to intervene decisively to re-establish the basis of a reasonable Central European order, and to take all measures which in consequence arise. For in its long historical past of thousands

RACIAL STATE

of years it has shown itself, through the greatness and qualities of the German people, as being alone fitted to fulfill these tasks."

This sort of argument, of course, is capable of unlimited extension. The "principle of self-preservation" could demand not only the annexation of Bohemia-Moravia, but in turn, the occupation of Poland, Denmark and Norway, the Low Countries, France, the Balkans, North Africa, the Baltic countries, and the Ukraine. As the strength and size of the Reich grew, so did the extent of its territorial ambitions, or as the Germans put it, its "needs" in accordance with "the principle of self-preservation." The concept of *Lebensraum*, as set forth in the decree of March 16, 1939, was thus a claim of unlimited dominion.

ANNEX TO CHAPTER I

A VOID TREATY

THE GERMAN Government pretended that its "agreement" of March 15, 1939 with President Hácha created a basis in international and municipal law for setting up a "Protectorate" over Bohemia and Moravia. It laid great stress on the claim that the "New Order in that part of Europe" was organized by a treaty and not by a "*Diktat*." But this statement is false: *no treaty of binding force was effected.*

The methods of coercion whereby President Hacha's signature was obtained have been briefly described above, and would, in themselves, invalidate that agreement. But assuming that Hacha had not signed under duress, and the treaty were voluntarily compacted, it still would not empower Hitler to issue the March 16, 1939 decree. Hacha had no legal right under the powers constitutionally granted him as head of the Czechoslovak State—powers which were very well known to the Germans—to conclude a treaty leading to the creation of a "Protectorate" and the incorporation of the Czech lands of Bohemia and Moravia in the German Reich. Such an agreement would be directly opposed to the fundamental principle of the Czechoslovak Constitution of February 29, 1920 that the territory of the Czechoslovak Republic is a single and indivisible unit, whose frontiers can be changed only by a constitutional law.⁽¹⁾

The March 15, 1939 agreement also violated those provisions of the Czechoslovak Constitution which define the powers of the President of the Republic. According to section 64 of

the Constitution, the President of the Republic represents the State in foreign affairs. He negotiates and ratifies international treaties. However, treaties affecting the territories of the State require the affirmation, in the form of a constitutional law, of both Chambers of Parliament convened in joint session, as the National Assembly. Moreover, since changes in the Constitution or its parts require a three-fifths majority of all the members of each Chamber of Parliament,⁽²⁾ a treaty like the Hitler-Hacha "Agreement," which caused a complete revolution in the constitutional principles of Czechoslovakia, would have required the approval of the National Assembly by a three-fifths majority. In fact, however, no joint session of Parliament considered the so-called agreement, and no constitutional law affirming it was passed, neither by the required three-fifths of all members of each Chamber, nor by a simple majority of a quorum. The so-called treaty was thus completely invalid from a formal viewpoint.

Is there a possible argument against this conclusion to the effect that the single and indivisible wholeness of the Protectorate area was not disturbed by the treaty? The basis for such a formal argument would be that, Slovakia and Sub-Carpathian Ruthenia having seceded, Bohemia and Moravia constituted the whole of the Republic and were converted intact into the Protectorate. But if the Czechoslovak Constitution forbids a part of the Republic to be cut off and made the territory of another state without parliamentary consent, the attempt so to transfer the *whole* of its territory and to destroy its sovereignty was a much more serious violation of this constitutional provision.

Besides, the constitutional change involved in establishing a non-sovereign Protectorate of Bohemia-Moravia under German domination was so completely opposed to the basic in-

tion of the Constitution of the free and independent Czechoslovak Republic that an international treaty with these effects would certainly require at least the approval of three-fifths of the National Assembly, as explained above.

We may consider another possible argument: According to Article II of the Czechoslovak constitutional law of December 15, 1938, regarding "the Grant-of-Power to Alter the Constitution and Constitutional Law of the Czechoslovak Republic, and the Extraordinary Power of Ordinance,"⁽³⁾ the Czechoslovak Cabinet, in cooperation with the President, was empowered, in view of the emergency then existing, to take necessary measures by ordinance, even in cases where a parliamentary law would otherwise be required. Available reports⁽⁴⁾ indicate that before signing the "Agreement" of March 15, 1939, President Hacha obtained the consent (by telephone) of the members of the Cabinet assembled in Prague. Thus, it might be argued, the treaty became legally effective. But this line of argument ignores the fact that Article II of the above mentioned ordinance explicitly denies the Cabinet and the President any authority to issue decrees altering the Constitution. The approval of a qualified majority of Parliament, as described above, is necessary for such changes.

The Czechoslovak National Committee organized in Paris⁽⁵⁾ was, therefore, right when it stated in its declaration of November 17, 1939⁽⁶⁾ that the Agreement of March 15, 1939 was invalid and not binding upon the Czechoslovak people.⁽⁷⁾ The same view was taken in the statements of the French, English, and Soviet Governments on March 18, 1939, and of the United States on March 20, 1939, informing the German Government that they did not recognize the situation created in Czechoslovakia.⁽⁸⁾ The formal prerequisites for a legally valid incorporation of Bohemia and Moravia, under the name of a

RACIAL STATE

Protectorate, in the territory of the German Reich *did not exist*. The whole legislation of the Reich and the Protectorate Government founded upon this invalid basic treaty was unauthorized and without legal effect.

CHAPTER II

THE PRINCIPLES OF THE PROTECTORATE

WITH the occupation of Bohemia-Moravia, the Germans took over territory populated by an overwhelming majority of a foreign nationality. The land could be claimed as *Lebensraum*. How to deal with the *people* was a new problem for Nazi theory, complicated by Hitler's recent assurances that he wanted no Czechs in the Reich.⁽¹⁾

The ground for a distinction between the land and the people was already prepared in the wording of the Hitler-Hacha Agreement: Hacha "confidently" laid the fate of the *country and people* in the hands of the Fuehrer. Hitler accepted Hacha's declaration but took over, under the guise of protection by the German Reich, only the Czech *country*. He said nothing about the Czech *people*, whom, according to earlier Nazi theory and his own solemn declaration, he did not wish to have in the Reich. The problem was "solved" in the March 16th decree by a peculiar constitutional arrangement given the name of the "Protectorate of Bohemia-Moravia." Under this title the occupied territory became an integral part of the German Reich. The Germans in the annexed land became subjects of Germany and citizens of the Reich. The "other inhabitants," 96.5 per cent of the population, did not receive Reich citizenship. These men without a country were compensated by a special citizenship in relation to an "autonomous" government of their own, thus presumably keeping Hitler's pledge not to take over any Czechs.

RACIAL STATE

PROTECTION OR ANNEXATION

In choosing the term "Protectorate" to cover their seizure of Bohemia-Moravia the Germans followed their customary practice of misappropriating generally recognized legal concepts and applying them contrary to their true meaning. The theory of international law has traditionally distinguished between two types of protectorates: international protectorates,⁽²⁾ usually established on the basis of a treaty between two modern states; and colonial protectorates, usually established unilaterally by some modern state in a backward area. The second form of protectorate is often a preparatory stage for annexation and is ordinarily exercised in areas with no stable government, or with only a primitively organized government.

In the case of an international protectorate the relationship between the protecting and the protected state is legally similar to an alliance, with the difference that the stronger state enjoys a dominant position in certain respects over the weaker one. Such protectorates are based upon treaties, even when they are imposed upon a conquered state after a war.⁽³⁾ *It is a generally accepted view in the law that the protected state retains its international legal personality.* It relinquishes only the exercise of certain rights, specified in the treaty, which thenceforth are exercised by the protecting state. These rights may be in the field either of the foreign or the domestic policy of the protected state. Thus, the protecting state often guarantees the protected state against attacks by other states, and accordingly it exercises certain rights transferred to it for this purpose by the protectorate treaty. Since the protected state gives up its sovereignty to this extent, those rights become a part of the sovereignty of the protecting state, which thenceforth exercises them under its own sovereignty. To the extent that the protected state gives up such rights, its sovereignty is

THE PRINCIPLES OF THE PROTECTORATE

restricted. But whether the rights relinquished are broad or narrow in scope, in any case the formal sovereignty of the protected state persists.

The territory of the protected state is a foreign country in relation to the protecting state. *Thus, if a "protectorate" is proclaimed and at the same time the territory is occupied, one can hardly distinguish any longer between a "protectorate" and an annexation.*⁽⁴⁾

The inhabitants of the protectorate do not become "subjects" of the protecting state. In the event that hostilities break out between the protected and the protecting state, they should not be regarded as a rebellion but as a genuine war.⁽⁵⁾

The treaty establishing the protectorate is binding only upon the parties involved. However, the protecting state can carry on the foreign affairs of the protected state effectively only if the attitude of other states makes this possible. Consequently, they must be notified of the protectorate treaty. By this notification, the protecting state is enabled to act legitimately and exclusively on behalf of the protected state.

The second type of protectorate, the colonial protectorate, is established by the unilateral action of the protecting state. It differs from a colony, in the view of international law,⁽⁶⁾ in that the establishment of a colonial protectorate requires only a declaration and not the effective occupation of territory. In practice these "protectorates" are extremely similar to "colonies." Generally, in addition to assuming the rights of protection, the protecting state also has the right to protect its own subjects and the subjects of other civilized states. It also usually has the right to control the courts and the police.

The Germans, before the Versailles Peace Treaties, called their colonial possessions "protected areas" ("*Schutzgebiete*"). Although named protectorates, those areas were true colonies

within the meaning of international law, and were subject to German sovereignty like overseas provinces of the Reich. From the point of view of international law, they were constituent parts of the German Reich. But under German constitutional law they were not constituent parts of the Reich territory, in the sense of Article I of the Reich Constitution. For a territory formally to acquire that status, explicit German legislation was required. Such a law was never enacted.⁽⁷⁾

As contrasted with the creation of a protectorate, annexation means the absorption of the whole or part of one state by another.⁽⁸⁾ It can be effected either by conquest or by treaty. Annexation results in the complete disappearance of the annexed state. There is no succession of legal personality, but a complete break with the past takes place. Existing international treaties cease to be binding. The subjects of the conquered become the subjects of the conqueror (except those who leave before the annexation and do not return).⁽⁹⁾

THE TRUE MEANING OF THE PROTECTORATE

The procedure of the Germans in establishing the Protectorate of Bohemia-Moravia makes its legal classification difficult. The Germans first occupied Bohemia-Moravia in the manner customary when colonial protectorates are established, but then they issued the so-called German-Czech Agreement of March 15, 1939, purporting to be a treaty such as is concluded when an international protectorate is established. Disregarding, for the moment, the question of the formal legality of that treaty, the question as to what the Protectorate of Bohemia-Moravia actually is can only be decided by examining the specific constitutional and administrative arrangements established under the March 16, 1939 decree.

If we consider the wording of Article I of the decree of

March 16, 1939 ("the provinces of the former Czechoslovak Republic occupied by German troops in March 1939 belong to the territory of the Greater German Reich and are taken under its protection as the Protectorate of Bohemia-Moravia") under the above stated principles of international law, several insoluble contradictions result. On the one hand, Bohemia and Moravia *are taken under the protection* of the Greater German Reich as a protectorate. On the other hand, those provinces thenceforth *belong to the territory* of the Greater German Reich, and have thus become integral parts of Greater Germany. Many of the Reich ordinances depending upon this decree as well as official statements of high-ranking Reich officials also spoke of the "Protectorate of Bohemia-Moravia and the rest of the Reich territory." But, as we have seen, the seizure of sovereignty together with the occupation of a country, and the explicit statement that the territory is united with Greater Germany, mean not the establishment of a relationship of protection, but the annexation of the country.⁽¹⁰⁾

But here there is a contradiction also. An annexation implies that the state which takes over territory assumes, together with the authority over the territory of the subjected state, also the authority over the population resident in the territory at the time;⁽¹¹⁾ consequently, it is obliged to take charge of all the political interests of those residents.⁽¹²⁾ The German Government ignored this principle: the German residents of the territory became German subjects and citizens of the Reich, according to the decree, while the others became "subjects of the Protectorate of Bohemia-Moravia."

Was it the purpose of these contradictory provisions to cover up the factual annexation by the word "Protectorate"? Was it the intention to *annex the country* but to take over "no

RACIAL STATE

Czechs," at least not with equal rights nor as equally privileged German subjects and citizens of the Reich?

The German Government did not answer these questions. No special laws and ordinances were issued to clarify the terms "Protectorate" and "protection"; nor was there any definition of the term "autonomous," used to describe the Protectorate Government in Article III of the decree. However, Dr. Wilhelm Stuckart, Undersecretary in the German Ministry of the Interior, where he served as coordinator of Protectorate affairs, made comprehensive remarks about these problems in a speech entitled "The Protectorate of Bohemia-Moravia" delivered at a conference of German jurists on May 22, 1939.⁽¹³⁾ In view of Stuckart's high position in the Ministry which drew up the March 16th decree, and considering the audience before whom this speech was made, his conclusions must be regarded as a statement of principle by the German Government.

Stuckart rejected in principle any parallel in state law or international law to the legal construction of the Protectorate of Bohemia-Moravia: he describes the Protectorate as "an independent creation of National Socialist political thought without precedent." He denied the applicability to the Protectorate of traditional concepts defining the status of the constituent parts of the German Federation, both under Bismarck and the Weimar Constitution,⁽¹⁴⁾ as well as all other existing political forms, or principles of political science which hold for intra-state legal structures. Furthermore, he declared that any comparison with the protectorates of international law and with precedents in the constitution of the British Dominions was fallacious.

By these introductory remarks denying that the generally valid principles and precedents of international and municipi-

THE PRINCIPLES OF THE PROTECTORATE

pal law applied to the new structure of the "Protectorate of Bohemia-Moravia," Stuckart was only trying to impose an arbitrary formula of his own, a German "*Patentloesung*," in order to rebut the accusation of having violated the recognized principles of the civilized world. But his proclamation of the Protectorate as a "creation of National Socialist thought" does not invalidate accepted principles of national and international law, any more than a legal right was constructed by clothing the National Socialist regime in the form of decrees and ordinances. Having explained so thoroughly what the "Protectorate" was not, Stuckart failed to be equally explicit in showing some ground in law and justice for what it was. He did not explain how certain powers in the structure of the Protectorate, which contradict the general principles of municipal and international law, were to function in relation to "the peace and social welfare of all" concerned. Instead, Stuckart stated a set of "principles" for the Protectorate, which may be summarized as follows:

- (1) "The Protectorate is no longer an independent party of international law." The relationship between Greater Germany and the Protectorate was to be determined exclusively by domestic law. The Protectorate had become an "integral part" of the Greater German Reich.
- (2) Neither the newly organized Slovak State nor Greater Germany had assumed the full former relationships in international law of the Czechoslovak Republic. The political treaties of the Republic were "dissolved" and the Reich would decide, with regard to the non-political treaties—particularly the trade and economic treaties—whether their cancellation or further maintenance was "advisable." In the latter case, naturally, great changes would be made to adjust to new conditions. Former treaties between Germany and the Protectorate would be regarded as intra-national law, if expedient.

RACIAL STATE

(3) The Greater German Reich would deal with all matters of international legal relations. The Protectorate "for lack of any sovereignty in international affairs" could not appear as an independent party in international law, *not even as "represented by the Greater German Reich."*

(4) The power of government in the Protectorate, which was a part of the Reich, originated from the Reich. The governing power of the Protectorate Government was derived from the Reich and did not imply any sovereignty.

(5) The "lands" comprehended in the Protectorate were granted "undisturbed development of their own collective life" on the basis of specified "rights and duties," provided that such development took a direction conformable with the political, military, and economic requirements of the Reich. Within the framework of the Reich, the Protectorate was independent in terms of constitutional law and enjoyed "rights of autonomy": *i.e.*, the power to legislate and regulate the life of the Czech people "by its own administration and on its own responsibility" in all matters which the Reich did not reserve, at its own discretion, to itself. Such reservations had already been made by the March 16th decree with regard to such matters as police affairs, general administration, and the judiciary; and could be made in any field by later enactments. For the rest, the Protectorate, through its own President and its own Ministries and officials, controlled the "whole Protectorate administration": the general administration of internal affairs, of finance, justice, economic affairs, and of education and culture. The Czech people must also decide independently what form of government they desired, whether parliamentary, authoritarian, or any other form. The Protectorate Government had legislative power, supplemented by that of the Reich Protector.

(6) Protectorate "citizenship" was a unique institution, without precedent elsewhere. The Protectorate subjects were not even indirectly German subjects, even though they were protected by the German Reich, and, in relation to foreign countries, "treated as German subjects." For

THE PRINCIPLES OF THE PROTECTORATE

internal affairs they were treated in many matters as subjects of the Greater German Reich, but this did not apply for most of the important areas of municipal law.

If we may draw the logical conclusions from the above "principles," we arrive at the following picture. The Protectorate was no longer "an independent party in international law"; for lack of "any sovereignty in international law" it did not exist in foreign affairs, even as represented by the Reich; its territory "belonged to the territory" of the Greater German Reich, of which it was an "integral part"; in short, it was a Reich territory: *ergo*, there was no longer any state of "Bohemia-Moravia." The special position which Germany had created for the provinces of Bohemia and Moravia was a regulation of the internal affairs of Greater Germany. Thus, it was of no interest or significance in international law if Germany chose to give one part of its territory, which was subject to special rules, the title of "Protectorate."

Since Germany refused to carry over all the former international relationships of the Czechoslovak Republic with regard to the region of the Protectorate, *i.e.* with regard to an integral part of its Reich, it could not declare that the political treaties were "invalid," while maintaining the non-political trade and economic treaties "in so far as this appears advisable," or at its own discretion. All former parties to treaties of all sorts concluded with Czechoslovakia now had to deal with a new party interested in the treaties. The former parties to the treaties were, therefore, at liberty to choose whether or not to continue with the new party the treaty relationships which lapsed as a result of the dismemberment of Czechoslovakia.⁽¹⁵⁾

Since the power of government in internal "Protectorate affairs" originated from the Reich, and state power over this

territory had been expressly declared to be "derivative from the Reich without any sovereignty," the Protectorate could not be described as independent with regard to municipal law within the framework of the Reich. "The Protectorate Government" was only one of many organs by which the Reich exercised its powers in the portion of the Reich described as the "Protectorate of Bohemia-Moravia." After extensive and important fields of law and administration had been reserved to the Reich—with the explicit stipulation that it might extend the scope of these matters at its own discretion⁽¹⁶⁾—the remainder was left to the Protectorate Government through a delegation of powers by the Reich, with the proviso that at any time these powers might suffer a further restriction or be completely revoked.

One cannot speak seriously, either, of "rights of autonomy" granted to the Czech people. With regard to those rights, the authority of the Reich in law and administration was reserved and "the sovereign requirements of the Reich as a whole" were set as their "natural" limit. Concerning what remained, positively, subject to further restriction at any time, the "autonomy of the Czech people" was proclaimed without saying what this autonomy consisted of, nor what guarantees, if any, were granted for it.⁽¹⁷⁾ ⁽¹⁸⁾ The particulars given by Stuckart are no more than empty phrases because of the limitations which he immediately added. He mentioned government by a President of its own and by its own Ministries and officials—which was worthless because of the complete dependence of those functionaries upon the Reich Ministries and the Reich Protector, and because the President and all the other officials could be dismissed at any time.⁽¹⁹⁾ The claim that the Czech people could decide autonomously whether the form of its government was to be "parliamentary, authoritarian, or any other

form" is contradicted by the dependence of the Government upon the Reich Government, and by the lack of any guarantee. It is hardly conceivable that, for instance, a parliamentary form of government (in the democratic sense) would be regarded as conforming to the sovereign requirements of the totalitarian Reich.

The most flagrant contradiction concerns the treatment of the non-German inhabitants of the Protectorate area.⁽²⁰⁾ In foreign relations they were to be "treated as German subjects." In fact, they were not German subjects, not even indirectly subjects of the Reich, but simply subjects of the Protectorate. They did not accompany their country into the Reich, but were left in the Protectorate. Thus, the independent creation of National Socialist political thought of which Stuckart boasts consists of the following "unique institution without precedent": a people with dismembered citizenship which was not in a position to exercise the influence over its administration to which it was entitled by its number, achievements, and tradition.⁽²¹⁾ In the light of the above, it seems like mockery when Stuckart describes the decree of March 16, 1939 as "the Magna Carta" of the Czech people.

We come to the following conclusion: what is described in the decree of March 16, 1939 as the assumption of protection over Bohemia-Moravia is in reality an annexation in the full sense of international law. The typical characteristics differentiating between an independent protected state and an annexed state have fallen away, and the power of protection has become complete sovereign power.⁽²²⁾ As a result of "independent National Socialist political thought," a *colonial protectorate*⁽²³⁾ on annexed territory was established for the first time in the very heart of Europe. The words "protectorate" and "protection" were chosen only in order to forestall pro-

RACIAL STATE

tests of other interested states and to mask the shameful incorporation in fact and in law of this *Lebensraum* in Greater Germany.^{(24) (25)} The word "autonomy" was no more than the name for a situation by which the non-German inhabitants of the area became a population of inferior status within the German national state.

ANNEX TO CHAPTER II

PROTECTORATE MADE IN JAPAN

EVEN the claim that the Protectorate was an original product of "independent National Socialist political thought" was not true. What Nazi Germany did in Czechoslovakia it learned from its non-Aryan ally and brother in aggression, Japan, and its procedure in Korea. The concept of the "Protectorate of Bohemia-Moravia" was neither original nor independent. It was "made in Japan." The only difference lies in the diplomatic *Blitzkrieg* technique developed by Germany, while Japan worked assiduously, step by step, but no less conscious of the goal toward which it aimed.*

When Commodore Perry opened up Japan and introduced Western ideas, interest in Korea was bound to grow. Korea was a crucial territory for rising Japanese imperialism in the second half of the nineteenth century, abutting as it did on the two great continental rivals of Japan in Asia, Russia and China. Not only Japan, but the United States, the major European countries, and China recognized Korea's importance, and it began to figure in international diplomacy. Japan's first treaty with Korea, on February 26, 1876, was an acknowledgment of the independence of Korea, with "the same sovereign rights as Japan."⁽¹⁾ The United States followed with a "Treaty of Amity and Commerce" with Korea on May 22, 1882, of which Article I provided:

"If other Powers deal unjustly or oppressively with either government, the other will exert their good offices, on being

* We are indebted to Professor Max M. Laserson, New York, for suggesting the Korean-Protectorate parallel.

RACIAL STATE

informed in the case, to bring about an amicable arrangement, thus showing their friendly feelings.”⁽²⁾

The other countries followed suit, with similar treaties guaranteeing Korean sovereignty and independence: Great Britain and Germany in 1883, Russia and Italy in 1884, France in 1886, Austria-Hungary in 1892, China in 1899, Belgium in 1901, and Denmark in 1902.

During this period, Japan induced other powers to conclude treaties with Japan recognizing the independence and sovereignty of Korea. Agreements to this effect were concluded between Japan and China (April 20, 1895), Russia (April 25, 1898), and in the first Anglo-Japanese Alliance (January 30, 1902). By these treaties, concluded ostensibly in the interest of Korean independence and sovereignty, Japan obtained a central position in international affairs with respect to Korea.

While asserting its special interest in Korea by means of the above system of treaties, Japan fortified its position by treaties with the country itself. A process not unlike the post-Munich German manoeuvres one generation later transformed the Korean question from one of international interests to a question exclusively concerning the Japanese.

During its war with China, Japan concluded a Treaty of Alliance with Korea on July 14, 1894. Its stated objects were to “maintain the independence of Korea,” and to facilitate the supply and movement of Japanese troops during the war. Japan’s ultimate plans for dominating Korea were further advanced in 1895, when the energetic and powerful Queen Min, the “Elizabeth of Korea,” was murdered in Korea’s capital, Seoul. The crime was committed for political reasons by Japanese soldiers under the leadership of Viscount Miura, Japanese Minister to Korea. A Japanese court, in a decision which clearly recognized the criminal acts performed by every in-

PROTECTORATE MADE IN JAPAN

dividual in the plot, concluded with the verdict that guilt had not been proved. The plea entered by the counsel for the defense sounds familiar today: “The defendant only did his duty. . . . Murder is no crime when it is committed to secure political supremacy.”⁽³⁾

During Japan’s war with Russia a new treaty was concluded between Japan and Korea, the “Protocol regarding the situation of Korea” of February 23, 1904.⁽⁴⁾ In this treaty the Imperial Government of Japan “definitely guaranteed the independence and territorial integrity of the Korean Empire” and promised in a spirit of firm friendship to ensure the safety and repose of the Imperial House of Korea. But the treaty went further. It asked the Government of Korea to adopt, in full confidence, the advice of the Japanese Government with regard to improvements in administration. Furthermore, it entitled Japan, in case the welfare of the Imperial House of Korea or the territorial integrity of Korea was endangered by the aggression of a third power or by internal disturbances, to occupy such strategic places as might be necessary; and it obliged the Korean Government in such cases to give full facilities to the Japanese Government. Treaties contrary to the principles of the “Protocol” were not to be concluded in the future by either Government without mutual consent.

On the basis of this treaty, Japanese armies poured into Korea during the Russo-Japanese War of 1904-5, and remained there after the conclusion of peace. Using her “strategic” position, Japan accelerated her bloodless conquest of Korea. On August 22, 1904, Korea agreed to engage a Japanese subject recommended by the Japanese Government as “financial advisor to the Korean Government” and to deal with all matters of finance only after he had been consulted. Korea was obliged also to admit to her Department of Foreign Affairs

RACIAL STATE

“a foreigner recommended by Japan,” whose counsel had to be followed on all important questions of foreign relations. The agreement of April 1, 1905 amalgamated Korea’s communications system with that of Japan, and transferred control of the Korean postal, telegraph, and telephone services to the Japanese Government.

In the following months it became clear that Japan, despite her treaties and promises, intended the complete destruction of Korea’s independence. Japanese armed forces demonstrated around the Imperial Palace. In October 1905, Emperor Yi Hyeung of Korea sent the American Professor, Homer B. Hubert, as his “envoy” to the President of the United States with a letter appealing for American intervention. But before Professor Hubert could be received by the President or the State Department, Japan issued the Declaration of November 22, 1905, notifying the United States and the other Powers having treaties with Korea that a new agreement had been signed between Japan and Korea on November 17, 1905.⁽⁵⁾ A cable from the Emperor of Korea to Professor Hubert read: “Treaty of protectorate extorted at the point of the sword and therefore is null and void.”⁽⁶⁾ A stage had been reached in Korean affairs, which was later paralleled by the events of March 14-16, 1939 in the history of the Second Czecho-Slovak Republic.

The so-called agreement of November 17, 1905 constituted what was apparently a typical international protectorate. Japan assumed control and direction of the external relations and affairs of Korea. The care of Korean subjects and the interests of Korea in foreign countries were taken over by the diplomatic and consular officers of Japan. It was provided that Japan would execute the treaties existing between Korea and other Powers, and the Government of Korea would no longer enter

PROTECTORATE MADE IN JAPAN

into international compacts except through the medium of the Government of Japan. A Japanese “Resident General” in the capital Seoul would have the right of private and personal audience with the Korean Emperor and would direct all diplomatic affairs. At the several open ports and in other places in Korea, Japan would station “Residents” to exercise, under the direction of the “Resident General,” the powers and functions hitherto performed by Japanese consuls and to carry out all duties originating from the new agreement. The stipulations of former treaties between Japan and Korea would continue in force as far as they were not inconsistent with the new agreement.

There was no protest on the part of any of the Powers who received the note of November 22, 1905 announcing and “explaining” this agreement.⁽⁷⁾ When the Emperor of Korea sent a delegation to the Hague Conference in 1907, it was refused a hearing. Emperor Yi Hyeung abdicated in favor of his son in July 1907.

A new regime was instituted by an agreement between Japan and Korea on July 24, 1907, relating to the internal administration of Korea.⁽⁸⁾ By this treaty the Government of Korea accepted the “guidance” of the Japanese Resident General in respect to reforms in administration. It undertook not to enact any laws, ordinances, or regulations, or to take any important measures of administration without the previous assent of the Resident General. Appointments and dismissals of all high officials in Korea and the engagement of foreigners could be made only with the concurrence of the Resident General. The Government of Korea was obliged to appoint as Korean officials any Japanese subjects recommended by the Resident General.

With this agreement the domination of Korea by Japan was

RACIAL STATE

made complete. A decree published a few days later ordered the dissolution of the Korean army,⁽⁹⁾ thus removing the last possibility of organized resistance. Therefore, Japan had no need to hurry in making the last formal step. It was not until August 29, 1910, that a *Treaty of Annexation*⁽¹⁰⁾ was signed by the Japanese Resident General and the Minister President of Korea. The Emperor of Korea made complete and permanent cession to the Emperor of Japan of all rights of sovereignty over the whole of Korea, and the Emperor of Japan consented to the complete annexation of Korea, now named "Chosen," to the Empire of Japan. In consequence of the annexation the Government of Japan assumed the entire government and administration of Chosen and undertook to afford full protection for life, property, and welfare to law-abiding Koreans. In point of fact, it subjected the Koreans to a harsh regime of discrimination and oppression.

This, then was the course of Japan in Korea: beginning with international guarantees, and passing to a special Japanese position in the country, culminating in a so-called Protectorate. The end of the course was open annexation, a stage which the similar development of German imperialism in Czechoslovakia did not reach. In the German-Czech case, also, there existed a system of treaties with strong powers which undertook to aid the weaker country in case of German aggression. Just as Japan, through her treaties with China, Russia, and Great Britain, was able to nullify the existing guarantees and to turn the question of Korean sovereignty into a matter of primarily Japanese concern, so Germany through the Munich Agreement dulled the will of the Powers to hinder the final break-up of the remainder of the Czechoslovak Republic.

If the Japanese procedure succeeded so well, and passed off without protest from the Powers, it is not surprising that Ger-

PROTECTORATE MADE IN JAPAN

many followed it closely in setting up the Protectorate of Bohemia-Moravia. How closely the two cases are allied may be seen by comparing the phrases which Japan had used for the announcement of her Korean Protectorate on November 22, 1905, with the language of Hitler's March 16, 1939 decree:

JAPAN'S DECLARATION OF NOVEMBER 22, 1905

. . . The unwise and improvident action of Korea, more especially in the domain of her international concerns,⁽¹¹⁾ has in the past been the most fruitful source of complications. To permit the present unsatisfactory conditions of things to continue unrestrained and unregulated would be to invite fresh difficulties, and Japan believes that she owes it to herself and to her desire for the general pacification of the extreme East to take the steps necessary to put an end once and for all to this dangerous situation. Accordingly, with that object in view and in order at the same time to safeguard their own position and to promote the well-being of the Government and the people of Korea, the Imperial Gov-

HITLER'S DECREE OF MARCH 16, 1939

. . . Above all their incorporation in the artificial structure of Czechoslovakia created a breeding ground of constant unrest. Year by year there grew the danger that, from this region there might emerge—as already once in the past—a terrible threat to European peace.

In this region, which for its own peace and safety as well as for the common weal and for the general peace is of such decisive importance, the German Reich cannot tolerate continued disturbances. Sooner or later the Reich, as historically and geographically the Power most interested in that region, would have to bear the heaviest consequences. It is in accordance, therefore, with the principle of self-preserva-

RACIAL STATE

ernment have resolved to assume a more intimate and direct influence and responsibility than heretofore in the external relations of the Peninsula. The Government of His Majesty the Emperor of Korea are in accord with the Imperial Government as to the absolute necessity of the measure, and the two Governments, in order to provide for the peaceful and amiable establishment of the new order of things, have concluded the accompanying compact. . . .

The texts of the two declarations speak for themselves. Even the idea of the "New Order" no longer seems to be a product of the Nazi hothouse.

But it is not merely the phrasing of these proclamations which is similar: In both cases the absorption of a whole state was effected against the will of, but without effective action by other interested powers; and with the agreement under intolerable military pressure of the "protected" state. The persistent conquerors succeeded by an almost identical procedure in bringing about a situation where all concerned—except the victim—wished to ignore the whole affair and forget it as soon as possible.

All these tricks the Aryan pupils learned only too well from the Herrenvolk of the Far East. But the patent belongs to Japan.

tion that the Reich is resolved to intervene decisively to re-establish the basis of a reasonable Central European order and to take all measures which in consequence arise. . . .

Imbued with the sincere wish to serve the interests of the people living in this region, to secure the national individuality of the German and the Czech nations, and to further peace and social welfare, I therefore order. . . .⁽¹²⁾

CHAPTER III

DIVISION OF POWERS

ACCORDING to Hitler, in the preamble to the March 16th decree, one of the purposes of the Protectorate of Bohemia-Moravia was to give the Czech people all the essentials of national freedom and well-being. The decree was issued, said Hitler, in

“. . . the sincere wish to serve the *real interests of the peoples* living in this region, to secure the *national individuality of the German and the Czech nations*, and to further peace and the *social welfare of all*.”

From this it might seem that the occupation of Bohemia and Moravia was not to spell the end of the Czech nation. On the contrary, its "national individuality" was to be "secured," according to Hitler. The decree merely reduced the 6,453,857 Czechs, whose territory was incorporated in the German Reich, to the status of a minority within the *Lebensraum* of 80 million Germans.

As such a minority, the Czechs were to enjoy a status of "autonomy"—the implication being that the Nazis had not abandoned the principle of national self-determination at all. The Germans even boasted that the Czechs would be so generously treated that they would have no such cause for complaint as the Nazis pretended had been given the Sudeten Germans and the Slovaks by the Czechoslovak Republic. Thus, one German commentator declared that the Protectorate contained "a guarantee of an autonomous regional development" for the Czechs who, as he sarcastically remarked, would have

RACIAL STATE

been outvoted and suppressed by the 80 million majority⁽¹⁾ if democratic principles had been applied. Stuckart, as we have seen, hailed the March 16th decree as the "Magna Carta" of the Czech people.

These views were echoed in a declaration by the newly appointed Reich Protector, Baron Konstantin von Neurath. Upon assuming his office on April 16, 1939, von Neurath said:

"I am deeply conscious of my duty to show the world how well the German nation knows how to further the interests of a national minority (*Volksgruppe*) entrusted to its care, how to respect its natural rights, and how, without in any way offending against its honor or dignity, to gain its adherence to the community into which its historical and geopolitical fate has brought it. The governmental, cultural, and political framework set up by the decree of the Fuehrer for Bohemia-Moravia is sufficiently broad to guarantee the Czech people an unhampered, free development of its rich talents and to advance the Bohemian-Moravian countries, which the Germans as well as the Czechs love as their native land, toward a new flowering of cultural and economic development."⁽²⁾

As Baron von Neurath stated, the framework of this cunningly contrived "constitution" was certainly broad: broad enough to provide for the complete subjection to Germany of the whole Czech territory and people, while at the same time seeming to "guarantee" regional "autonomous development." By using the term "Protectorate" to describe their regime in Bohemia-Moravia, the Germans suggested they had reserved only specified functions for the Reich: for, as we have seen, it is an essential characteristic of a protectorate that the protected people retains its sovereignty, subject to certain definite restrictions. All the fine words of Hitler, von Neurath, and Stuckart in 1939 implied that it was through the agency

DIVISION OF POWERS

of their "autonomous Government" and by means of the semblance of "sovereignty" which it retained that the Czechs would have the opportunity for self-expression and national development. The measure of that opportunity would thus be the extent of the "autonomous Government's" specified "constitutional" powers.

The March 16, 1939 decree itself reserved foreign affairs (Article VI), military defense (Article VII), the communications system (Article VIII), customs (Article IX), and currency matters (Article X) for Reich administration. In addition, the Reich assumed exclusive jurisdiction over all Germans in the "Protectorate" area. These in themselves were harsh conditions; but if the "autonomous" Protectorate Government had been specifically guaranteed freedom in exercising the remaining functions, there would at least have been some principle for the division of powers between the Reich and the "Protectorate Government," and some area within which the latter could exist as a competent authority.

As a matter of fact, a careful study of the decree of March 16, 1939 itself, shows that the "autonomy" of the Protectorate Government was completely fictitious. There was only one authority in Bohemia-Moravia: the Reich. Anything the Protectorate Government did, it did under delegated authority, owing its very existence to German enactments. Any authority the Protectorate Government was granted, it exercised subject to the veto and under the direction of German officials.

Moreover, the scope of its competence was so "defined" in the basic decree that it could be restricted, moderated, or annulled at will. Article XI of the decree of March 16, 1939, empowered the Reich to take over branches of the Protectorate administration whenever there was a "common interest" or "need" for so doing—that is, at the Reich's own discretion.

RACIAL STATE

Thus, while the Protectorate Government had no jurisdiction over any Germans, the Reich, through various agencies, could and did govern the Czech people directly in any matter which it desired to administer itself. Such fields of administration were picked up or dropped by the Germans to suit their own convenience. The Protectorate Government was left without any defined sphere of competence, even in the exercise of its delegated powers. The "guarantee" of "autonomous" national development was a complete fraud.

ESSENTIAL FUNCTIONS RESERVED BY THE REICH GOVERNMENT

The primary function which the Reich assumed for the Protectorate area and population was that of international representation. The Protectorate, in the German view, disappeared from all international relations. Any questions arising in foreign countries with respect to Bohemia-Moravia were regarded as purely the concern of Germany.

Among functions thus assumed by the German Foreign Office for the Protectorate were the extradition procedure⁽³⁾ and the taking of depositions in foreign countries with respect to criminal cases.⁽⁴⁾ As we shall see, the Reich exercised complete control of all the criminal police and criminal investigation departments in the Protectorate. Thus, the only possible reason for extraditing criminals to the Protectorate area or taking depositions in foreign countries was because the Nazi authorities needed them. This was true whether the actual request for extradition or depositions came from a German court in the Protectorate or from the "autonomous Government's" courts.

The complete transfer to the Reich of all authority in international questions relating to Bohemia-Moravia, left the Czech citizens of that territory in an ambiguous position. If they happened to need protection abroad, their own "Government"

DIVISION OF POWERS

was not authorized to protect them. Yet they were not German subjects, and should not, theoretically, have been entitled to Reich protection. On this point, however, the March 16th decree included a special provision, inconsistent with its general principles, permitting the granting, extension, or replacement of passports, visas, and other documents to be handled for Protectorate subjects by the Reich authorities.⁽⁵⁾ However, the Reich was rarely required to extend such an exceptional privilege of protection to non-citizens, because Protectorate subjects were not encouraged to travel in foreign countries—except in mass transports as forced laborers. During the war, of course, all travel was strictly controlled by Germany.

Another inconsistency, verging on the ludicrous, was also contained in that part of the March 16th decree which dealt with Protectorate foreign affairs. Article VI, 2, provided that the "autonomous" Protectorate Government should have an accredited representative at Berlin, entitled "*Gesandter*" or Minister. Not only was this in direct contradiction to the first part of the Article, which eliminated the Czechs from international affairs wherever the Nazi hand reached, but it was a thoroughly useless gesture. Dr. Chvalkovsky, the former Foreign Minister of Czecho-Slovakia, who was appointed to the honorific position of "Minister" to Germany, can hardly have had any occasion to speak with Nazi officials about business, since any German orders for the Protectorate were delivered in Prague by the Reich Protector and the Gestapo representative.⁽⁶⁾ Moreover, the Czech "Minister," according to authoritative Nazi commentators on legal questions, did not belong to the diplomatic corps.⁽⁷⁾ The position may be regarded as a form of pension the Protectorate Government was forced by the Reich to pay to Dr. Chvalkovsky for his "services" in bring-

RACIAL STATE

ing about the Hitler-Hacha "Agreement," which Dr. Chvalkovsky as well as Dr. Hacha signed.

A far more serious breach of the "principle" that the Protectorate was not a sovereign state and had no standing in international relations occurred only two years after its foundation. On October 4, 1941, an agreement was signed in Berlin between "the German Reich, represented by the Reich Minister of Finance, and the Protectorate of Bohemia-Moravia, represented by the Minister of Finance." The purpose of the agreement was to adjust certain financial questions relating to the public property and internal debts of the Czechoslovak Republic, arising from the two seizures of Czechoslovak territory by the Reich. Like any international treaty, the agreement was published in Part Two of the German Official Gazette,⁽⁸⁾ reserved for the publication of such compacts and for certain other matters.

Under this treaty the "autonomous" Protectorate Government gave its consent *ex post facto* to the seizure of Czechoslovak property by the Reich. The agreement applied to state property, including enterprises, institutions and funds, situated in the Sudeten areas before October 1, 1938; to publicly-owned stocks or participations in businesses operating in the Sudeten area before October 1, 1938, or in foreign countries before March 15, 1939; and to taxes of various kinds due before October 1, 1938. Special arrangements were also made concerning public securities and bonds which the Reich Government transformed into Reich obligations or acquired in some other way, as well as other public financial obligations which originated before October 1, 1938. The property and rights of both the Czecho-Slovak Republic and the provinces of Bohemia and Moravia-Silesia were affected.

A common ordinance of the Reich Minister of Finance and

DIVISION OF POWERS

of the Reich Minister of the Interior of April 2, 1942⁽⁹⁾ provided for the execution of the agreement through the agencies of the Reich. The obligations of the Protectorate Government under the agreement were provided for by two ordinances of the Protectorate Government on August 25, 1942⁽¹⁰⁾ and October 5, 1942.⁽¹¹⁾

The Reich evidently regarded the agreement of October 4, 1941 as necessary in order to legalize the seizure of property which resulted from the Munich Pact and the creation of the Protectorate. This fact is the definite proof that the artificial construction of the Protectorate, arbitrarily worked out by German legal jugglers, was a complete impossibility. The agreement did not apply to matters defined by Hitler's decree of March 16, 1939 as purely internal and within the competence of the "autonomous" Government of the Protectorate. The agreement applied, first, to property situated in territories incorporated into the Reich under the Munich Agreement and subsequent "settlements" and "arbitrations"; and, secondly, to public property which on March 15, 1939 was exclusively situated outside of the territory of the Czecho-Slovak Republic.

The Munich Agreement was concluded between Great Britain, France, Germany, and Italy, and the subsequent "settlements" were made by arbitration of Germany and Italy. The Czechoslovak Republic was not a party to those agreements by which her territory was disposed of by other powers. All these agreements and dispositions were matters of international law.

The so-called autonomous Protectorate Government, according to the high authority of Dr. Stuckart, could not appear as an independent party in international law, "not even as represented by the Greater German Reich"; consequently it could not become a party to a treaty with the same German Reich which, by the decree of March 16, 1939, deprived the new

RACIAL STATE

“Protectorate” of the treaty-making power of a sovereign state. Even if this were conceivable, the Government of the Protectorate created in March 1939 had nothing at all to do with the settlements made in the fall of 1938. It could not be made *ex post facto* a supplementary party to an international agreement from which the Czechoslovak Republic was excluded intentionally.

The same applies, of course, to the public property, shares and participations owned by the Czecho-Slovak Republic in foreign countries before March 15, 1939. Here also the German Government tried—in 1942—to make the Government of the Protectorate a legal party to a situation which was created by Germany in March 1939 through her international agreement with Dr. Hacha, President of the sovereign Czecho-Slovak Republic. But the non-sovereign Government of the Protectorate was not identical with that former Government of the Czecho-Slovak Republic. Neither was it the legal successor of the Government of the Republic. If any legal succession at all existed under the March 16th decree, it would exist in the person of the Reich, from which the Government of the Protectorate derived all its power. The Government of the Protectorate would act only in behalf of the real sovereign, the Reich. The agreement of October 4, 1941 would therefore be an agreement which the German Reich concluded with itself.

That such a shoddy expedient was resorted to only constitutes an implicit confession on the part of Germany that the spoils of its Czecho-Slovak conquests rested on a dubious legal basis. Germany realized the legal difficulties which might arise in disposing of property acquired by an annexation recognized neither by the annexed country nor by many of the major powers. Consequently the Reich tried to obtain recognition

DIVISION OF POWERS

of these acquisitions at least by the annexed country. The sovereignty of Czechoslovakia was temporarily revived in order to sign over a deed for looted Czech goods. It was regarded as unimportant that under the March 16th decree Czechoslovakia had been officially declared as non-existent in international affairs.⁽¹²⁾

In addition to its functions in the international field, the Reich Government also assumed exclusive control of all military and most police functions in the Protectorate, under the March 16, 1939 decree. Not only army units⁽¹³⁾ but the Gestapo and the Reich criminal investigation forces as well as the SS Corps⁽¹⁴⁾ were stationed in Bohemia-Moravia, which became one of the chief assembly points for German army units and supply columns in the drive to the East. These forces were under the jurisdiction either of the German General Staff or of Heinrich Himmler, then German Chief of Police and head of the SS Elite Guard troopers. The whole police and penal machinery of Germany—concentration camps and all—was introduced in the Protectorate.

The Protectorate administration was permitted to retain police forces on routine patrol and detective duty, but the detectives were ordered to work under the supervision of the German police, “so far as their common duties necessitate.”⁽¹⁴⁾ Similarly the Reich took over control of certain other phases of administration in the Protectorate, while retaining the use, to some extent, of the Czech personnel, who were nominally Protectorate officials. Such a procedure was followed with regard to fiscal administration, including all state monopolies, customs and excise duties,⁽¹⁵⁾ railroads, postal and other communications,⁽¹⁶⁾ and a large number of other economic and political functions.

In addition to the above administrative functions, the Reich

RACIAL STATE

Government also reserved to itself under the March 16th decree a comprehensive right to legislate for the Protectorate area "insofar as the common interest necessitates."⁽¹⁷⁾

The central agency whereby the Reich organized its administrative and legislative interventions in the Protectorate was the Reich Ministry of the Interior, within which a coordinating authority was constituted for measures which any Reich Minister wished to promulgate or order with respect to the Protectorate.⁽¹⁸⁾

THE REICH PROTECTOR

For all matters in which the Protectorate was not directly subject to the respective Reich Ministers, the Reich Protector was the highest instance of German authority in Bohemia-Moravia.⁽¹⁹⁾ He was the direct representative of the Fuehrer in the Protectorate and took orders only from Hitler.⁽²⁰⁾ He had broad legislative rights just as had the Reich Government in Berlin.⁽²¹⁾ The power of a Reich Minister to issue decrees in matters within his departmental jurisdiction was transferred exclusively to the Reich Protector with regard to the Protectorate area.⁽²²⁾ In exercising this right, he had the status of Cabinet Minister for all Protectorate affairs; however, he was required in such cases to act in agreement with the Reich Minister of the Interior.

The Reich Protector's office extended to the German citizens in Bohemia-Moravia a full set of laws, courts, and administrative services in which the Czech "autonomous" Government had no hand. In addition, the Reich Protector's office supervised the activities of the Protectorate "autonomous" administration, through an organization of its own paralleling every department of the Protectorate Government.⁽²³⁾ Every act by a Protectorate Ministry had to be approved by the Reich

DIVISION OF POWERS

Protector through the corresponding department of his office. In this manner the Reich Protector exercised control not only over the German citizens, but also over the Protectorate Government and its subjects.

For the administration of matters affecting the Germans, the Reich Protector appointed district governors (*Oberlandraete*) in nineteen districts covering the whole of the Protectorate. These offices not only ministered to the needs of the Germans in the Protectorate but also supervised the acts of local Protectorate officials in the name of the Reich Protector.

In this way the Reich Protector's office administered all those internal matters of the Protectorate which were kept under German control but were not—like military and foreign affairs—reserved to the Reich Government directly. All departments and officials of the Reich in the Protectorate were under his authority and no separate offices of other Reich officials could be established in the Protectorate.

From the very beginning of the Protectorate the Gestapo had a strong voice in the affairs of the Reich Protector's office. From April 1939 to the end of September 1941, when the aged Baron Konstantin von Neurath was Reich Protector, his deputy was the Gestapo agent, Karl Hermann Frank, who also acted as police chief for the Protectorate. In this capacity, although nominally subordinate to von Neurath, Frank took most of his orders from Himmler. The terms of the law of September 1, 1939, by which, at the outbreak of the war, the functions of the German Security Police in the Protectorate were defined, show clearly that in point of fact the Gestapo and other police agencies were practically co-ordinate authorities with the Reich Protector in Bohemia-Moravia.⁽²⁴⁾ Together, their powers were practically absolute. Thus, the Security Police were to "investigate and combat movements

RACIAL STATE

hostile to the state and people, to collect and utilize evidence, *to keep the Reich Protector and his subordinates informed and make suggestions to them.*" Furthermore, the Reich Protector and the head of the SS and chief of the German police, (that is, von Neurath and Himmler) were to work together in the Protectorate and were empowered to take any steps necessary for the maintenance of security and order *without being restricted by legal limitations.* They could also delegate these powers to such agents as the German district governors or German police officials. A broader grant of powers could hardly be formulated.

After von Neurath's departure from Bohemia-Moravia, the Gestapo took over the Reich Protector's office completely. Reinhard Heydrich, Himmler's top assistant, was appointed Acting Reich Protector. After his death at the hands of Czech patriots, the office of Acting Reich Protector was again handed over to a top Gestapo man, General Kurt Daluege, Himmler's other aide. The latest incumbent was Reich Protector Wilhelm Frick, formerly Reich Minister of the Interior. As we shall see, the actual government of Bohemia-Moravia during Frick's time was in the hands of Karl Hermann Frank, the Gestapo representative in Bohemia-Moravia, who was raised to the position of Reich Minister for this purpose.

THE AUTONOMOUS PROTECTORATE GOVERNMENT

The place of the Protectorate Government is evident in view of the above survey. It was called upon to administer minor, routine tasks which the Germans did not care to bother with, or sometimes, to assume responsibility for actions which were likely to prove unpopular. The dependence of the "autonomous" Protectorate Government was advertised by German legislation and administrative practice in every possible way. The

DIVISION OF POWERS

Nazis seem deliberately to have tried to undermine the prestige of the Government they themselves installed.

The very establishment of the allegedly autonomous Protectorate Government was purely a unilateral act of German "generosity." There is no mention in the decree of March 16, 1939, as there was in the Hitler-Hacha "Agreement," of the Czech people as a coordinate authority contracting to establish the new constitution for its country. On the contrary, as the preamble states, Hitler himself, *in the name of the German Reich*, laid down the future social and legal basis for Bohemia-Moravia and all its inhabitants. The authority of the Protectorate was a derived authority based on German sovereignty.

The specific powers of the "autonomous" Protectorate Government rested theoretically upon the Constitutional Law of December 15, 1938, passed by the Parliament of the Second Czecho-Slovak Republic in order to delegate to the Government, for a period of two years, extraordinary dictatorial powers of administration and legislation during the time that the Parliament was not in session.⁽²⁵⁾ By an ordinance of December 12, 1940,⁽²⁶⁾ the *Reich Protector*, using his legislative powers, extended this grant of powers to the Protectorate Government until further notice. Consequently, the Protectorate Government, originally authorized to rule in accordance with a *constitutional law* of the Czecho-Slovak Republic, thenceforth owed its existence entirely to a *decree* by the Reich Protector. The Parliament, of course, was never convoked again.

Not only the Protectorate Government as a whole but every one of its members held his authority through the Reich. This was a fact which they were required to attest by *copying in their own handwriting* and signing the following oath:⁽²⁷⁾

"I swear to obey the Fuehrer of the Greater German Reich, Adolf Hitler, as the Lord Protector of the Protec-

RACIAL STATE

torate of Bohemia and Moravia, and to refrain from any action which may damage the interests of the Greater German Reich, to observe all the ordinances of the Chief of the Protectorate of Bohemia and Moravia, to respect the laws, and perform my official duties conscientiously."

Refusal to submit the oath or acts contrary to its terms amounted to dereliction in official duty, to be punished, without prejudice to possible judicial penalties, by immediate dismissal from office and other disciplinary measures.

These documents were to be submitted to the President of the Protectorate, who came second among the personages to whom allegiance was sworn. The President himself, evidently in view of the "honorary rights of the head of a state" to which he was entitled according to the March 16th decree, did not have to swear an oath to the Fuehrer; but, according to Article IV of Hitler's decree of March 16, 1939, he held office only at the pleasure of the Fuehrer.

The autonomous Government was subject in its every act to supervision and review by German authorities. On the other hand, the Protectorate Government could not effect even a delay in the execution of German measures to which it might object.⁽²⁸⁾ Its authority did not extend, in principle, over any Germans in the Protectorate area, and with regard to the "other inhabitants" of the Protectorate, it administered only such matters as the Reich chose not to take into its own hands.

The truncated Cabinet of the Protectorate originally included a Premier and eight Ministries: Interior; Finance; Education and Culture; Justice; Public Works; Agriculture; Health and Social Welfare; and Industry, Commerce, and Handicrafts. Not only were these several Ministries required to clear all proposed actions through their counterparts in the Reich Protector's office, but the jurisdiction of almost all of them was re-

DIVISION OF POWERS

stricted by Reich annexation of their functions. Thus the Ministry of the Interior lost control of the Czech forests to Marshal Goering, the Hunter and Forester-in-Chief of the Reich. Its political police functions were subordinated to the German Security Police. The Ministry of Finance lost all state monopolies and indirect taxes to the Reich. The Ministry of Agriculture lost its Land Reform Fund, together with all power over the Land Reform administration, which were taken over by the Reich.

A radical "reform" of the Protectorate Government took place in January 1942⁽²⁹⁾ and the following months,⁽³⁰⁾ shortly after Gestapo Chief Reinhard Heydrich replaced Baron von Neurath. Prime Minister Elias was arrested and sentenced to death. The office of Prime Minister was abolished and the Minister of Justice became Chairman of the Cabinet. Several ministries were completely dissolved or combined with other ministries. After the reorganization the Government was divided into the following Ministries: Interior; Finance; Education; Popular Enlightenment; Justice; Economy and Labor; Agriculture and Forests; Traffic and Technology. A further ordinance by the Reich Protector on February 27, 1942⁽³¹⁾ declared that legislation on the basis of the dictatorial power delegated by the law of December 15, 1938 to the entire Government of the Czecho-Slovak Republic could be issued in the future by decree of the Chairman of the Cabinet and the Minister (or Ministers) entrusted with the execution of each measure. Decrees not based on the extraordinary powers of the 1938 law could be issued by each Minister in his own jurisdiction.

In the course of the "reform" the Protectorate Government became openly the executor of direct German orders. As the President of the Protectorate, Dr. Hacha, stated,⁽³²⁾ the new

RACIAL STATE

members of the Government were appointed "in agreement with the Acting Reich Protector, Police General Reinhard Heydrich." The most important post in the Cabinet, the Ministry of Economy and Labor, was assigned to a German, Dr. Walther Bertsch, who was brought in for the purpose from Germany. The new Cabinet Chairman and Minister of Justice, Dr. Jaroslav Krejci, had advocated the merging of the "Protectorate" in Germany: "We have the courage to speak the truth. The formation of the new Government is a decisive step on the road toward incorporation pure and simple of our country into the Greater German Reich."⁽³²⁾ Colonel Emanuel Moravec became head of two Ministries, the Ministry of Education and the newly-founded Ministry of Popular Enlightenment. Years before Munich, Moravec had clearly recognized the danger which threatened his homeland from Nazi Germany and had always stressed the importance of Czechoslovakia as the strategic keystone of Europe.⁽³³⁾ But when Czechoslovakia was abandoned at Munich by Neville Chamberlain's Great Britain and Edouard Daladier's France, Moravec declared: "Since we could not sing with the angels, we shall now howl with the wolves."⁽³⁴⁾ In his bitterness he was completely converted to the policy of collaboration with Nazi Germany.

Having thus filled the four most important posts in the Cabinet with three reliable personalities, Nazi Germany had conquered the autonomy of the Protectorate from within. The autonomous Cabinet itself became an instrument of Germanization. In courtesy to the German, Dr. Walther Bertsch, Minister of Economy and Labor, who did not speak Czech, German became the language employed in the discussions of the Protectorate Cabinet. The name "Protectorate of Bohemia-Moravia" fell increasingly into disuse, being replaced by the expression "the former Czech space." By an ordinance of

DIVISION OF POWERS

August 28, 1942,⁽³⁵⁾ signed by the President of the State, the Chairman of the Cabinet, and the Minister of the Interior, all members of the Cabinet were required to wear a special uniform. Now the members of the autonomous Government, at first glance, looked like German officials, and could be taken, by a careless observer, for the real masters of the State.

REICHAUFTRAGSVERWALTUNG

The establishment of direct Nazi influence within the central authorities of the Protectorate Government was paralleled by another most significant development. In the third year of the war, the manpower shortage had imposed a severe strain on the administrative apparatus of the Reich. To feed the insatiable war machine, the German authorities had to transfer thousands of officials to the military cadres; and many ordinances for the simplification of administration and judicial procedure⁽³⁶⁾ showed the effect on the formerly abundant store of Nazi officials.

Because of the fact that only Germans were called up for military service in the Protectorate, the ranks of German officialdom were depleted while the Czechs remained. This led to a reversal of the German policy of entrusting only matters of third-rate importance to the Protectorate Government. A decree of the Fuehrer on May 7, 1942⁽³⁸⁾ empowered the Reich Protector, in agreement with the Reich Minister of the Interior, to take measures in order to adapt the administration of the Protectorate to "prevailing conditions" and to issue the necessary decrees and ordinances. On the basis of Hitler's decree Acting Reich Protector Reinhard Heydrich issued the ordinance and the first executory ordinance concerning the "*Reichsauftragsverwaltung*" (administration by mandate of the Reich), both dated May 23, 1942.⁽³⁹⁾ By these ordinances certain functions

RACIAL STATE

of the Reich Protector and his *Oberlandraete*, paralleling those of the higher administrative authorities in the Reich, were transferred to the higher officers of the autonomous Government in Bohemia-Moravia. Functions of the *Oberlandraete*, paralleling those of minor officials in the Reich, were transferred to minor officials and to the police authorities of the Protectorate. In dealing with such matters mandated by the Reich all officials of the "autonomous administration of Bohemia-Moravia" were subject to the orders of the competent Reich authorities. In matters mandated by the Reich the autonomous authorities used the smaller seal of the Reich, and added to their official signatures the term "*Reichsauftragsverwaltung*."

By the institution of "*Reichsauftragsverwaltung*" the policy of Nazi Germany in Bohemia-Moravia completed a full circle. Through its "invention" of the Protectorate, the Reich at first took over the major part of the administration of Bohemia-Moravia. At the same time, a "division of powers" was created by confining Czech officials to the administration of those matters which the Reich had left over, which made the Czech authorities look "autonomous" within their own sphere. Now, by the "*Reichsauftragsverwaltung*," this division was effaced. Affairs of the sovereign Reich had to be handed back to Czech officialdom. But the Czech officials were not allowed to administer these matters "autonomously": they had to operate as German mandatories.

That the new arrangement was intended to strengthen rather than weaken German control quickly became apparent. On August 24, 1943, when Dr. Wilhelm Frick was appointed Reich Protector, Karl Hermann Frank, Undersecretary in the Reich Protector's office was raised to the rank of Reich Minister and made the head of a new "German Ministry of State for Bohe-

DIVISION OF POWERS

mia-Moravia.⁽⁴⁰⁾ The expression "Protectorate," it will be noted, was dropped and the new Ministry was created simply for "Bohemia-Moravia." Although the "Reich Protector" continued in office, effective power was transferred to the new Ministry. Its function was to "safeguard the German interest in this space."⁽⁴¹⁾ The new Ministry supervised not only those affairs which were reserved for Reich Government administration, but also the "*Reichsauftragsverwaltung*" and the "autonomous" Protectorate administration. This becomes clear when one reads the organization of the new Ministry.⁽⁴²⁾ The functions it discharged included defense, public health, justice, education, labor, economics, agriculture, finance, transport, telephone and postal communications, and police. The real "Gauleiter" of Bohemia-Moravia was thus the Sudeten German, Karl Hermann Frank of the Gestapo.

PART II
THE METHOD OF SEGREGATION

CHAPTER IV

BLOOD AND HONOR

WE HAVE seen how meaningless were the phrases in Hitler's March 16, 1939 decree promising to establish an "autonomous" Government of the Czech people in the Protectorate of Bohemia-Moravia. Any powers exercised by the so-called Protectorate Government were delegated to it by the German Government strictly in accordance with the interests of the Third Reich. Even such powers were not "constitutionally" guaranteed and defined but were granted or withdrawn, restricted or enlarged arbitrarily.

Yet the "autonomous" Government was the instrument through which, in the early days of the Protectorate, the Germans pledged themselves to foster the "national individuality" of the Czech people and the "unhampered, free development of its rich talents." The powerlessness and subservience of the "autonomous" Government are sufficient indication how empty were all those glowing promises.

Though it is clear that the March 16th decree in no way contributed toward actually realizing the benefits it promised to the Czechs, it did have a very different, significant consequence. Through the institution of an "autonomous" Government, a separate "Protectorate" citizenship, and other measures of ethnic segregation in Bohemia-Moravia, an unassimilated body of non-Germans was "legally" maintained within the Reich. In a distorted, Nazi sense, Hitler kept his word not to take over any Czechs into the Reich even after March 16, 1939: Bohemia-Moravia was incorporated into the Reich territory,

but the Czechs of Bohemia-Moravia were not absorbed in the Reich community.

There are obvious reasons why such an arrangement was considered advisable in the early years of the Protectorate. At that time, the Germans were beginning their war for world conquest, and the Protectorate area served as a supply and assembly base for their eastward-marching troops. They needed to maintain order with the least expenditure of force; and they believed that the façade of "autonomous" Czech national institutions would be better adapted for this purpose than an attempt to impose German rule and German loyalties directly. The history of the struggle for Czech independence (as the Nazis would say, over a period of a thousand years) was too well known for anyone to believe that the Czechs would easily abandon the hope of national survival.

It is hard to decide, however, whether or not the Germans intended permanently to maintain the Czechs as a foreign body in the heart of their Empire. The whole tendency of Nazi policy was contrary to such a supposition. Even after the Nazis went beyond the idea of a national Reich comprising all the Germans, to the theory of an imperial New Order (at one time encompassing almost the whole of Europe, North Africa, and, through the Japanese alliance, the Far East, and presumably intended to cover the whole world), a certain area seems to have been set aside for exclusive German settlement. German policy in the occupied countries seems to have designated the areas adjacent to the original German lands for that purpose. The Protectorate of Bohemia-Moravia falls within this zone. If this was the ultimate German aim, then the Czechs would not have been permitted to exist forever as a distinct nation within the Reich. Two methods could be employed to eliminate them. They might be gradually assimilated

into the German nation; or they could be removed or exterminated, and replaced by Germans. The Germans proved, in other occupied areas, that they were capable of adopting either, or both, of these courses.

It is possible, nonetheless, that if the Germans had been successful in their war on humanity, they might, in the course of time, have decided to permit the Czechs to continue living as a foreign body within the heart of the Reich. Obviously, however, the only conceivable legal status for an unassimilated people within the Third Reich was that of a nation of helots. If they were neither assimilated nor displaced, the Czechs could only look forward to the position of a segregated, suppressed people in Bohemia-Moravia.

The "legal" structure which was actually erected in Bohemia-Moravia after March 16, 1939 made it possible to develop German policy along any or all of three lines: segregation, assimilation, and depopulation. Segregation and suppression were the chief methods used by Nazi jurists with regard to the Czechs. The method of assimilation was used primarily with respect to the Germans in Bohemia-Moravia; but conformity with National Socialist ideas and practices was required of the Czechs too—and there were even certain suggestions of a long-range policy of gradually assimilating the Czech people. The method of depopulation, by means of expulsion and killings and other expedients, was fully applied against the Jews of Bohemia-Moravia, practically to the point of their extinction; the Czechs, too, have suffered from the application in part of this method of German rule.

Whatever the ultimate character of the German plan for Bohemia-Moravia, the laws and decrees in effect had already created a racial caste state, with the Czechs reduced to a position of inferiority, and the Jews doomed to rapid extermination.

RACIAL STATE

WHO COULD BE A REICH CITIZEN?

The program of the National Socialist party, according to Gottfried Feder, its official commentator, demanded that "All persons of German blood, whether under Danish, Polish, Czech, or French sovereignty . . . be united in a single German Reich. . . . We shall not (he warned) abandon any Germans in Sudeten Germany, in Alsace-Lorraine, in Poland, in the League of Nations colony of Austria, and in the succession states of Old Austria."⁽¹⁾ All members of the "German race" therefore had to become citizens of the German State.

Moreover, as the party program itself clearly states, *only* persons of "German blood" were entitled to German citizenship.

"Item IV: Only a member of the nation can be a citizen. Only persons of German blood, regardless of religious denomination, can be members of the nation. Consequently, no Jew can be a member of the nation."

Under these "racial principles" citizenship becomes a right inherited biologically and thus without any relation to the desire of individuals. One exception is noted in Feder's commentary: anti-Nazis of German blood "who assume a hostile and negative attitude toward the State can thus place themselves outside the German nation and historical community." However, "a friendly and loyal attitude towards the German State and historical community is not in itself sufficient proof of 'German blood'."

These principles of Nazi theory should, logically, have excluded the Czechs and other Slavs from Reich citizenship. In practice, no legislation strictly applying the "racial" criterion of German blood as a qualification for citizenship was enacted. The whole of Nazi legislation was unable to define precisely the legal meaning of "German blood." A survey of German

BLOOD AND HONOR

laws shows that, for all practical purposes, the various definitions can be reduced to the bare formula, "Whatever is not Jewish is German":

(1) In paragraph 13 of the Reich Homestead Inheritance Law of September 29, 1933,⁽²⁾ the term "German farmers" is defined as including "only persons of German blood or similar stock." The latter expression is defined, in turn, as including persons who have inherited Jewish or colored blood from their paternal or maternal ancestors.

(2) Paragraph 14 of the German Vital Statistics Law of November 3, 1937⁽³⁾ provides that the "racial soundness" of married persons must be attested in a "family register." The meaning of "racial soundness" becomes clear from the first executory ordinance to this law issued on May 19, 1938.⁽⁴⁾ Section 12, paragraph 3 of this ordinance stipulates that former membership in a Jewish religious community must be noted in the registers; that betrothed couples must supply certified information about the race and religion of their grandparents in order to prove that their marriage was permissible; and finally that, where necessary birth certificates were lacking, the registrar could accept a sworn statement by the betrothed couple about the race and religion of their grandparents, unless he had reason to suppose that one of them, notwithstanding his or her statement to the contrary, "was not of German blood." Similar rules applied regarding a short form of marriage procedure, permitted under the third executory ordinance to the Vital Statistics Law of August 30, 1939, for members of the armed forces.⁽⁵⁾

(3) The second regulation issued under the Hitler Youth Law of March 25, 1939⁽⁶⁾ defines "the requirements of blood" necessary for membership in the Hitler Youth in paragraph 7—which excluded Jews.

(4) The August 1, 1940⁽⁷⁾ ordinance of Minister of the Interior Wilhelm Frick, in his capacity as plenipotentiary for the Reich administration in questions where "Aryan descent" must be proved, specifically equated German

RACIAL STATE

with Aryan blood in paragraph 1, No. 1; and throughout it shows plainly that proof of German racial descent amounted simply to proof that one had no Jewish ancestors.

The evidence is clear: whenever a decree stipulated that "German blood" must be proved in order to enjoy certain benefits, the proof required consisted merely of showing, by documents or by sworn statement, that the applicant had no grandparents of Jewish faith.⁽⁸⁾

In effect, for all peoples other than the Jews, the Nazis finally returned to the doctrine of Hans F. K. Guenther, who said:⁽⁹⁾ "Nations are generally made up of persons of similar speech and folkways . . . Race has nothing to do with nationality: All nations are made up of practically the same racial components, but in different proportions." For this reason Guenther concluded: "Anthropology is a painful, disruptive science precisely because we are in the unfortunate situation of having to declare by far the greater part of Europe to be half-breeds and bastards."⁽¹⁰⁾

As a result of this "painful" situation, German citizenship laws gave up the impractical pursuit of a criterion of German blood and permitted all "European races" in Germany to acquire Reich citizenship, excepting only the Jews, who were specifically regarded as of alien blood. According to the Reich Citizenship Law of September 15, 1935,⁽¹¹⁾ German citizens of "German blood" and those of "cognate blood" were equally entitled to Reich citizenship. The concept of "cognate blood" appears here for the first time to replace the previously used expression "Aryan descent": for that term, according to the authoritative National Socialist legal commentary, was now discovered to be "partially misleading since it derives

BLOOD AND HONOR

from linguistic (and not racial) science."⁽¹²⁾ The expressions "German and cognate blood" are explained as follows:

"The German blood-stock is derived from the Nordic, Phalic, Dinaric, Western, Eastern, and East-Baltic races. Individual Germans seldom display all the characteristics of any one of these races, but usually belong to several of them according to their blood. The rest of the population of Europe is derived from the same races, but one or the other may predominate and impress upon the people in question the stamp of its peculiar characteristics. Thus, the members of all other nations in Europe, and their full-blooded offspring in other continents, are of 'cognate blood' with the German people. Excepted, however, are persons of foreign races, particularly the Jews, living among these peoples. Anyone of non-German descent who is a German subject can become a Reich citizen under the same conditions as persons of German blood, provided he is a full-blooded member of one of the races mentioned, and to that extent could just as well belong to the German folk group. With regard to the right of Reich citizenship, therefore, Danes, Poles, Wends, *etc.* do not constitute a problem."⁽¹⁷⁾

Under such definitions both the Germans and the "other inhabitants" in the Protectorate, with the exception of the Jews, were of "the same races," and according to the terms of the Reich Citizenship Law of September 15, 1935, the Czechs could just as well have been granted Reich citizenship as the Germans. For reasons of policy, however, the Reich Citizenship Law was deliberately and arbitrarily set aside in that integral part of the Reich, the Protectorate of Bohemia-Moravia. The decree of March 16, 1939 specifically discriminated between the Germans and the "other inhabitants" in the Protectorate, so that 96.5 per cent of the population were not made citizens of the sovereign state in which they lived. Only about 200,000

Volksdeutsche, the "members of the German nation," were recognized as citizens of the German Reich.

In consequence of these special rules for the Protectorate, Reich citizenship laws, which were already complicated by the distinction between "Aryans" (who could be "Reich citizens") and "non-Aryans" (who could only be "German subjects"), became still further involved. A new class of "Protectorate subjects" was set up in the Reich, and within this class, the Jews of Bohemia-Moravia were made subject to the typical disabilities of personal status characteristic of "non-Aryan German subjects."

FIRST CLASS CITIZENS—THE GERMANS

No attempt was made to apply racial criteria in defining which inhabitants of Bohemia-Moravia were *Volksdeutsche* and thus entitled to Reich citizenship under the March 16th decree. The March 29, 1939 decree of the Reich Minister of the Interior about membership in the German Folk,⁽¹³⁾ states that the terms "*deutscher Volksangehoeriger*"⁽¹⁴⁾ and "*Volksdeutscher*"⁽¹⁵⁾ refer in the Protectorate to all persons who claim membership in the German Folk—or according to the quasi-religious Nazi terminology "confess" themselves members of the German Folk—and can show that they speak German or were educated in German culture.⁽¹⁶⁾ The only "racial" element in the definition of "*deutscher Volksangehoeriger*" was the provision that persons of "alien blood," i.e. Jews, were never regarded as members of the German Folk, even if they claimed membership. No distinction was made, however, as between "German" and "cognate blood." In place of the biological criterion of blood and descent, the sociological criteria of acquired culture and individual consciousness of kind were

theoretically made the tests of German nationality in Bohemia-Moravia.

Specific rules concerning the German citizenship of *Volksdeutsche* in Bohemia-Moravia were contained in an April 20, 1939⁽¹⁷⁾ ordinance by the Reich Government, putting into effect the provisions of the decree of March 16, 1939. Under this law, all *Volksdeutsche* who had not already acquired citizenship through the German-Czecho-Slovak Treaty of November 20, 1938 became subjects retroactively as of March 16, 1939, provided they were still Czechoslovak citizens and did not reside in Slovakia or Sub-Carpathian Ruthenia on March 16th. However, *Volksdeutsche* women who were eligible for German citizenship in accordance with the above rules, but were married to Protectorate citizens, were not made German citizens. This was in line with the general rule of German law that the citizenship of wives and children is dependent on that of their husbands or fathers.

More than two years after the establishment of the Protectorate, the Reich altered this last provision, possibly with the purpose of increasing the number of German citizens in Bohemia-Moravia. A law of June 6, 1941⁽¹⁸⁾ provides that a *Volksdeutsche* woman married to a Protectorate citizen on or after March 16, 1939, acquired German citizenship, unless her husband lived in Slovakia or Sub-Carpathian Ruthenia. The children of a German mother and a father who was a Protectorate subject acquired German nationality at birth. This clause was made retroactive by a provision that all children born between March 16, 1939 and June 1, 1941, of a marriage between a German woman and a Protectorate subject, became German citizens at birth, unless they had brothers or sisters who could not acquire German citizenship because they were born before March 16, 1939. Finally, an illegitimate child

of German nationality possessing German citizenship did not lose such citizenship by being legitimized by a Protectorate subject. However, if a German woman entered into a marital union disapproved, for any reason, by a competent administrative authority such as the German district governor in the Protectorate, she, as well as the children of the marriage, might lose German citizenship, if the official ruled to this effect before the marriage or matrimonial status was proclaimed.

A final provision, which was adopted very early, permitted certain Czechs to become German citizens if they so desired. This principle was laid down in the Reich Government's ordinance of September 4, 1939 about the naturalization of volunteers for the German army.⁽¹⁹⁾ The law provided that persons who were not German subjects could enlist in the German armed forces. Persons intending to enlist could request naturalization as Germans even if they were not permanent residents in Germany, but merely sojourners in the German interior, including the Protectorate. If over eighteen years of age, such persons did not need the approval of their legal guardians for enlistment or naturalization.

SECOND CLASS CITIZENS—THE CZECHS

As noted above, the basic qualification for German citizenship in Bohemia-Moravia was not racial but essentially subjective: the "confession" of membership in the German Folk, supported by proofs of being able to speak German and a background of German education. Acquired characteristics and "consciousness of kind" were the tests of German nationality; and, if so, it was theoretically possible to assimilate Czech citizens and ultimately the whole Czech people into the German nation. In practice, however, this was made impossible by the provisions of the March 16th decree establishing a

Protectorate citizenship for the Czechs. Since there was no general provision for the naturalization of Protectorate subjects, with the exception noted above of volunteers for military service, the way to assimilation with the Germans was virtually blocked. In this respect the Protectorate of Bohemia-Moravia had a "lower status" than even the German "Protected Areas" in Africa before the first World War. The natives of those areas (which, like Bohemia-Moravia, were really colonies instead of protectorates, being occupied and fully controlled by the Reich) were subjects of the Reich and could acquire Reich citizenship by naturalization.⁽²⁰⁾

The decree of March 16th did not deal with the Czechs by name in ruling on their citizenship. After providing (in Article II, section 1) for the German citizenship of the Germans in the Protectorate, it then referred to the "other inhabitants" who become "subjects" of the Protectorate. By this language the inferior status of the Czechs was clearly proclaimed. In their own country they had become the "other inhabitants," that is, the less important, incidental part of the population.

The Protectorate Government accepted the concept of Protectorate citizenship by its ordinance of January 11, 1940.⁽²¹⁾ Under this ordinance non-Germans who were Czechoslovak citizens under former legal rules became Protectorate citizens if:

- (1) they lived in or had rights of nativity or settlement in any community of the Protectorate territory on March 16, 1939;
- (2) they were residents of the Sudeten area on October 10, 1938, but chose to retain their Czechoslovak citizenship after its incorporation into the Reich at that time, or secured it by option later; or
- (3) they were persons of Czech nationality having rights of nativity or settlement in Slovakia or Sub-Carpathian Ruthenia but not living in those provinces on March 16, 1939.

Czechoslovak citizens, who were living in Slovakia or Sub-Carpathian Ruthenia on March 16, and thus became Slovakian or Hungarian citizens, were not regarded as Protectorate subjects. On the other hand, persons who left Bohemia-Moravia after March 15, 1939 did not thereby lose the status of Protectorate subjects even if they acquired German, Slovak, or Hungarian citizenship.

The negative effects of the Protectorate citizenship thus established are clear: it meant that non-Germans in Bohemia-Moravia were "legally" excluded from the rights and protection of the Greater German Reich. The only exception to this rule was, as we have seen, that the Reich undertook to issue passports and perform other extraterritorial functions for Protectorate citizens. The Germans also boasted that their army "protected" Bohemia-Moravia, while, since Czechs were not drafted into the Reich armies, "no Czech mother need shed a tear for her son's death as a soldier at the front."⁽²²⁾ Actually, of course, this procedure was adopted to protect not the Czechs but the hegemony of Germany in Bohemia-Moravia. The Reich was unwilling to put arms into Czech hands for fear of mutinies and uprisings such as Austria-Hungary had experienced with Czech soldiers in World War I.

Positively, the presumptive effects of establishing a Protectorate citizenship were not so clear. In theory, the new citizenship was a derivative and continuation of the citizenship status of the Republic of Czechoslovakia. Within Bohemia-Moravia, Protectorate subjects should have had the same rights and duties of citizenship with regard to their "autonomous" Government as Czechoslovak citizens had to the Republic. Legally, therefore, they owed their allegiance exclusively to the Protectorate of Bohemia-Moravia and its Government. Germany, on the basis of its own "legal" structure for the Protectorate, certainly

had no claim to the allegiance of the Czechs. The tie of allegiance is a "double and reciprocal bond," involving the duty of obedience by the subject and the duty of protection by the state.⁽²³⁾ In specifically refusing to extend any protection to the Czechs in Bohemia-Moravia, the Germans renounced any "legal" claim to their allegiance. It is true that according to modern legal principles, the state exists for the benefit of the whole population of its territory, not that of a specific nationality.⁽²⁴⁾ But the Germans deliberately established the Protectorate of Bohemia-Moravia on different lines, granting Reich protection only to the German nationality. No reciprocal bond of allegiance could therefore exist between the Reich and the subjects of the Protectorate.

Nevertheless, the Reich did raise a claim to the allegiance of Protectorate subjects. For this is what Stuckart meant when he said, in his address which we have already discussed, that Protectorate subjects "are treated as German subjects in many fields." The claim to fealty manifested itself in the persistent effort which, as we shall see, the Germans made to obtain the collaboration and political adherence of the Czechs. It was implicit in the subjection to German laws and German courts which was arbitrarily imposed upon Protectorate citizens. But these claims to loyalty and obedience were not counterbalanced by Reich protection. Even Czech collaborationists were not legally guaranteed such protection, for their loyalty to their German masters could not take the place of the "German blood" lacking in their citizenship papers.

THIRD CLASS CITIZENS—THE JEWS

Theoretically Jews were subjects of the Protectorate like

all the "other inhabitants." However, there were special provisions regarding Jewish subjects in the Protectorate of Bohemia-Moravia. At first, Jews were subject to discriminatory laws regarding personal status only in their relations with German subjects. After a considerable period of resistance, similar provisions were adopted by the "autonomous" Government, under the pressure of the German overlords.

The Reich laws "for the protection of German blood and honor," which outlawed marriage and extra-marital sexual relations with Jews, were made binding upon the German subjects in the Protectorate, both "Aryan" and Jewish, by the March 16th decree. The force of these laws was applied to Protectorate citizens also, that is to Protectorate Jews, by a Reich decree of July 5, 1941,⁽²⁵⁾ forbidding Jewish Protectorate subjects to have sexual relations with German citizens or to display the Reich insignia.⁽²⁶⁾ The legislation had no effect as between Jews and persons of non-German blood in the Protectorate, that is, Czechs, Slovaks, and others. Its results were twofold: it formally included the Protectorate Jews among the pariah class with whom the *Volksdeutsche* of Bohemia-Moravia, whether resident in the Reich or in the Protectorate, must have no relations; secondly, it made not only German subjects but also certain categories of Protectorate subjects, that is, those defined as Jews, liable to punishment by the Reich because of prohibited sexual relations.

Under the law of July 5, 1941, marriage⁽²⁷⁾ and extra-marital relations⁽²⁸⁾ between Jews and Germans were forbidden, and since the decree was made retroactive up to March 16, 1939, certain kinds of prohibited marriages which had occurred in that period were declared invalid. In detail, the laws provided as follows:

- (1) Marriages between Jews and German citizens were forbidden.⁽²⁷⁾
- (2) Marriages between Jews and part-Jews were forbidden if the part-Jew had only one full-blooded Jewish grandparent and was a German subject.⁽²⁹⁾
- (3) Marriages between part-Jews and German citizens of German or cognate blood, in cases where the part-Jew had a legal status superior to full Jews but was descended from *two* full-Jewish grandparents, required the consent of the Reich Minister of the Interior or of the Fuehrer's Deputy in the Protectorate, or of their agents. A similar procedure was stipulated when part-Jews with *two* Jewish grandparents wished to marry other part-Jews with only *one* full-Jewish grandparent.⁽³⁰⁾
- (4) The law recommended also that marriages between part-Jews with only one Jewish grandparent should not take place;⁽³⁰⁾ even in cases of lesser admixture of Jewish blood, the law provided that marriages were undesirable if "offspring endangering the purity of German blood may be expected to issue therefrom."⁽³¹⁾
- (5) Marriages of part-Jews or of persons of German blood with other persons defined as *Jews* in the law were declared invalid, and persons entering into such marriages might be punished by prison terms.⁽³²⁾ While the law warned against the conclusion of several other types of marriage, involving part-Jews *not* legally defined as having the full status of Jews, such marriages were not invalid and no penalty was imposed upon parties to them.⁽³³⁾
- (6) All Germans who entered into marriages had to submit evidence of pure German blood, as noted previously, and a registrar was entitled to withhold the license for any marriage of a German, whether of German or part-Jewish blood, with a full Jew—according to the legal definition. He could also withhold the license if "offspring endangering the purity of German blood may be expected to issue from the marriage."⁽³⁴⁾ However, if one of the parties involved had foreign citizenship, the registrar who

RACIAL STATE

wished to withhold the license had to obtain an order from the Ministry of the Interior. Protectorate subjects were not foreign citizens within the meaning of this provision.⁽³⁵⁾

A "prophylactic" measure, intended to prevent the "defilement" of German blood by removing German women from dangerous contact with Jews, was the provision that Jewish households could not employ as domestics German women under the age of 45.⁽³⁶⁾ A household was defined as Jewish when any male member was a Jew.⁽³⁷⁾

We saw previously that by a law of June 6, 1941 German women who married Protectorate subjects and the children of such marriages were granted German citizenship. In this way the Germans made possible the assimilation of at least those second generation Czechs who had entered the German community by marriage. The exception to this law was, of course, marriage with Jewish Protectorate subjects. Such marriages, as we have seen, were forbidden; registrars could refuse licenses for them; if concluded, they could be declared invalid by suit of the district attorney; and, finally, a woman who entered such a marriage and the children born of it were not recognized as German citizens. In this way, and by similar provisions regarding extra-marital relations of Jews, the Germans set rigid barriers between themselves and the Jewish population. In so doing they segregated a third class in the Protectorate on an even "lower" plane than the other Protectorate subjects.

The definitions of who was and who was not a Jew corresponded closely to similar definitions applied in Germany. Any person with three or more full-blooded Jewish grandparents was regarded as a Jew. Persons with one or two Jewish grandparents were a special category of part-Jews, who, with the exceptions noted further on, were not subject to all the laws

BLOOD AND HONOR

affecting the Jews, but were excluded, under certain special laws, from membership in the Hitler Youth, National Socialist Party, and from other, similar "privileges" afforded by the Nazi regime. In these provisions the German law manifestly made an attempt to carry out the principles of Nazi racial theories. But the basic term in these definitions, *viz.* "full-blooded Jewish grandparents," could not be defined in accordance with racial theory: any grandparent was considered a full-blooded Jew if he belonged to a Jewish religious community. The term "Jew" included:

- (1) Any person descended from three full-blooded Jewish grandparents;
- (2) Any part-Jew descended from *two* full-blooded Jewish grandparents who
 - (a) belonged to a Jewish religious community on or after September 15, 1935;
 - (b) was married to a Jew on or after September 15, 1935;
 - (c) was descended from a parent with three Jewish grandparents, from a marriage contracted after September 15, 1935; or
 - (d) was born out of wedlock after July 31, 1936 from an extra-marital union with a Jew with three Jewish grandparents.

On October 1, 1939, a census of the "Jewish population" was taken on the basis of these broad definitions. It resulted in a count of 90,847 "Jews," of whom 9,828 were not of the Jewish faith.⁽³⁸⁾

The above definitions and laws segregating the Jews from relations with Germans were enacted in various connections by the Reich Government and the Reich Protector.⁽³⁹⁾ The Protectorate Government adopted a similar "racial" definition of the term "Jew" in its law of July 4, 1939,⁽⁴⁰⁾ restricting Jewish

RACIAL STATE

participation in a number of occupations; but it refused to enact laws banning the Jews from marital or extra-marital sexual relations with Czechs until a relatively late time. It was not until March 7, 1942 that the "reorganized" Protectorate Government which had been installed with Reinhard Heydrich's approval issued its own decree "for the protection of Czech blood and honor."

The March 7, 1942⁽⁴¹⁾ decree, according to its second paragraph, adopted the provisions of the Nuremberg Law of September 15, 1935 "for the protection of German blood and honor, and its executive ordinances." Its effect was that the rules described above regarding marriages and extra-marital relations of Jews or part-Jews and non-Jews thenceforth applied not only between Jews and German citizens but also between Jews and "Aryan" Protectorate subjects, as well as with respect to the marriages of part-Jews who were Protectorate subjects. A female Protectorate subject under the age of 45 might not be employed as a domestic in a Jewish household. Jews were forbidden to display the insignia of the Protectorate. The Nuremberg definitions of the concepts "Jew" and "part-Jew" were repeated in the ordinance, but in accordance with the slightly different definitions of the Protectorate law of July 4, 1939, already referred to. Unlike the German decree the ordinance was not made retroactive. Cases ruled upon already by the Reich legislation were declared unaffected by the new ordinance.

It was the Protectorate Government, reorganized and newly appointed with Reinhard Heydrich's approval, which promulgated this ordinance; but in reality the author of the legislation was the Reich, which thus finally succeeded in getting from a "loyal" autonomous Government legislation which all preceding Governments of the Protectorate had refused to sanction.

BLOOD AND HONOR

By this decree the Jews were segregated as a lower caste not only by the Germans but by the collaborationist Czechs. Following previous Nazi practice, paragraph 9 of the ordinance instructed the Protectorate Ministry of the Interior to see that public tranquillity, order, security, and public morals not be endangered by intercourse between Jews and non-Jews. The Minister and his subordinates were thus authorized to issue a large variety of restrictive orders whereby the outlawing of the Jews in Bohemia-Moravia was to be carried out.

THE RIGHT OF EXPATRIATION

It was part of the totalitarian ruthlessness to which Germany subscribed to deprive its political opponents of the most fundamental right they possessed, the protection of citizenship. Racial theories could not stand in the way. Thus even the National Socialist party program, in spite of its dogma that "German blood" was the sole and sufficient criterion of German citizenship, made an exception to allow the expatriation of anti-Nazi Germans, regardless of the purity of their lineage. After the Nazis came into power, a law, dated July 14, 1933,⁽⁴²⁾ was enacted for the expatriation of native born Germans, regardless of blood, who resided abroad and failed to return at the demand of the Minister of the Interior, or who, in spite of the "loyalty they owe the Reich . . . (worked) against its interests in foreign countries."

But the Reich went even further. It arrogated unto itself the right to deprive non-Germans of their non-German citizenship. Thus Protectorate subjects living abroad could be declared to have lost their "citizenship rights" if they committed acts liable to injure the *interests or the prestige of the Reich*. This penalty could be applied against any Protectorate subject living abroad who failed to comply with a demand of the German Ministry

RACIAL STATE

of the Interior to return home.⁽⁴³⁾ Loss of citizenship under this law was proclaimed by Reich authorities, *viz.* by the Reich Minister of Foreign Affairs and the Reich Protector, and was proclaimed in the "Reich Gazette and the Prussian State Gazette." Another title under which the Reich could deprive of their citizenship subjects of a nominally autonomous Government applied specifically against Jews. If a Jewish Protectorate subject resided abroad "under circumstances which make it evident (to the Reich Protector—or Gestapo Chief) that he is not living there temporarily" he lost his citizenship. This decree was issued on November 2, 1942,⁽⁴⁴⁾ at a time when continuous deportation had placed the majority of Protectorate Jews in "residences" in other lands under circumstances from which the Gestapo Chief could easily infer that their stay "abroad" was not temporary.

The chattel status of the "other inhabitants" of Bohemia-Moravia is nowhere more clearly expressed than in these laws whereby the *Reich*, which refused to take over Czech citizens as subjects of the German State, nevertheless assumed the power to revoke their Protectorate citizenship. Under this legislation persons like President Benes and Jan Masaryk and the other members of the Czechoslovak Government in London were declared "expatriated" by the Reich. The *Reich Gazette* and *Prussian State Gazette* of May 17, 1943⁽⁴⁵⁾ published a list of 176 names of prominent personages deprived by the Reich of their citizenship as enemies of the Reich. Thenceforth, lists of those expatriated were published regularly.

CHAPTER V

CODES AND COURTS

THE CITIZENSHIP rules set up for Bohemia-Moravia formally segregated the Germans, who were made citizens of the Reich, from the non-Germans, who became "Protectorate" subjects. If this segregation were to be put into practical effect, it implied the creation of parallel institutions for the two groups. Thus, further legislation provided for the division of Germans from non-Germans with respect to the law under which they lived and the courts by which they were judged.

We have seen already how futile is any attempt to understand the German arrangements in Bohemia-Moravia in the light of modern legal conceptions such as "protectorate," "autonomy," or "citizenship." German authorities themselves were the first to point out that the establishment of citizenship and jurisdictional rules on the basis of ethnic divisions and not for all inhabitants of a territory was contrary to accepted principles of modern jurisprudence. Yet this procedure was not entirely "an independent creation of National Socialist thought," in spite of Undersecretary Stuckart. If one delves far enough back into legal history, certain parallels may be found.

The special status given Germans in the Protectorate was a revival of the old Germanic principle of personal tribal status,⁽¹⁾ which was fully formulated in the *lex Ripuaria*, in the year 802. Under this doctrine Germans were to be judged by the law of their own tribe, regardless of the law of the region where they happened to be. If a German was charged with an offense, the procedure of his trial, the rules of evidence,

and the penalty were all determined by the law of the offender's tribe. Moreover, this was not a matter of choice. When asked "*Quo jure vivis?*"⁽²⁾ a Salic Frank was obliged to indicate his nativity and be judged according to his native, Salic law.

Another parallel for the jurisdictional rules of the Protectorate of Bohemia-Moravia is to be found in a rather surprising source: Roman Law, which the Nazi party program vigorously condemned for its "materialism."⁽³⁾ Nevertheless, in the citizenship and jurisdictional rules of the *Imperium Romanum* there are concepts which the Germans borrowed in setting up their own incipient empire after the seizure of Bohemia-Moravia. Roman Law distinguished between the status of Roman citizens (*cives Romani*) and "strangers" (*peregrini*). Only freemen born in the original Roman lands were generally considered citizens. Other freemen were not granted Roman citizenship; and if their own state had been destroyed by Roman conquest, they had no citizenship connection with any state at all, but were simply denizens of the Roman Empire. The division between citizens and *peregrini* entailed the application of different laws for the two classes. For Roman citizens the special "citizens' law" (*jus quiritium*) applied and they were judged by this code throughout the Empire, regardless of local legal traditions. For the *peregrini*—the "other inhabitants" of the Roman Empire—the law of non-Romans (*jus gentium*) applied. This law often varied from place to place.⁽⁴⁾

So far, the parallel between the Roman conception and that of the Protectorate of Bohemia-Moravia is quite close. But at one point, the Germans chose to be original. Under the Roman system not only the *cives Romani* but the *peregrini* could appeal to courts which were part of the whole Roman system of justice. Thus, despite the difference in status, both classes of the Roman population enjoyed the protection of the *Pax*

Romana. The Germans adopted the idea of ethnic distinctions of citizenship and status; but their "empire-building" imagination was unable to accept the idea of protecting non-Germans and non-citizens.

It would be a mistake to suppose that, while German procedure in Bohemia-Moravia was contrary to accepted modern legal concepts and violated the constructive elements even of its ancient antecedents, there were certain new legal principles of Nazi invention upon which it was unequivocally based. Even the principle of segregated codes and courts for Germans and the "other inhabitants" of Bohemia-Moravia was ignored whenever German convenience demanded. As we shall see, the only real principle of German legal practice, in this as in other matters, was that German interests were paramount. Anything which contributed to their advancement was done, even when it contradicted the very "principles" which the Nazis themselves had proclaimed.

GERMAN SUBJECTS

Germans in the Protectorate were subject, in general, to the laws of the Reich and were judged by special German courts. This was true particularly with regard to criminal law. The basic criminal law for Germans in the Protectorate was the German Criminal Code,⁽⁵⁾ together with the supplementary German criminal laws issued by the Reich.⁽⁶⁾ Czechoslovak laws could be enforced against German criminals in Bohemia-Moravia only if there was no provision in German law for the offense. Even when he was charged with no crime but was himself the injured party, a German subject was not allowed to enter a complaint before a Protectorate court.⁽⁷⁾ He had perforce to be judged by German courts under German law, since otherwise the intolerable situation, to the National So-

cialist mind, would arise that a German citizen would be judged in a criminal case by Protectorate courts.

It is a matter of doubt whether the right or the obligation to be judged by German criminal law could be regarded as a privilege. Nazi concepts of criminal law completely destroyed all the safeguards generally applied for the protection of individuals and of the claims of justice. In all civilized countries it is a rule of law that crimes must be specifically defined. However, under the Nazi legal system, previous German practice in this respect was altered so that a crime now meant anything specifically defined in the Code, or anything which could be connected with the terms laid down in the Code by analogy, as ruled by the "sound common sense" of the judges, guided, of course, by the light of National Socialism. The following significant definition of a murderer, who is subject to the death penalty, is found in the Reich Gazette:⁽⁸⁾

"A murderer is one who kills a person out of homicidal impulses, for the gratification of the sex instinct, out of greed or other ignoble motives, treacherously, or brutally, or by methods endangering the public, or in order to make possible or hide another crime. . . . One who kills a person deliberately, but not as a murderer, shall be punished for manslaughter by life imprisonment or imprisonment for not less than five years."

Under this definition anyone who killed a person for noble motives, or frankly and openly in the Teuton style, or for a "laudable" purpose was not a murderer. At most he would be subject to the penalty for manslaughter. Murders committed for reasons of state were, of course, in a totally different category.

In matters of personal status, too, as for instance with regard to family and inheritance law, Germans were subject to

German law⁽⁹⁾ as their domestic law.⁽¹⁰⁾ But for routine matters of business the Czechoslovak civil law was retained as the basic civil code even for German citizens in the Protectorate, except in certain matters where special ordinances prescribed that German law was to be applied.⁽¹¹⁾ In view of the fact that the vast majority of Protectorate residents were non-Germans not subject to German law, business relations between the two population groups would have been severely disturbed if the Germans had respected their own principle of segregation in this matter.

On the other hand, *jurisdiction* in all matters relating to Germans not only in criminal but also in civil cases was exclusively in the hands of German courts. The situation was strange. The Czech authorities prescribed certain laws—in civil cases—for Germans; but, since they had no jurisdiction over Germans, enforcement was in the hands of German courts. This seems a self-contradictory situation: one power prescribes, but cannot enforce; another enforces what it has not ordered. However, the contradiction was only apparent: in reality, the legislation of the Protectorate Government was only a derived power of the Reich sovereignty. According to the German legal theory, the Protectorate lost its sovereignty to Germany, and such powers as it had in internal affairs, it exercised not by original authority but as power derived from the Reich. Thus it was actually the same authority which both made and enforced the laws, whether in the form of the Protectorate Government issuing laws or the German jurisdiction enforcing them. However, it would have contradicted the whole German National Socialist viewpoint if the Reich were to lend its force to the Protectorate to be applied against German subjects. Consequently *jurisdiction* over Germans was reserved exclusively

to the German courts, even when judgment was on the basis of Protectorate laws.

There were a few minor exceptions to the general rule that Germans were subject to German jurisdiction and that German jurisdiction was exclusive. They all referred to civil law. Such exceptions were civil suits in which the parties were entitled to the disposition of the matter *in lite*, and the German subjects interested in the proceedings had already entered into a discussion of the case on its merits without demanding German jurisdiction;⁽¹²⁾ forced sales for debt, bankruptcies, and debt settlements, when the *creditors* were German subjects and all the debtors were Protectorate subjects;⁽¹³⁾ all matters concerning public records kept by the Protectorate authorities.

However, in all forced sales, bankruptcies, and debt settlements where a German was a *debtor* or *co-debtor*, the German jurisdiction was exclusively competent. Also certain types of public records regarding the Germans were withdrawn from the Protectorate Government, in view of their outstanding importance from the National Socialist viewpoint. Among these were the following:

- (1) registry of marriages, births, deaths, recording, certification, and payments in escrow;⁽¹⁴⁾
- (2) questions involving the amount of support to be paid by the father of an illegitimate child, when the father or child was a German subject;⁽¹⁵⁾
- (3) the guardianship of minor or incompetent *Volksdeutsche* or the personal legal status of *Volksdeutsche* wives and minor children;⁽¹⁶⁾
- (4) statements required upon resignation of church membership by German citizens in the Protectorate;⁽¹⁷⁾
- (5) registry of immovable property in cases in which the competent German court in the Protectorate claimed

the German jurisdiction with respect to the real estate in question.⁽¹⁸⁾

The legal machinery necessary to administer the special codes and exercise jurisdiction over Germans was provided by ordinances of the Reich Government⁽¹⁹⁾ and the Reich Ministries of Justice and the Interior⁽²⁰⁾ on April 14, 1939. A full array of German courts in the Protectorate was established, from a series of magistrate courts, to district courts in Prague and Brno, and a German Court of Appeals in Prague, all culminating in the Supreme Court of the Reich in Leipzig. These courts had exclusive jurisdiction, except where otherwise explicitly provided; and the field they covered was withdrawn from Protectorate jurisdiction. German district attorneys' offices and lawyers were, of course, attached to this judiciary.

The judicial system thus imposed on the Protectorate Germans derived chiefly from pre-Hitler Germany. However, it was subject to all those changes by which the Nazis had perverted the administration of justice in Germany to their own ends. As in Germany, the system of jury trial in ordinary courts was abolished. Decisions were to be made by the judges alone, but subject to periodic instructions (*Richterbriefe*) from the authorities, and always in accord with the dictates of National Socialism.⁽²¹⁾

In addition, other institutions devised by the Nazis formed part of the judicial system which had jurisdiction over Germans in the Protectorate. The German Peoples' Tribunal (*Volksgerichtshof*) served the same purpose of repressing anti-Nazi tendencies as in Germany, and followed the same procedure, not bound by ordinary rules of law. Another judicial agency established by the Nazis for the Protectorate as well as the rest of the Reich was the Reich Administrative Court, which was set up by a Hitler decree of April 3, 1941,⁽²²⁾ as a final court

RACIAL STATE

of appeal in administrative suits. This Court, the final disciplinary tribunal over the whole machine of German administration, and the last court of appeal from administrative decisions, was composed of members appointed or replaced by the Fuehrer and of special members for extraordinary occasions appointed for a definite period, when necessary, by the Reich Ministry of the Interior. The decree establishing the court empowered its members to decide upon the facts as well as the law of any case submitted to them, and directed them to interpret the law "according to the National Socialist *Weltanschauung*."

In addition to the German courts, a network of semi-judicial German functionaries was installed in the Protectorate, in order to keep public records and otherwise assist German citizens. An ordinance of October 13, 1939,⁽²³⁾ provided for the functioning in the Protectorate of German notaries, who were declared competent to act freely in the interests of non-Germans as well as Germans.⁽²⁴⁾ A comprehensive machinery of German registrars was also set up in order to keep records about German citizens, touching on what, in a Nazi sense, might be termed questions of "spiritual" welfare, particularly questions of "racial purity." No such records were entrusted to Protectorate authorities. Commercial, land registry, and other routine business records, however, were generally kept by the Protectorate Government, both with regard to Germans and non-Germans.

During the war, when the growing shortage of German manpower made necessary a decrease in Nazi officialdom, two German ordinances⁽²⁵⁾ were issued for the simplification and acceleration of civil and criminal procedures. Law clerks and law candidates were to replace judges, district attorneys, or

CODES AND COURTS

lawyers wherever possible. The principle of segregated German courts, however, was maintained.

PROTECTORATE SUBJECTS

Under the principle of segregation, the non-German population of Bohemia-Moravia was subject "in principle" to the law of the "Protectorate." The basis of that law was in the codes of the Czechoslovak Republic, as altered by new legislation. If the "autonomous" development promised the Czechs by their German master meant anything at all, new legislation should have been exclusively in the hands of the Protectorate Government, with the exception of such defined fields as the "protecting" power assumed for itself under treaty. Actually, of course, the Protectorate Government had no such monopoly. The Reich, its various Ministries (particularly the Minister of the Interior and the German Minister of State for Bohemia-Moravia), the Reich Protector, and the "autonomous" Protectorate Government were all empowered to pass laws binding on Protectorate subjects. There was no clear rule where the power of one ended and that of the other began. Actually the German Protectorate of Bohemia-Moravia was not a system of government but a state of uncertainty which enabled the Germans to do as they pleased while remaining within the "constitution."

Under Article XII of the March 16, 1939 decree the laws of the Czechoslovak Republic were made subject to review and, if incompatible with German protection of Bohemia-Moravia, were to be declared invalid. The right of the Reich Government to issue new laws for Protectorate subjects is asserted in Article II of the March 16th decree, which claims this power for the Reich "in so far as the common interest necessitates it." The Reich further "defined" its legislative power in the Protectorate by an ordinance of April 3, 1939.⁽²⁶⁾ According to that decree,

laws issued by the Reich Government were not applicable *in toto* to Bohemia and Moravia, but only where their provisions stated explicitly that such was the case or when it was evident from the context. The last proviso made the question whether or not a Reich law applied to the Protectorate highly uncertain. In practice, this would depend upon the decision of German administrative or judicial officials, for whom, under German legal philosophy, the decisive element in interpreting laws was the National Socialist viewpoint and the interests of the Reich. Any Reich law applicable to the Protectorate became valid through publication in the Official Gazette of the Reich, or in the legal bulletins of its various Ministries, or *in the Official Gazette of the Protectorate*

The legislative powers of the Reich Protector were equally comprehensive. Under the March 16th decree itself he was empowered to object to any measures of the Protectorate Government, and to issue substitute orders whenever he feared that delay might endanger the interests of the Reich.⁽²⁷⁾ All such objections of the Reich Protector or ordinances issued by him were binding upon the Protectorate Government. The Reich Protector's control over the Protectorate Government was made specific by an ordinance of the Reich on September 1, 1939, stipulating that all laws and regulations of the Protectorate had to be presented to him before their promulgation.⁽²⁸⁾ Not only had he an advance veto of the legislation of the "autonomous" Government, but an ordinance of June 7, 1939⁽²⁹⁾ gave the Reich Protector a comprehensive power of legislation of his own for the Protectorate area, similar to that of the Reich Government. The Reich Protector could issue ordinances altering the law of the Protectorate in so far as the "common interest" made it necessary. He was also named as the authority who determined what part of the law valid in Bohemia-Moravia

at the time of German occupation "contradicted the spirit of German protection" and was consequently, according to the March 16th decree (Article XII), to be annulled. In cases where delay was an "intolerable risk," the Reich Protector could issue any kind of regulation. Of course, the Reich Protector himself determined when "the common interest" or "intolerable risk" made action necessary. The Reich Protector's ordinances were exempt from judicial review by the courts and administrative departments of the Protectorate Government. For his legislative announcements the Reich Protector had an Official Gazette of his own with the status of an Official Gazette of the Reich.⁽³⁰⁾

Like a real Government, the "autonomous" Protectorate Government also published an Official Gazette in German and in Czech in which the laws and ordinances which it was ordered or permitted by the Reich to issue were promulgated. The duplication of legal bulletins in Bohemia-Moravia was unexampled. Together with the Gazette of the Protectorate Government, the ordinary Czech citizen who wished to know the laws applying to him would have had to consult the Official Reich Gazette, the legal bulletins of various German Ministers, the Reich Protector's Gazette, and the Gazette of the German Minister of State for Bohemia-Moravia. It could not have been an easy task to avoid ignorance of the law, if indeed this could be of any interest to a subject of a country which was actually ruled by the Gestapo and the SS.

Just as Protectorate non-Germans were, "in principle," to be judged by Protectorate law, so, in principle, they were subject to Protectorate jurisdiction. This principle, like the other, was more honored in the breach than in the observance. In all cases where German authorities issued laws applicable to Protectorate subjects, the German jurisdiction enforced them.

Moreover, in a whole series of legal questions involving German citizens, Protectorate subjects ordinarily came under German jurisdiction. The particular matters in which German law was applied to Protectorate citizens, or where they were made subject to German jurisdiction for any other reason, follow a pattern whose main purpose is quite clear: it is the subordination of the interests of Protectorate subjects to those of the Reich, the Nazi Party, and individual German citizens.

Thus, in the interests of the Reich and the Party, certain provisions of the German Criminal Code obtained for Protectorate subjects. These included the laws against "sedition and treason and attacks upon the Fuehrer and Reich Chancellor" and other acts hostile to Reich interests. German laws and jurisdiction applied also in regard to "crimes whether deliberate or through negligence" against the German armed forces, the SS and police, the armed SA organizations, and the Reich Labor Service, and their members, against the Nazi Party and its insignia of authority, against professional German officials or officers of the NSDAP or one of its sub-divisions or affiliates, or against the German judiciary or administration.⁽³¹⁾

Protectorate citizens were also subject to German jurisdiction in the Protectorate if, while outside the Protectorate territory, they did anything regarded as a crime under German law, whether or not the act had been made punishable, if performed in the Protectorate.⁽³²⁾ In most of the above cases the trial of Protectorate subjects was conducted by German criminal courts in the Protectorate on the basis of the conceptions and definitions of the German Criminal Code.⁽³³⁾ But for a whole series of offenses, such as crimes involving "military treason," inciting soldiers to disobedience or desertion, or recruiting for foreign military service,⁽³⁴⁾ Protectorate subjects could be tried by the German courts martial, unless in certain cases the army pre-

ferred to transfer the trial proceedings to the otherwise competent authorities.

Protectorate subjects came under German jurisdiction not only where German law was applied, but in almost all legal questions involving German parties. Thus, if several persons were involved in a crime, and German criminal law was applicable *to the acts of one of the participants*, it also applied to the others. If a German subject brought a private criminal suit against a Protectorate subject, the case was tried before a German court under the German law of procedure, but on the basis of the criminal law of the Protectorate.⁽³⁵⁾ In civil suits, *wherever German citizens were involved*, either as complainants or defendants, Protectorate subjects had to appear before the German courts.⁽³⁶⁾ All creditors of German debtors appeared before German courts. In cases of forced sale for debts, bankruptcies, and debt settlements, even debtors who were Protectorate citizens had to appear before the German jurisdiction in any proceeding where a severance could not be obtained, *if any one of the co-debtors was a German subject*.⁽³⁷⁾

With regard to criminal cases, Protectorate subjects were forced to submit to Nazi penal standards even before their own jurisdiction. The Germans induced the Protectorate Government to issue an ordinance⁽³⁸⁾ by which the criminal law of the Protectorate was "adjusted" to Reich law. Under this decree no sentences milder than the minimum sentences of the Reich could ordinarily be passed. The procedural rules of Protectorate courts were also forced into the pattern of Nazi practice⁽³⁹⁾ by the suspension of jury trial for the duration of the war. Thus, on the German pattern, the influence of the people on criminal jurisdiction in the Protectorate was nullified.

JUDICIAL REVIEW

We have seen how restricted and indefinite was the jurisdiction granted the Protectorate judiciary over Protectorate subjects. To complete the picture, one must describe the comprehensive powers of review and revision German authorities exercised over Protectorate courts. The German jurisdiction was exempt from any review by the Protectorate. The Czech judiciary, however, operated under the strict control of the Reich Protector, who was granted the power of superseding decisions of the Protectorate criminal and civil courts.

This power, which was provided in principle by Article V of the original decree establishing the Protectorate, was defined in an ordinance (already referred to) of the Reich Government issued on April 14, 1939—that is, at the very beginning of the Reich Protector's entry into power. Under this ordinance the Reich Protector could object to otherwise non-appellable verdicts of the Protectorate criminal courts.⁽⁴⁰⁾ When this was done, a German district attorney could start an action before a German court whose final verdict in the case voided the verdict of the Protectorate court. In civil suits the Protector could object to all judgments of non-German ordinary, special, or arbitration courts issued in the Protectorate area.⁽⁴¹⁾ The Reich Protector could void the decision of the court *in toto*, in which event the whole case was reopened before a German court, or he might simply prevent execution of the judgment. The Reich Protector's power of revision extended to all decisions, whether issued before or after the establishment of the Protectorate. In this way the Reich empowered its Protector in Bohemia-Moravia to alter judicial decisions dating from the days of the Czechoslovak Republic, in favor of the Germans in the Protectorate or of the Reich generally. It also assured itself complete control of decisions in

the future, even those affecting only Czech parties. In consequence of this right, all judicial proceedings of non-German courts in the Protectorate could be strictly supervised by the Reich Protector⁽⁴²⁾ in the interests of friends of German rule.

German district attorneys and courts could also interfere with criminal proceedings before a Protectorate court by claiming jurisdiction. If any such district attorney felt that a case before the Protectorate district attorney's office or before a Protectorate court was subject to German jurisdiction, the Protectorate authorities had to transfer the proceedings upon his demand.⁽⁴³⁾ If the Protectorate authorities did not agree that German jurisdiction was indicated, they might appeal from the decision of the German district attorney, but only to the German Court of Appeals. If, on the other hand, a German court decided that a Protectorate court had jurisdiction in a given case instead of itself, it simply made a declaration to that effect, which was final. It is evident, therefore, that such jurisdiction as Protectorate courts had over German subjects was granted to them as a mere convenience of German jurisdiction, whether it was specifically provided for in the law or was the result of decisions in particular cases by the Germans.

CHAPTER VI

MASTERS AND HELOTS

It was the Nazi policy in the Protectorate to draw all ruling and upper class functions into German hands. By legislation and administrative acts, both directly and indirectly, the Germans were raised to power, and the "other inhabitants" were displaced. First of all, government positions were taken over. In the Reich administration, of course, Germans alone were employed; in that of the Protectorate, the Czechs did not have such a monopoly. Even though the "autonomous" Government was supposed to guarantee the national development of the Czechs, its ranks were steadily filled with Germans. In addition to the civil service, education and the professions were marked out as a German province, in which the participation of Czechs was superfluous. The "other inhabitants" of Bohemia-Moravia, already segregated legally and administratively, gradually were reduced to subordinate social positions as well.

ARMY

On the theory that military service was a privilege of Reich citizenship, only German citizens in the Protectorate were subject to call for the German army. Czechs could volunteer for German military service, but they were not conscripted.⁽¹⁾ In this way, the honorable position of warrior was reserved for Germans in the Protectorate. This sentimental reason for not using Czechs as soldiers was not the whole explanation. A more practical reason was, as we have noted, that the Germans

regarded the Czechs with the greatest suspicion, and were very reluctant to put arms in their hands.

The Germans tried hard to eradicate the memorials of the Czechoslovak military tradition, with the obvious intention of preventing its revival. Orders were given to remove the plaque on the grave of the Unknown Soldier in Prague and to obliterate the inscription on the monument to the Czech war-dead in that city.⁽²⁾ The Protectorate Government itself, on March 14, 1940,⁽³⁾ ordered that "Czech medals, especially when such decorations had been granted to members of the Czech Legion" were no longer to be worn. The Reich Minister of the Interior, on January 28, 1942,⁽⁴⁾ published a lengthy list of the German legislation on decorations and medals, which it declared valid for the Protectorate. It prohibited, at the same time, the wearing of official decorations and medals granted by the former Austro-Hungarian Monarchy, by the Austrian Republic, the Czechoslovak Republic, and the Republic of Poland.

In addition to these measures, the Nazis took comprehensive precautions to prevent Czechs from legally possessing arms or receiving military training. Under the March 16th decree, and through succeeding orders, some of them issued by the Protectorate Government, the Czecho-Slovak army was dissolved.⁽⁵⁾ Czech officers were the foremost victims of concentration camps, the Gestapo cellars, and the purges conducted by Reinhard Heydrich and his successors.

The National Union of Legionaries, the highly respected organization of former Czech soldiers who had helped achieve Czechoslovak independence, was dissolved by order of the Reich Protector on August 17, 1939,⁽⁶⁾ together with a semi-military organization, "The National Organization of Riflemen."⁽⁷⁾ Even the Czech boy scout organization was pro-

scribed. On March 31, 1939,⁽⁸⁾ the Protectorate Government ordered all military schools closed.

In establishing control of military defense and communications in the Protectorate, the Reich took great pains in details, issuing regulations for such matters as pigeon breeding and radio broadcasting. The Society of Czechoslovak Radio Amateurs (*Ceskoslovensti Amateri Vysilaci CAV*) with all its local, district, regional, and provincial organizations was dissolved by an ordinance of the Reich Protector dated November 10, 1939.⁽⁹⁾ The property of the associations with all their equipment, including their membership lists, was impounded and given to the Gestapo "for administration and liquidation." The political significance of the whole regulation is self-evident.

One of the most important measures taken in this respect was ordered by the Reich Government in dissolving the "Sokols." The Sokol organization⁽¹⁰⁾ was founded in 1862 by Dr. Miroslav Tyrs and Jindrich Fuegner as a national movement of the Czechs and Slovaks of Bohemia and Moravia. Its aims were "the strengthening of national consciousness and patriotism, and the development of a nation of physically fit individuals by a program of physical education." The Sokols gradually became the pivot of a widespread system of physical and mental training in the service of Czechoslovak national aims, and contributed materially to the establishment of the Czechoslovak Republic. The organization was subdivided into groups, each of them also called Sokol, distributed over the whole country. In 1898 there were 508 groups with 45,208 members in Bohemia and Moravia; in 1920 there were 2,639 groups with 327,873 members; and in 1940 there were about 4,000 groups with 800,000 members.⁽¹¹⁾ The organization had property, including gymnasiums, hotels, libraries, money, and bank deposits, valued at several million dollars.⁽¹²⁾

On Sunday, April 20, 1941, the Gestapo seized all buildings and impounded all property belonging to the Sokols.⁽¹¹⁾ When the members of the Sokols, deprived of athletic facilities by this measure, joined other organizations in the Protectorate—especially the Labor Athletic Organization (DTJ)⁽¹³⁾ and the Catholic organization (Orel)—the Reich Protector prohibited the entry *en masse* of Sokols into other athletic organizations.⁽¹⁴⁾ By an ordinance of October 15, 1941, Reinhard Heydrich declared the Sokol organization in the Protectorate of Bohemia-Moravia to be dissolved.⁽¹⁵⁾ Its property was formally transferred to the Reich.

At the same time, Heydrich ordered the Czech general, Otto Blaha, who had served in the Bohemian police force of Hapsburg Austria, to establish a "Czech Frontier Fighters Association."⁽¹⁶⁾ This body was evidently expected to supplant the Sokol tradition and the hero-worship of the pro-Allied Czech Legionaries, by creating a tradition of heroic Czechs who had fought for the "German" Empire of the Hapsburgs.

Under the March 16, 1939 decree⁽¹⁷⁾ the Protectorate was permitted, subject to strict German control, to maintain an insignificant number of "soldiers" for internal purposes. These "government troops,"⁽¹⁸⁾ derisively known among the Czechs as the "Hácha boys," failed to evoke any enthusiasm. In other countries, such *Ersatz* military expedients reached their logical conclusion in the organization of "national" Legions to participate in the "fight against Bolshevism and plutocratic democracy." Perhaps the fact that the Protectorate was regarded as an integral part of the Reich made a separate Czech Legion formally inadvisable—even though the Czechs had an "autonomous" Government. If so, the Germans might have drafted Czechs for service in the German army. But apparently Ger-

man experience in the Protectorate did not encourage arming Czechs, even as members of the German army.

CIVIL SERVICE

(a) *Germans Installed*

The March 16th decree⁽¹⁹⁾ provided that the *Volksdeutsche* in the Protectorate become German subjects, with all the rights and duties of Reich citizens. At the same time, however, under a Reich ordinance of April 20, 1939⁽²⁰⁾ German subjects resident in Bohemia-Moravia had the *rights* of subjects of the Protectorate. Consequently, they were entitled to become officials of the "autonomous" Protectorate Government and enjoy other benefits usually associated only with citizenship. That these *rights* were not balanced by the corresponding *obligations* of a citizen is evident from a further decree of June 6, 1941,⁽²¹⁾ which stated explicitly that the *Volksdeutsche* in the Protectorate were not Protectorate subjects and, consequently, did not possess dual citizenship.

The Reich ordinance of April 20, 1939 did not say that only German subjects who were natives of Bohemia and Moravia, or who lived there before March 16, 1939 had the rights of Protectorate subjects, but simply that any German subject resident in the Protectorate had such rights. The most striking example of the latitude which Germans allowed themselves in the matter was when Dr. Bertsch was brought in from outside Bohemia-Moravia to take over an important post in the Protectorate Cabinet. Under the formula of the April 20, 1939 ordinance, any of the Germans colonized in the Protectorate could be elevated to office in order to entrench German control over Protectorate institutions in whatever community or province he settled. Thus German citizens of any part of the Reich could be nominated judges in the Protectorate by the

Reich Minister of Justice if they were qualified by the laws obtaining in any country to act as judges, lawyers, or notaries.⁽²²⁾ In the early days of the Protectorate a particularly striking rule was issued by the Reich Protector, according to which *every German* in the Protectorate was granted the status of a deputy policeman to assist the German police forces.⁽²³⁾ The whole German population in the Protectorate was thus turned into a temporary vigilante committee for the control of the Czechs.

The fixed intention of the Nazis to put "reliable" personnel, and particularly Germans, in control of the "autonomous" Government was apparent not only in many extra-legal acts, which are beyond the scope of this discussion, but also in explicit legislation. It is illustrated in the Reich Protector's ordinance of October 1, 1940 concerning "compensation for former Czechoslovak civil servants of German citizenship."⁽²⁴⁾ This law was intended, first of all, to restore Germans to the civil service of the Protectorate; secondly, to compensate German civil servants for disciplinary and penal measures taken against them because of anti-Czech and pro-German acts; and finally, to remunerate them for all sorts of benefits not granted, for one reason or another, as far back as the date of the establishment of the Czechoslovak Republic. From this ordinance it is evident to what extent the Germans in the Czech civil service had served Nazi aims in the days before the occupation of Bohemia-Moravia. Their restoration to government positions in "the autonomous Protectorate Government" was obviously a device for bringing that Government more completely into German hands. Following are the detailed provisions of this law:

- (1) The ordinance applied to all German citizens who were in the public service of Czecho-Slovakia on March 15, 1939,⁽²⁵⁾ or to their survivors, or to persons who

RACIAL STATE

were in the public service of the Protectorate at the time of the proclamation of the Reich Protector's ordinance. In the case of survivors, German citizenship was not necessary.

- (2) It provided compensation for losses, if they were sustained simply because of belonging to the German folk, or because of the political attitude of the person damaged, or because of political motives on the part of the Czechoslovak authorities. Under "political attitude" were included, *inter alia*, refusal to accept a transfer into a non-German linguistic area, failure to pass or tardiness in taking a language examination, and flight to the German Reich.
- (3) "Losses" consisted, *inter alia*, in the denial of salary increase, in salary reductions, premature retirement, dismissal, loss of position or remuneration as a criminal penalty, payment of fines or the costs of administrative penal proceedings, or the denial of promotions scheduled for a future time but already announced *before the dissolution of Austria-Hungary*.⁽²⁶⁾
- (4) Losses were to be made good by restoration of the situation which would have obtained if the damage had not been incurred. In cases of dismissal from employment, the person dismissed was to be paid the pension to which he would have been entitled if he had remained in service until the age of sixty; a person damaged could also demand re-appointment to his position; where fines and trial costs were incurred, the damaged were to be repaid in cash.
- (5) Claims were adjusted by the departmental authority which issued the order from which losses arose.

Nothing is said in the ordinance about the right of appeal in the event that a claim submitted was denied. However, such a denial would constitute an administrative act of the Protectorate authorities, who, according to the general principles al-

MASTERS AND HELOTS

ready described, were subject to the Reich Protector's supervision. It might, consequently, result in German intervention.

(b) *Czechs Retired*

Some three months later, on December 30, 1940,⁽²⁷⁾ the Reich Protector followed up the above decree for the reinstatement and compensation of Germans by another giving him power to retire Czechs from the civil service of the "autonomous" Protectorate Government. The new ordinance was an extension and amendment of an emergency decree issued on December 21, 1938⁽²⁸⁾ by the Second Czecho-Slovak Republic to deal with problems arising in the civil service after Munich. In order to make room for the absorption of veteran civil servants who had fled from the Sudeten area, or been displaced from service in the autonomous regions of Slovakia and Sub-Carpathian Ruthenia, it was provided that no new appointments were to be made for two years. At the end of the period, the German Reich Protector extended the ban on new appointments for two years more, claiming that the Protectorate civil service was still "overcrowded." In fact, however, this legislation allowed the Germans to reduce the ranks of Protectorate officialdom and make room for subsequent German appointments. Two months later the ordinance was made even more severe by an amendment that permitted the summary transfer of any Protectorate official or employee to a new post, and provided for his discharge if he could not qualify for the new position.⁽²⁹⁾ This gave the Reich Protector a free hand to purge the Protectorate Government personnel at will. At the same time as those provisions went into effect, the Germans opened an Academy of Public Administration in Prague for the training of German officials for service in the Protectorate Government.⁽²⁹⁾ The decree of December 30, 1940 also pro-

RACIAL STATE

vided that the mandatory retirement age of officials and employees in the public service of the Protectorate be reduced to 55 years instead of 60 for men, and 50 years instead of 55 for women. Thus, Czech civilians were automatically retired at an age when, ordinarily, they would be reaching the peak of their careers, and in many cases, occupying important positions. In addition, the Government was permitted, in cases where "extraordinary considerations of public service arise," to continue to employ men over 60 years of age and women over 55 until they reached the age of 65. This saving clause served as a convenient basis for making exceptions in favor of Germans in the Protectorate service.

Under the December 21, 1938 ordinance of the Second Republic which this decree replaced, no official could be dismissed until a claim for full pension had been established. No such consideration for Czechs was shown in the Reich Protector's law. In addition to lowering the compulsory retirement age, the law also "*permitted*" the Government to retire male officials or employees permanently at the age of 45 and women at the age of 43, without having to prove their unfitness for service, and regardless of whether or not the person involved had established a claim to full pension. Thereby, the Germans obtained another legal title for dismissing, at a relatively early age and without having to show cause, former Czech Legionaries and others suspected of hostility to the Reich.

Additional measures to retire Czechs from the Protectorate governmental machinery were taken two years later during the period when Reinhard Heydrich was Acting Reich Protector. Heydrich issued a decree on February 16, 1942⁽³⁰⁾ enlarging the scope of the retirement provisions to cover judges. Male judges could be retired at the age of 45 and women at the age of 43. Again, no proof of unfitness for service was ne-

MASTERS AND HELOTS

cessary, retirement took place regardless of whether or not the person involved had established a claim to full pension, and in cases where "extraordinary considerations of public service" arose, certain judges could be retained to the age of 65.

It was Heydrich, also, as we have seen, who brought about that reorganization of the Protectorate Cabinet which put the most important departments in charge of a German and several dyed-in-the-wool collaborationists. The Protectorate Government, so metamorphosed, issued an ordinance on June 16, 1942,⁽³¹⁾ empowering the Minister of the Interior, in agreement with all the other Ministers of the Government, to alter the appointment and retirement rules laid down by the Czechoslovak Republic in its ordinance of December 21, 1938. Although these powers were to be exercised only in cases of "special importance," and although the agreement of the Protectorate President was required for certain cases (which previously required a law or a presidential decree), it was clear that Czech civil servants had thenceforth lost all rights of tenure, and could be removed and replaced with utter arbitrariness.

Only a short time later, the autonomous Protectorate Government ordained⁽³²⁾ that its officials were to respond with the Nazi salute when the Reich anthems were played or the Reich or Protectorate flags were shown.

THE PROFESSIONS

Next to the army and civil officials, the Czech professional classes were accorded the most careful attention by the Gestapo. In his speech of October 18, 1942,⁽³³⁾ Undersecretary K. H. Frank declared that 99 percent of the hostile elements

who carried on the agitation and whispering campaign against the Reich came from those classes. It was the ultimate aim of the Nazis to drive Czechs as well as Jews out of all liberal professions, and substitute Germans. Jews suffered the first attack. Aided by certain fascist-minded groups among the Czech professionals, the Germans managed to obtain the assistance of the Protectorate Government in carrying out this first phase of their program.

(a) *Jews Debarred*

The history of Czech legislation to eliminate Jews from the professions goes back to the days before the establishment of the Protectorate. The Germans exerted a constant pressure in this matter after Munich, regarding the Czech attitude on the Jews as an indication of their sincerity in adopting a pro-German political alignment. Under this pressure the Permanent Commission of the National Assembly of the Second Czecho-Slovak Republic issued an edict on November 16, 1938 "concerning the provisional regulation of certain questions affecting the legal profession."⁽³⁴⁾ On April 21, 1939, about a month after the establishment of the Protectorate,⁽³⁵⁾ a governmental ordinance was issued "regarding the exclusion of certain persons from the exercise of public functions in the judiciary." Neither of these decrees mentioned the Jews specifically by name, but their effect was to restrict Jews in the practice of law and the exercise of quasi-judicial functions in Bohemia-Moravia.

Not until more than a year after the creation of the Protectorate did the Czech Government publish a law eliminating the Jews specifically and by name from the professions. The act, which barred Jews from "public life," that is, the professions, bears the date of July 4, 1939; but it was not made public until April 24, 1940.⁽³⁶⁾ During that whole period

of nine months, the Protectorate Government resisted demands to enact publicly a law in which the Jews were defined according to Nazi racial principles and openly discriminated against by the Czechs. To be sure, many of the discriminatory provisions of the law had already been enforced independently by fascist groups in the bar and medical associations; but the Protectorate Government of General Elias did not wish to authorize Nazi legislation of this sort in its own name and in plain view of the people.

The Protectorate Government could not hold out against the pressure indefinitely, however, and the law was promulgated. Generally it provided that Jews might not occupy posts in the judiciary or public administration, excepting "positions in a Jewish religious organization"; they could not take part in political affairs or be members of societies and other bodies of social, cultural, or economic nature. However, they might belong to the compulsory trade and business organizations, and to societies and bodies intended for Jews and so designated. The law was framed in great detail, forbidding the Jews to be members of the governing bodies, agencies, or sub-committees of public corporations and commissions; members of school boards; active civil servants of the Protectorate or public administrative agencies and corporations; teachers and lecturers in advanced and public elementary schools, except those intended exclusively for Jews; members of public scientific institutes and societies; jurors, grand jurors, or lay judges in all kinds of courts including arbitration courts; notaries, sworn interpreters, public experts, guardians and trustees (except over other Jews or for organizations pursuing exclusively or predominantly Jewish interests) and administrators of bankruptcies, debt settlements, and real estate receiverships.

Persons who took over the administration of Jewish property

of any sort under legal business contracts required official permission, which might be recalled at any time. Exceptions were made for estates or parts of estates whose total value, before deducting debts, was not greater than 100,000 crowns. In the case of Jewish property already under an administrator, permission to continue to serve in this capacity had to be applied for.⁽³⁷⁾

Jews were further forbidden to act in theater and cinema productions⁽³⁸⁾ or to be top executives or members of the administrative and supervisory staffs of such productions; or to serve as editors of periodical publications, except those intended for Jews, and so designated.

The commissions of the Czech Chambers of Advocates were authorized to drop the names of Jewish lawyers and law candidates from their lists. Such action was equivalent to disbarment and persons dropped from the lists could no longer freely practice law. Czech substitutes, who had been appointed immediately after March 16, 1939 to replace Jewish lawyers, were to carry out the liquidation of their affairs.⁽³⁹⁾

Jewish lawyers dropped from the lists and also candidates for Jewish counsellorships who satisfied the prescribed conditions might be appointed as "Jewish counsellors."⁽⁴⁰⁾ Jewish law candidates dropped from the list of candidates might be admitted to practice as in-training for Jewish counsellorships. Such lawyers or candidates might be admitted to practice, in accordance with the need, up to a maximum number of 2 percent of all the lawyers or candidates registered in Prague and Brno. The Jewish counsellors were authorized to act only in cases of Jews and of such organizations as were exclusively or predominantly devoted to Jewish interests. They were to be appointed and licensed through the Czech Ministry of Justice, at the request of the President of the Superior Court.

They required the authorization of the Reich Minister of Justice to appear before German courts in the Protectorate in behalf of their clients. Such authorization could be revoked at any time.⁽⁴¹⁾

Under the law Jewish notaries were removed from their offices; but the Minister of Justice could permit a Jewish notary to remain in his office for a limited time and for special cause. Jewish notarial candidates were eliminated from their in-training practice, as of the end of the second calendar quarter after the ordinance entered into effect.⁽⁴²⁾

Similar provisions obtained regarding Jewish counselors in criminal cases,⁽⁴³⁾ Jewish patent attorneys and candidates for patent attorneyship,⁽⁴⁴⁾ Jewish civil engineers, and publicly licensed mining engineers.⁽⁴⁵⁾ In the case of civil engineers and mining engineers whose licenses were revoked, the Chamber of Engineers could appoint substitutes to finish uncompleted jobs *at the expense of the engineers whose licenses were withdrawn*. The substitute was entitled to an "adequate remuneration" from the engineer whose license was revoked.⁽⁴⁶⁾

Jews who satisfied the conditions for exercise of the medical profession might be admitted to practice for Jews and members of their own family, but only up to the number of a maximum of 2 percent of all licensed doctors; if public health required, in special cases the number might be increased for a limited time.⁽⁴⁷⁾ In insurance associations subordinate to the central board of social insurance, Jewish insured persons and their dependents could receive treatment by Jewish doctors at the expense of the associations.⁽⁴⁸⁾

Jews who satisfied the requirements for veterinarian practice might be admitted to the profession, but only up to a maximum of 2 percent of all licensed veterinaries; if there was a special need, this maximum could be exceeded for a limited

time.⁽⁴⁹⁾ Similar provisions obtained regarding dental mechanics and dentists, on the basis of an ordinance of the Protectorate Government of September 10, 1940.⁽⁵⁰⁾

With regard to all the above provisions, the President could make exceptions at the request of the Government.⁽⁵¹⁾

(b) *Czechs Displaced*

We have noted that there were fascist-minded professionals among the Czechs who abetted the Nazi program of ousting Jews. They expected, no doubt, to strengthen their own position by these anti-Jewish acts. But the idea of the Germans was, in the long run, to take over all professional functions themselves. For this purpose the Germans used an indirect and gradual method: they ordered Czech professional schools closed and reserved professional training for Germans only, so that within a generation, if Nazi rule had lasted so long, the aim of supplanting the Czech professional classes would have been achieved in full.

To justify their order closing the Czech universities and technical schools, the Germans employed a brutal strategy, reminiscent of the manufactured incidents in the Sudeten areas which served as an excuse for Munich. On October 28, 1939, the anniversary of Czechoslovak independence, Czech students demonstrated in the streets, with the result that nearly four thousand were arrested by the Government police and there were a considerable number of dead and wounded. On November 15th occurred the funeral of one such student, Jan Opletal, who had been seized by the Gestapo and whose corpse had been returned subsequently to his family. Though the Prague police had forbidden a public funeral, the appeal of the students to the Protectorate Government to permit it was granted by the German Undersecretary in the Reich Protector's office, Karl

Hermann Frank. The orderly funeral procession was disturbed by a Nazi car which suddenly drove into the marching crowd of about three thousand students. When indignant students overturned the car, Nazi Elite Guard troopers fired indiscriminately, killing students and passersby. On the following days the Gestapo ranged systematically among the students, shooting and arresting them, not only in Prague, but also in other university cities. Reliable sources estimated the number shot as 240, while more than two thousand—boys and girls—were reported to have been taken to the concentration camps of Buchenwald, Oranienburg, and Dachau.⁽⁵²⁾

As the sequel of these incidents, the Prague University, and thereafter all other Czech institutions of higher learning, were closed down for three years.⁽⁵³⁾ The ruling affected, among other institutions, the Charles University in Prague, the Polytechnical Institutes of Prague and Brno, the Masaryk University of Brno,⁽⁵⁴⁾ the Commercial School of Prague, the School of Mines in Pribram, the Agricultural and Veterinarian Schools in Brno, the Faculty for Catholic Theology in Olomouc, and the Jan Huss Faculty of the Protestant Faculty in Prague.⁽⁵⁵⁾ All scientific apparatus, instruments, and the valuable libraries of the institutions⁽⁵⁶⁾ were confiscated and transported to Germany or transferred to German institutions in the Protectorate.⁽⁵⁷⁾ Many of the buildings were also appropriated to German uses.⁽⁵⁸⁾

An exception was made for the medical faculty of the Prague University which was reopened shortly thereafter by the Reich Protector, in view of the need of doctors during the war.⁽⁵⁹⁾ In addition, in February 1941 Protectorate newspapers announced that a restricted number of former Czech students in the medical and technical sciences would be granted permission to continue their studies in the universities and institutes

RACIAL STATE

of Germany. Prerequisites were knowledge of the German language, Aryan descent, and perfect health.⁽⁶⁰⁾

At the end of the three year period, Undersecretary Frank made it clear in his speech on October 18, 1942 that the Czech universities and institutes would not be reopened because, as he said, of "the attitude of the large majority of the Czech *intelligentsia*."⁽⁶¹⁾ He noted, however, that the opportunity to study remained open to "orderly and decent Czech young people" at many German universities outside the Protectorate, where they would be safeguarded against the teachings of their former "Masonic" professors. Immediately after Frank's speech, the subjects which could be studied by Czech students admitted to the universities of the Reich were made public. From this list it appears that the study of law, history, and philosophy was not open to Czechs. Thus, the younger generation of Czechs were barred from becoming judges, lawyers, historians, and educators; and even the medical and technical professions were open only to a restricted number of Czechs whom the Gestapo could certify as being of good health, "orderly and decent," and friendly to the Nazi Reich.

The oppression of Czech education did not stop with the universities. A large number of Czech schools of lower level were summarily and arbitrarily closed down without any legal authority. Even the laws made public by the Reich Protector and other German officials show clearly the lengths to which they were willing to go in depriving the Czech nation of educational opportunities. The high schools suffered from restrictions upon the admission of new students. Such low quotas were set that the existence of most Czech secondary schools was menaced. An order of Undersecretary Frank⁽⁶²⁾ permitted only 40 percent of the students in the Czech grammar schools to continue their education in high schools; from the year 1943

MASTERS AND HELOTS

on, the number was to be further reduced to 30 percent. Advanced secondary schools (equivalent to junior college), including the Czech schools which were transferred to the Protectorate from the Sudeten areas, were shut down.⁽⁶³⁾ In many cases schools were closed as a result of the confiscation of their buildings for the use of German military, police, or SS men.⁽⁶⁴⁾

FINAL WORD ON SEGREGATION

The legislation which segregated Germans from non-Germans, "Aryans" from Jews, in the Protectorate was the essential feature of the whole German scheme to annex and subjugate Bohemia-Moravia while claiming to guarantee an "autonomous development" to the non-Germans. Thus, when they set up parallel "Governments" and jurisdictions, and separate rules of citizenship for Germans and non-Germans in Bohemia-Moravia, it was all, they protested, a great, liberal "Magna Carta" for the non-Germans. That German supremacy was maintained, they implied, was merely to spare the non-Germans the onerous necessity of military defense and other tasks too great for a small people in the center of Europe.

In point of fact, however, the supremacy of the Germans was so single-mindedly pursued in the laws establishing the segregated and ethnically graded social system of the Protectorate that the promised "autonomy" could not possibly be exercised. Against the Jews, of course, every device of legal degradation was applied, but the Czechs, too, were relentlessly ground down. The "autonomous" institutions provided for the Czechs carried on a mere shadow existence. Though the Germans specifically rejected in principle any legal attachment of Protectorate non-Germans to the Reich, in practice they demanded Czech fealty and obedience—submission to German laws and subjection to German courts. The German effort to sub-

RACIAL STATE

due Czech independence led also to the gradual elimination of Czech military traditions, official personnel, and the Czech educated classes.

The scheme was completed by extraordinary privileges conferred upon Germans. Of course, all the upper-class social positions vacated by Czechs—the army, the professions—now became German. As citizens of the Reich, however, one would suppose the Germans would have nothing to do with that “guarantee of Czech autonomous development,” the Protectorate Government. This was not the case, for they exercised important rights and took over increasingly important positions in the Protectorate Government.

In short, Germans in the Protectorate had rights but no duties with regard to its “autonomous” Government. They also had preference or a monopoly with regard to all positions of power and privilege. Protectorate subjects, on the other hand, were steadily eliminated from such positions even in their own Government. They had only duties but no rights in relation to the Reich.

This was the actual substance of the system of segregation whereby the Germans promised to guarantee and foster the autonomous development of the Czech people.

PART III

THE METHOD OF ASSIMILATION

CHAPTER VII

GLEICHSCHALTUNG

AS WE have seen, the segregation of the Czechs in Bohemia-Moravia under a "Government" of their own did not mean what glib German apologists had said it meant: that, subject to the sovereign economic, political, and military interests of the Reich, the Czechs, in general, would govern themselves autonomously. Another unstated principle, that positions of power and privilege were to be held as far as possible by Germans, nullified all the fulsome promises of "unhampered, free development." The segregation of the Czechs was so devised as to suppress their national pride, and destroy their leadership.

Nor can the other side of the picture—the assimilation of the German nationals—be correctly understood, if one takes a simple and straightforward view of the original professions of Nazi authorities when the Protectorate was founded. On such a view, only the Germans were to be assimilated into the Reich and "coordinated" with German National Socialism. For the "other inhabitants," who were not accepted as "members of the nation," *Gleichschaltung* need not be required. For them, segregated from the German *Geist*, National Socialism could not be a duty. But actually in this one matter the Germans did not discriminate—except, of course, in relation to the Jews. Protectorate and Reich citizens, Czechs and Germans alike, had to conform to the rules and demands of National Socialism. Whoever gladly adopted Nazi principles and allegiance to the

RACIAL STATE

Reich was rewarded; whoever rebelled against the New Order was struck down.

In addition, German policy in Bohemia-Moravia had certain elements—particularly, as we shall see, with regard to the education of the young—which were consistent with a long-range plan for the assimilation of the remaining Czechs, after all patriotic and national attitudes among them should have been stamped out, and they had been reduced to a population consisting entirely of underprivileged workers and peasants.

GERMAN ORGANIZATIONS

The German Government, even before March 16, 1939, secured broad privileges for the Nazi Party and its German members in Czecho-Slovakia. On January 29, 1939, the Germans obtained from the Second Czecho-Slovak Republic a note⁽¹⁾ promising not to hamper the National Socialist German Workers' Party in its activities on Czecho-Slovak soil, and recognizing the right of Germans who were Czecho-Slovak citizens to work within the Nazi Party, or on behalf of its aims.

After the Protectorate was established, the NSDAP became the single "State Party" for all Germans in the Protectorate. A Reich law of April 13, 1939⁽²⁾ provided for the "representation" of the Protectorate *Volksdeutsche* in the current Reichstag by adding one deputy, personally chosen by the Fuehrer, for every sixty thousand Germans over twenty years of age residing in Bohemia-Moravia on March 16, 1939.

Complete machinery was installed for the "coordination" of German organizations in the Protectorate with similar associations in Germany. According to the Reich Protector's ordinance of May 27, 1941,⁽³⁾ German organizations in the Protectorate were to be "established and conducted *national-social-*

GLEICHSCHALTUNG

istically." The meaning of the term "German organizations" was defined quite broadly, especially in so far as it referred to organizations with funds or property. Thus, all societies or organizations other than purely business associations, incorporated or unincorporated, membership associations and clubs, together with all the establishments and enterprises they owned, were regarded as German if more than one-half of the membership was German; and also any foundations and funds *designated as German by the Reich Protector*. Under these broad definitions, the "coordination" of "German" associations with the Reich could be made, at the Reich Protector's discretion, to cover associations with a considerable membership of non-Germans, and any foundations or funds, even purely Czech. These powers did not remain dead letters.⁽⁴⁾

In order to coordinate "German organizations" the Reich Protector was empowered to reorganize them or merge them with other organizations, or even dissolve them, or dismiss their directors, appoint new directors, and order an audit of their past and future business and management. The establishment of new organizations and the dissolution, reorganization, change of by-laws or name of German organizations required the approval of the Reich Protector. In any steps he might take to coordinate the German organizations in the Protectorate, the Reich Protector was not restricted by contrary legal provisions or by-laws of the organizations. Finally, any legal claims against such German organizations could not be prosecuted by trial or execution through the judiciary, after the promulgation of the law of May 27, 1941. Pending proceedings were to be discontinued immediately by the officials in charge and reopened only with the approval of the Reich Protector, except where such proceedings were undertaken by the Gestapo. Any property of these organizations which had been impounded by

governmental authorities in the Protectorate was to be transferred to the Reich Protector's administration.

The *Gleichschaltung* of the Germans in the Protectorate was enforced also with regard to their professional associations. Germans were withdrawn from labor unions and professional associations to which they belonged in common with Czechs, and made members of purely German organizations. These were conducted on Nazi lines, being constructed according to the "leader" principle. The German Labor Front took over the interests of the *Volksdeutsche* working men.⁽⁵⁾ "Professional associations" comprising only *Volksdeutsche* residents of the Protectorate were set up for most of the professions. The laws establishing these associations in Germany were extended to the Protectorate, and affiliates were thus set up in Bohemia-Moravia. In this way, all Germans in the Protectorate practicing literary, press, radio, theater, musical, plastic and cinematic arts became members of their respective sections of the "Reich Chamber of Culture."⁽⁶⁾ Similarly, a German "Chamber of Health"⁽⁷⁾ was organized in the Protectorate of Bohemia-Moravia, comprising the *Volksdeutsche* doctors,⁽⁸⁾ dentists, apothecaries, dental mechanics, and midwives.

German notaries in the Protectorate⁽⁹⁾ and German veterinarians⁽¹⁰⁾ also joined corporations uncontaminated by non-German membership. Each of these occupational organizations was headed by a leader, in accordance with the Nazi pattern. They maintained close contact with the corresponding occupational organizations of the Reich and were subject to the supervision of the Reich Protector: that is, of the Gestapo.

CZECH ORGANIZATIONS AND PARTIES

We have already noted the destruction of Czech organizations, such as the Sokols, the veterans' groups, and others

which the Germans frowned upon as preserving Czech military traditions.⁽¹¹⁾ Even the organizations permitted to survive were forced to toe the Nazi line. Among the Czechs who felt the Nazi wrath in the week following March 16, 1939, trade union leaders were prominent. All German workers, as we have noted, were forced out of their old unions and made subject to the German Labor Front. The various unions of Czech workers were amalgamated into a single union: the *Narodni Odborová Ustredna Zamestnancu* (National Central Union of Employees). After a long period of fruitless search, a Czech collaborationist was finally found to head this union, under the supervision of a German Commissioner. The union operated on authoritarian lines, its committees being permitted merely to discuss and report on questions at the "shop committee" level. Decisions on their reports were handed down from above. The union press was required to contribute to the German war effort by "education in efficiency and the re-education of the Czech working people for the correct understanding of the new Europe."⁽¹²⁾

Czech peasants also came under Nazi control by the German reorganization of Czech agricultural cooperatives.⁽¹³⁾ The purpose was not only ideological but, as the yearly "battles for grain" demonstrated, it was intended to extract as large a yield of agricultural products as possible for the German war effort.⁽¹⁴⁾

The most direct efforts to "assimilate" the Czechs to German ways of thinking had to be made, of course, in relation to Czech political groupings.

According to Dr. Wilhelm Stuckart's interpretation of the March 16th decree, the Czechs' right of autonomy in their own political affairs went so far that they were entitled to choose their own form of government freely under the Protectorate;

this German authority suggested, in short, that if they had so wished, the Czechs could have retained democratic forms of self-rule. In point of fact, the Czechs never for a moment were allowed to imagine that democratic parliamentary forms of government could survive.

Even before March 16, 1939, the Czecho-Slovak Government, in the vain desire of obtaining the long-deferred German guarantee of its frontiers, was forced to introduce political arrangements far different from those which had prevailed before Munich, when Czechoslovakia was an outstanding example of democratic and parliamentary rule. As Premier Rudolf Beran said on December 13, 1938,⁽¹⁵⁾ Czechoslovakia, in spite of the sacrifices it had made because of Munich, was prepared to introduce a new orientation in its policy and establish an *entente* with Germany, Poland, and Hungary, especially the first. Under the circumstances, as the Premier remarked, there was very little else for the Republic to do. For the Germans, who continually demanded fresh proof of a new attitude, it was not enough that President Benes was deposed; the whole political and party system of Czechoslovakia had to be radically changed.

After Munich, therefore, the Czecho-Slovak political system underwent a far-reaching reorganization. In making these changes, the Government wished not only to appease Germany but also to create a more solid internal unity. Towards these ends Parliament granted the executive branch extraordinary powers to rule by decree,⁽¹⁶⁾ and the party system of Czechoslovakia was radically revised. After September, 1938, the Communist Party was dissolved and the other parties regrouped themselves into two main bodies: a new "National Solidarity Party" and a "Party of National Labor" founded by the Social Democrats. On December 23, 1938, a governmental ordi-

nance⁽¹⁷⁾ provided that new political parties could be established only with the approval of the Government, which could also dissolve political parties if their activities endangered public interests.

After the Protectorate of Bohemia-Moravia was established, political opposition became meaningless as well as dangerous. In view of the broad veto powers of the Reich Protector, legislation by a parliament would have been impossible, even if the "autonomous" Government had wished to recall Parliament. Moreover, by a governmental ordinance of October 5, 1939,⁽¹⁸⁾ the powers of the Presidiums of the Senate and Chamber of Deputies for periods when the Houses were not in session (*i.e.* the exercise of a certain parliamentary control and the safeguarding of the rights of Parliament) were transferred to the Prime Minister. Thenceforth, having added to its power of ruling by decree the function of controlling its own actions, the Protectorate Government was completely "at liberty" to conform with orders from the Reich. The Cabinet's position was reenforced by a law of October 10, 1940,⁽¹⁹⁾ drawn upon a German pattern⁽²⁰⁾ and protecting from "treacherous attacks" the "Chief of the autonomous Government and members of the Government of the Protectorate of Bohemia-Moravia." The law penalized "public malicious, provocative, or mean-minded" remarks about the Government and its members, their orders and administrative measures, if such remarks were liable to undermine public confidence in those attacked. Private remarks might also be punished if the offender "expects or should expect" them to reach the public ear. This ordinance, which was calculated to kill any criticism of the Government by political opponents, opened up a wide field of activity for informers.

Through the establishment of the Protectorate, the end of the Party of National Labor, too, became inevitable. The Na-

tional Solidarity Party remained as the sole Czech party, replacing, according to Dr. Emil Hacha, "the former disintegrated party system as the sole political authority of the Czech people." The leaders of the party were named by the State President, Dr. Hacha himself. Like the Nazis, the new organization preferred to call itself a "movement" rather than a party and stated its purpose as "to represent all classes of the nation, particularly the workers and peasants, and to fulfill all the obligations which the new situation creates."⁽²¹⁾

Even though built on the Nazi model, the National Solidarity Party did not provide a circle of collaborationists for National Socialism. The party leadership, made up of members of the former parties, did not include any fascists or Nazis of the German type. The Czechs rallied to the party in large numbers. A short time after its foundation, 99 percent of the male population eligible to vote had enrolled as members.⁽²²⁾ But the unity of the Czech people thus obtained was used, as far as possible under the circumstances, to protect Czech interests much more than to advance those of the Germans.

In view of this situation, the Germans encouraged the formation of certain rival groups. They permitted the organization of two new parties: the "Czech National Socialist Group, *Vlajka*" ("The Banner"), and the Communist Party.⁽²³⁾ The latter, of course, disappeared after the German attack upon Russia; and even before that time very few of the Czechs who were inclined toward Communism joined it, for fear of the time when the Russo-German Treaty would end. *Vlajka*, although supported by German officials and German money, also failed to attract popular support. Its leaders constantly complained of persecution by hostile Czechs, although they were protected by the whole of Nazi power.⁽²⁴⁾ Nevertheless, the existence of the fascist party was a constant threat to the Na-

tional Solidarity Party, especially in view of German threats to dissolve the latter forcibly.⁽²⁵⁾

Owing to this situation, a long under-cover struggle took place within the National Solidarity Party, in an attempt to suppress anti-German sentiments among its supporters. During the German-Yugoslav war, Czech sympathies for the Serbs were manifested in repeated public demonstrations. Holding the leadership of the National Solidarity Party responsible for this, the State President, Dr. Hacha, dismissed the President and three of the Vice-Presidents of the party from their positions. On May 17, 1941, Hacha appointed Jan Fousek, who had served as an officer in the Austrian army during the first World War, to take the place of Josef Nebesky, deposed President of the Party. V. Stoces and J. Pavlik, two leaders of "activist groups" who favored a *rapprochement* of the Czechs and Germans in the Protectorate, became Vice-Presidents of the National Solidarity Party.⁽²⁶⁾ In this way, the only party in the country with any influence was delivered into German hands. The Nazis had finally subjugated the last remaining organ of Czech political expression—a step which was carried to completion a half year later by Heydrich's reorganization of the Protectorate Cabinet.

The outstanding members of that Cabinet have placed their views on record numerous times since their inauguration. Every statement breathes a spirit of thoroughgoing, servile collaborationism. The Chief of State, Dr. Hacha himself, declared on the fourth anniversary day of the establishment of the Protectorate:⁽²⁷⁾

"The development of European events must strengthen us in our decision to follow the policy adopted at the time. Our thoughts in the first place belong to Adolf Hitler

whom we recently assured of our unconditional devotion and unshakeable loyalty."

On the same occasion,⁽²⁸⁾ Dr. Hacha received Czech journalists and asked for an increase of the Czech contribution to the German war effort. He stressed the "duty of the Czechs to support, with all their strength, the Reich in its fight for the salvation of Western culture." On Hitler's birthday, 1943,⁽²⁹⁾ Dr. Hacha sent a telegram to the Fuehrer expressing, in his own name and on behalf of the Protectorate Government, the wish that the "historic work of Adolf Hitler" might be crowned with final triumph; he stressed the firm determination of the Czech population to devote all its strength to the Reich. When Dr. Hacha celebrated his own 71st birthday in July 1943,⁽³⁰⁾ he replied to congratulations extended by K. H. Frank on behalf of the Reich Protector in the following words: "Czech work accomplished in accordance with my policy is also a proof of our nation's loyalty to the Reich." The statements concerning Czech "strength" and "work" refer to the forced labor service for Czechs instituted in the Protectorate.

The attitude of Dr. Krejci, Minister of Justice and Chairman of the Cabinet, was similar. It was expressed at the numerous official functions when he spoke in the name of the Protectorate Cabinet, and is typified by his address in honor of Acting Reich Protector Daluge, on the first anniversary of the appointment of the "reorganized" Protectorate Cabinet in January 1943, in which Dr. Krejci solemnly reaffirmed the avowal of loyalty toward the Reich which the Government made when it took office a year before.⁽³¹⁾

Col. Emanuel Moravec, who held the portfolios of Public Enlightenment and Education, has such a long record of vows of loyalty to the Reich, that individual statements need not be enumerated. This man's career is an astonishing history of cyn-

ical turn-coatism. He was the author of the book pointing out with brilliant professional competence the danger of German military preparations before Munich.⁽³²⁾ When his country fell prey to Hitler, owing to the appeasement policy of Chamberlain and Daladier, he made his notorious declaration that since the Czechs were not able "to sing with the angels" (the democracies) he was now prepared to "howl with the wolves."⁽³³⁾ In repeated avowals of loyalty to Hitler, Moravec promised that the Czech people would "support the Reich in its struggle against the conspiracy of world Jewry to the very end."⁽³⁴⁾ Moravec saw "no other way for Europe to live but through the victory of the Greater German Reich." Since, as he said, "the Czechs belong to the Reich, there is only one sensible policy left to them, that of loyalty."⁽³⁵⁾

THE JEWISH QUESTION: TEST OF *Gleichschaltung*

Just as the Germans had insisted on an anti-Jewish policy as the test of a change in the political attitude of the Second Czecho-Slovak Republic, so they demanded acceptance of Nazi-style Jewish legislation after the Protectorate was established. The National Solidarity Party was held responsible for the Czech people in this matter. However, anti-Semitism was foreign to the Czechs, with the exception of small groups of fascists.⁽³⁶⁾ Moreover, the Czechs, moved to genuine sympathy at the Jewish plight, sometimes took German anti-Semitic measures as an occasion to make a public demonstration of their hostility to the Reich.

The leader of the National Solidarity Party, Josef Nebesky, who was later deposed as not sufficiently pro-German, set himself against such tendencies. He demanded that the Protectorate Government adopt anti-Semitism officially and issue a law segregating Jews from Czechs on the lines of the German law

“for the protection of blood and honor.” The Party itself tried to prevent contact between its members and the Jews.⁽³⁷⁾ It issued orders intended to regulate all contacts in daily life between Jews and Czechs. In purchasing at public stores and markets, in restaurants and cafes, the exchange of remarks was to be limited to ordering goods and naming prices. No conversations were to take place with Jews even in neighborly contacts, except relating to necessary things such as cleaning the sidewalks belonging to a common house, and washing the stairs; not even exchange of greetings and similar neighborly courtesies were to be permitted.

These demands corresponded, although not in every detail, to the anti-Jewish policy of the German authorities. Consequently, the Protectorate officials gradually yielded to them and brought about, ordinance by ordinance, the segregation of the Jews and their elimination from the daily common life of the Protectorate.

On April 30, 1941,⁽³⁸⁾ the Protectorate Government issued a “registration code” superseding previous legislation. The code provided that every person sojourning in the Protectorate of Bohemia-Moravia had to register, stating the date when his residence in the community began, dates of moving, and the date of the end of residence. Registration was not required, however, if a person was staying in a community other than his own but with relatives in a direct line, with the parents of a spouse, with his own brothers and sisters or those of a spouse, provided that the stay was no longer than six weeks. Registration certificates had to declare the religion of the holder and whether or not the registered person was a Jew.

“For the sake of maintaining public peace and order,” as the law states,⁽³⁹⁾ Jews were deprived of public facilities which the State or the communities provided for the use of their mem-

bers. Jews lost fishing rights in all public waters and even in waters they themselves owned or leased.⁽⁴⁰⁾ Among the communities where Jews were first forbidden to attend public baths were Hradec Kralove⁽⁴¹⁾ and Lubacovice. In the latter place Jews not living there permanently were permitted to visit the Spa only at the written prescription of a doctor.⁽⁴²⁾ Use of public libraries in Prague was forbidden to the Jews by order of the Prague police on September 6, 1941.⁽⁴³⁾ In Prague and in numerous provincial cities Jews were restricted to certain post-offices for postal services; in cities with only one post-office, Jews were served only at specified hours.⁽⁴⁴⁾ Jews were forbidden to install telephones and use radios.⁽⁴⁵⁾ They could not buy from the tobacco monopoly administration of the Protectorate,⁽⁴⁶⁾ or take tickets in the public lottery.⁽⁴⁷⁾

In July 1940, all Jews in the Protectorate were forbidden to use taxis. In August 1940, the Jews were forbidden to use sleeping and dining cars in Reich and Protectorate trains.⁽⁴⁸⁾ According to a police order in Prague on September 12, 1940,⁽⁴⁹⁾ Jews were to use only the last car on streetcars. If a car had two platforms, Jews could use any part of the car; but if it had only one platform in the middle, Jews were permitted only in the rear half of the car. If an electric trolley-car had no trailers, then Jews were not allowed in it at all. Jews living in the police districts of Prague and Brno had to surrender to the police their driver's license and license plates, as well as other documents concerning the registration of their motor vehicles. No new licenses to drive motor vehicles were granted to Jews. Jews could no longer take lessons in drivers' schools and similar institutions.⁽⁵⁰⁾

A number of police and district authorities set down special times for Jewish purchases in non-Jewish businesses. The

RACIAL STATE

stated intention of such rules was to limit or completely eliminate meetings and contacts between the Jews and the Czechs.⁽⁵¹⁾ They also had the effect of keeping Jews away from markets until after Germans and Czechs had taken their choice of merchandise. The owners of businesses were required to post the schedules for Jewish purchasers in plain view in their shops, in the German and Czech languages.⁽⁵²⁾ These schedules held for "Aryan" domestics making purchases for their Jewish employers.⁽⁵³⁾

Thus the sole Czech Party, the Protectorate Government, and the municipal and police authorities were all constrained to adopt Nazi anti-Semitic policies and brand the Jews as pariahs. A final touch was reserved for the Reich Government. On September 1, 1941, the Reich Minister of the Interior issued a police ordinance⁽⁵⁴⁾ by which all Jews over six years of age were forbidden to appear in public without wearing a six-pointed black "Star of David" on a yellow ground with the word "*Jude*" in black plainly displayed over the left breast. The ordinance was made effective in the Protectorate at the same time as in the Reich. Appropriately enough this edict was signed by Reinhard Heydrich, then Undersecretary to the Reich Minister of the Interior, as deputy for the Minister. A few weeks after this visiting card was presented to the Protectorate, he made his appearance in Prague as Acting Reich Protector.

The Heydrich-appointed "autonomous" Cabinet of January 1942 quickly accepted the full program of Nazi anti-Semitism. The Cabinet's ordinance of March 7, 1942,⁽⁵⁵⁾ by which "more rules were issued regarding Jews and part-Jews," not only introduced the full complex of Nazi legislation "for the protection of blood and honor" into the Protectorate, but gave general orders to the police to "protect the Czech public against

GLEICHSCHALTUNG

disorder" arising from intercourse between Jews and non-Jews. The Czech people now had an anti-Semitic Government, in spite of the unmistakable demonstration of its true feelings over three years of opposition to the Nazi persecution of the Jews.

CHAPTER VIII

REEDUCATING A NATION

IN THE "*Gleichschaltung*" of Bohemia-Moravia, the Germans did not stop after having forced National Socialist ideas and practices upon German and Czech organizations alike. They extended their influence to the individual and by an extensive propaganda effort planned to fasten their outlook permanently upon the people.

From the ethnic viewpoint, this process of indoctrination was an integral part of the German program to assimilate local *Volksdeutsche* into the Reich community. But there were even indications of a program of forced assimilation, if not of the current, then at least of the next generation of Czechs as well. If the legislation regarding schools and language in the Protectorate had long been enforced, it might very well have led to the stamping out of the Czech nation in its own Homeland.

CENSORSHIP

Censorship and other measures for the control of public opinion were applied systematically in Bohemia-Moravia in order to fasten the hold of National Socialism upon the country. Very soon after the Protectorate was established, its "autonomous" Government decreed the censorship of foreign newspapers. Ordinances of June 16, 1939⁽¹⁾ and November 21, 1940⁽²⁾ provided that foreign newspapers—except German papers, which were regarded as domestic publications—could not be admitted unless inspected and approved.

The internal press of the Protectorate itself suffered both

in quality and in the number of publications from the policy of the Protectorate Government, followed under instructions of the Reich. There had been a large number of newspapers and periodicals in the Czechoslovak Republic corresponding to the multiplicity of its parties.⁽³⁾ The larger cities had their own newspapers, frequently divided according to party allegiance, and the various minority groups made use of their right of self-expression in their own language by their own press.⁽⁴⁾ In certain cases the federal government itself had used a newspaper published in a minority language as a governmental organ.⁽⁵⁾ The number of papers forced to close down after the creation of the Protectorate of Bohemia-Moravia was variously estimated at 1,400⁽⁶⁾ to over 2,000.⁽⁷⁾ These newspapers were shut down not only by direct political pressure,⁽⁸⁾ but because the people soon lost interest in the one-sided journalism characteristic of the new political trend. Economic conditions, moreover, brought about such a decrease in advertising that many newspapers which were financially dependent upon it had to cease publication. On the other hand, the organs of outspokenly National Socialist and fascist character, like *Vlajka* ("The Banner") and *Boj Naroda* ("The National Struggle") were able to increase their circulation and publicity considerably. But this was possible only because of substantial subsidies from the German Government.⁽⁹⁾

The Protectorate Government's ordinance of May 7, 1941, for the "regulation of conditions in the Czech press"⁽¹⁰⁾ established complete supervision of the Czech press of the Protectorate by the Presidium of the Ministerial Council. According to the terms of the ordinance, the approval of the Ministerial Presidium had to be obtained in order to found and print new publications or renew publications which had been suspended or had temporarily ceased to appear; to appoint or change

RACIAL STATE

editors-in-chief, managing editors, and "responsible editors"; to alter the format of publications; or to discontinue a publication voluntarily. The Presidium of the Ministerial Council was also empowered by the ordinance to fix publication dates; determine the size of publications and their several parts, including advertisements and other public notices; decide the size of the issue; and merge publications or order them discontinued. Publishers had to keep exact accounts of their publications and present them to the Presidium of the Ministerial Council upon its demand, and also give information, upon demand, concerning lapsed or suspended publications.

The above ordinance, strictly regulating all phases of the business management of the Czech press was supplemented by a rigid censorship, executed in three successive stages.⁽¹¹⁾ There was an internal censor at the printing plant itself; another censor in the police administration; and a third in the German press bureau, which also provided material for articles whose publication was compulsory. At the instance of the German Government, the Protectorate Government set up a Censorship Commission in May 1941, composed of teachers, writers, jurists, and other experts, in order to stop the publication of writings "detrimental to moral education."⁽¹²⁾ Any publication of politically "undesirable" views could be prevented by this Censorship Commission.

Books

The competence of the Censorship Commission was not restricted to the control of newspapers and periodicals, but also covered books. The work of this Commission was ably abetted by unofficial censorship of a kind fostered by the Nazis everywhere. Undesirable books, even the sermons of Jan Huss, suf-

REEDUCATING A NATION

fered the same fate in the Protectorate as in Germany in the year 1933. They were confiscated and burned or thrown into rivers. However, when the wastefulness of such action, in view of the scarcity of materials, became clear, it was ordered that they should be turned in as waste paper for cellulose fabrication.⁽¹³⁾ The number of proscribed Czech books was set at 1,500 by December 1940.⁽¹⁴⁾

German books, of course, were censored by the Reich Protector. An ordinance of July 1, 1941⁽¹⁵⁾ provides that the printing of books, brochures, pamphlets, and leaflets in the German language required the permission of the Reich Protector. Requests for such permission were to be accompanied by a typescript and a short life history of the author. Only visiting cards, placards, and other items intended solely for social or business use could be printed freely.

The Film Industry

Elaborate provision was made for the censorship of moving pictures. An ordinance of the Reich Protector, dated October 26, 1940,⁽¹⁶⁾ created an official Film Censorship Office for the Protectorate. It decided whether films produced in the Protectorate or imported from abroad⁽¹⁷⁾ might be shown publicly or not. The Film Censorship Office was composed of a President and an equal number of German and Czech members or their alternates. The President, members, and alternates were appointed by the Reich Protector; the Protectorate Government had the right to *nominate* the Czech members and alternates.

In the Protectorate, films might be shown publicly or in clubs, societies, or other closed associations only with the permission of the Film Censorship Office.⁽⁸⁾ Approval or prohibition by the Film Censorship Office was issued upon the decision of the President of the Film Censorship Office, after consultation with

the German and Czech members. An appeal from the decision might be made by the sponsor of the film to the Reich Protector, who decided the question with final authority. The Reich Protector was entitled to review the approval of any film and to forbid that film to be shown, until a further decision was issued. If his review should indicate a reason for denying approval to the film, the Censorship Office had to revoke its approval.

In view of the importance of the film industry, the Reich did not consider censorship alone to be sufficient. By the Reich Protector's ordinance of October 26, 1940, establishing the Bohemia-Moravian Central Film Organization,⁽¹⁹⁾ a central body was created, subject to the Reich Protector's supervision, which covered the whole area of the film industry in the Protectorate. This Central Film Organization was a public law corporation with its office in Prague. Its function was described as "to unify the film industry and further its interests within the framework of the economy as a whole, to represent the several groups participating in the film industry, and to bring about a just relationship between those engaged in this field." It was empowered to set up conditions for the conduct, foundation, and termination of enterprises in the film industry and to take measures regarding economically important questions within the field of the industry. It was organized in two parallel "vocational associations," for Germans and for Czechs.

The Chairman and Deputy Chairman of the Central Film Organization were appointed by the Reich Protector for one year terms. A Central Commission acted as advisor to the Chairman. It was composed of members of the sub-groups in the film industry appointed by the Chairman, and also had three representatives of the Protectorate Government. All other organizations in the film industry were regarded as dissolved

after the foundation of the Central Film Organization,⁽²⁰⁾ and were to be liquidated by the latter. The property of such organizations was to be taken over by the Central Film Organization, which was liable for their obligations only in so far as the property taken over could cover them. In civil suits involving the Central Film Organization the German jurisdiction was competent.

Membership in the Central Film Organization was obligatory upon any entrepreneur producing, distributing, or displaying films, whether privately or on a non-profit basis, and for "film artists" assisting in the production of moving pictures. Only members of the organization could operate in the moving picture field, and no film could be displayed in the Protectorate if non-members participated in the production or showing. Under "entrepreneur," manufacturers, distributors, and theatre-owners were included; and further, according to special provisions, persons maintaining studios, film-developing and printing firms, or owning copyrights or patent rights in the moving picture field. "Film artists" included producers, directors, composers, scenario writers, musical directors, musicians, assistant directors, scenic designers, cameramen, sound directors, principals and supporting cast, bit players, and extras.

Membership in the Central Film Organization might be denied or revoked if it was known that the person in question lacked either the "capacity" or "reliability" required for the film industry. The elasticity of the concepts "capacity" and "reliability" left large space for the authorities—that is, of course, the Germans—to rule out "undesirable" persons from any phase of the Protectorate moving picture industry.

LIQUIDATING A LANGUAGE

The Germans made a persistent effort to introduce the Ger-

man language as the official and dominant language in the Protectorate, both for the Germans and the Czechs. The goal of German cultural policies seemed to be not only to reduce the Czechs to a subordinate position, but even to crowd out the basic elements of Czech nationality little by little, beginning, first of all, with the Czech language. The process began with an edict of the Commanding Officer of the army during the days of military administration,⁽²¹⁾ which put the German language on a plane of equality with the Czech language in the Protectorate. This was followed by a proclamation of the Reich Protector on August 22, 1940,⁽²²⁾ voiding the Czechoslovak legislation on questions of language, which had contained provisions for the use of minority languages by minority groups. All this fell away under German legislation, and step by step the Reich proceeded to implement that "natural preference" which the German language was felt to deserve in the Protectorate, as in an integral part of the Reich.

Thus, for all German institutions, including the German courts and notaries,⁽²³⁾ German was the exclusive language, and Czechs who had to make use of these institutions must needs resort to interpreters if they could not speak the German language themselves. In the whole public administration, both German and Czech, the Germans saw to it that the Czech language was practically eliminated. By his order of August 19, 1939, the Reich Protector decided that the Czech Ministries must use the German language in their communications with German authorities, but could use the Czech language in their own inter-ministerial communications. This order was altered later, so that the German language was to be used exclusively in all communications of the authorities with one another.⁽²⁴⁾ As we have already noted, when Dr. Walther Bertsch became Protectorate Minister for Economy and Labor, the Protectorate

Cabinet itself—out of courtesy to Bertsch, who did not understand Czech—began to use the German language in all its discussions.

In relations with the public, too, German was favored. All telephone operators answered calls in the German language first.⁽²⁵⁾ An ordinance by the Protectorate Government⁽²⁶⁾ instructed its Ministries to use the German language in dealing with anyone who so desired. This order was explained by an official statement of the Czech "autonomous" Government on the grounds that the German language "enjoys a natural preference in the whole territory of the German Reich and, consequently, also in the Protectorate."

The Germans gradually put the Reich stamp on the names of towns, villages, and public squares by a series of police and administrative orders. At first the German and Czech names were used together, with the German name in first position, and then gradually the Czech names were dropped altogether.⁽²⁷⁾ In an ordinance of March 4, 1940,⁽²⁸⁾ the Protectorate Government declared that every Czech municipality or township must receive a German name to be assigned by the Czech Minister; and that the German name should be used exclusively in all cases where the existing laws demanded the use of the German language. Legal prescriptions which gave preference to Czech names for Czech localities were finally abolished by an ordinance of the Protectorate Government on March 27, 1942.⁽²⁹⁾

DISCIPLINING THE SCHOOL SYSTEM

It is interesting to note that in spite of German charges that the Czechoslovak Republic had persecuted its German minorities, the Reich did not find it necessary to issue any significant decrees after taking over Bohemia-Moravia in order to provide adequate schooling for the German population. In every grade

from elementary to advanced schools, the Germans were fully supplied with instruction in their own language, of the same high quality as all education in Czechoslovakia. Practically all German youngsters of school age were being taught in their own language and in their own school system. Only 2.2 percent of German children in the elementary schools (*Volksschulen*) and 4.9 percent in the advanced grammar schools (*Buerger-schulen*) attended non-German schools in 1924 in Czechoslovakia. To balance this, 1.4 percent of the non-Germans in elementary schools, and 3.1 percent of the non-Germans in the advanced grammar schools attended German schools.⁽³⁰⁾ In 1938, too, the proportion of German schools to all schools in Czechoslovakia was approximately equal to the proportion of Germans in the population: 20 per cent of the primary schools and 22.1 percent of the secondary schools were German. The Germans were equally well provided with advanced educational facilities.

Thus, the Germans found no need to raise the educational standards of the local *Volksdeutsche*. In order to assure German intellectual ascendancy in Bohemia-Moravia, they resorted rather to destroying Czech higher education. With regard to the German population, the chief concern of the Reich was to see to it that the advanced and professional schools, which already existed in a sufficient number even for the *Herrenvolk*, should be administered in a National Socialist spirit. Consequently, by an ordinance of the Reich Government on August 2, 1939,⁽³¹⁾ the German University and the German Technical Institute in Prague and the German Technical Institute in Brno were taken over by the Reich, as of September 1, 1939. The public estates (hitherto Protectorate property) being used by these schools became Reich property, together with all their plant and equipment, free of liabilities and exempt from taxes and other

imposts. All other German schools in the Protectorate were, of course, handed over to the local German administration.

In regard to Czech grammar schools, the Germans adopted a policy which would be the logical one if they intended to assimilate by force the younger generation of Czechs. The German attitude to Czech education is clearly reflected in an ordinance of Undersecretary Frank⁽³²⁾ which forbade the use of the title "Czech schools." Instead, the title "Schools with instruction in the Czech language" was to be used. In all Czech elementary and advanced grammar schools, German was made a required subject of study.⁽³³⁾ Not only was the German language introduced, but the curriculum and teaching methods of the Czech schools were strictly supervised in order to give a German character to primary education. The educational materials used in Czech schools (whole libraries,⁽³⁴⁾ individual books, maps, historical texts, graphic material, patriotic songs) were altered or suppressed.⁽³⁵⁾ The subject of "civics and citizenship education," which introduced young Czechoslovaks to the fundamental principles of their Republic, was eliminated.⁽³⁶⁾ By an ordinance of the Reich Protector in March 1941,⁽³⁷⁾ German school inspectors were appointed to work with the "autonomous" Czech school boards. It was their task to police the students' and teachers' libraries and the archives of the Czech schools. They were also to see that instruction in the German language was given in the Czech schools "in conformity with the relation of the Protectorate to the Protecting Power." They had no duties with regard to the other branches of instruction or phases of school administration. The office of K. H. Frank continually exercised a strict surveillance of the Czech schools, and insisted on passing on all text books.⁽³⁸⁾

After Heydrich "reorganized" the Protectorate Cabinet, and the pro-Nazi Emanuel Moravec became Minister of Education,

an even more systematic effort was made to force German ideas on the Czech school system. From March 10-20, 1943, all supervisors and the principals of all Czech grammar schools and teachers' colleges were called together at a conference where they were told by Moravec and his staff⁽³⁹⁾ that, thenceforth, German language instruction was to be made more intensive and that geography and mathematics were to be taught in German. The German system of admitting only carefully selected pupils to secondary schools was introduced, so that "Czech schools no longer be factories for the mass production of superfluous bureaucrats." The principals visited a Prague branch of the "*Zentralinstitut fuer Erziehung und Unterricht*," where the prescribed textbooks for Czech grammar schools and teachers' colleges were on exhibition. They were admonished that their main duty was to make all Czech teachers disciples of the "Reich idea" and to stamp out relentlessly anything contrary to "Reich thinking." Pupils of non-Aryan descent were not to be admitted to an advanced school.⁽⁴⁰⁾

In spite of all these precautions to prevent the schools from developing ideas of Czech independence, the Czech school system seems not to have gained the full confidence of the Nazis. Palpable efforts were made to cut down the scope of the Czech elementary school system and build up the German school system at its expense. Czech school teachers regarded by the Nazis as politically undesirable were not permitted to be employed by the Czech school boards. Reports tell of some five thousand unemployed Czech teachers at a time when there was a scarcity of instructors for Czech schools.⁽⁴¹⁾ The Protectorate Government issued an ordinance on June 16, 1939⁽⁴²⁾ which was calculated to restrict the supply of new Czech teachers; it suspended until September 1, 1944 all examinations of candidates studying privately for admission to teachers' train-

ing institutes for the Czech school system. At a teachers' conference on May 28, 1943, Minister of Education Moravec announced that the 7,000 teachers who were unemployed when he took office had all found jobs. He did not say, however, that their new employment was as teachers.⁽⁴³⁾

While the Czech school system was rapidly shrinking,⁽⁴⁴⁾ even at the elementary levels, there was a steady expansion of German schools. The needs of new German colonists were used as a pretext to order the opening of German schools, teaching and using only the German language, all over the Protectorate, often in purely Czech sections. Czech parents were invited to send their children to those schools, and in certain cases threats of reprisal were made for failure to comply. The opening of new Czech schools was either entirely forbidden or made dependent upon the presence of at least fifty pupils, while only ten pupils were necessary for the opening of new German schools.⁽⁴⁵⁾

The local community, overwhelmingly Czech in most cases, was saddled with the cost of the newly opened German elementary schools. The progressive deterioration of their finances made the communities less and less capable of carrying the burden of the school taxes for which they were liable. In order to alleviate the situation of the communities, the Protectorate Government had to take over the "personnel costs for the teaching staff of public, primary, and grammar schools," which was done by the ordinances of December 5, 1940.⁽⁴⁶⁾ In this way, the "autonomous" Government paid for the maintenance of a school system which, whether instruction was in German or in Czech, was so administered as to alienate Czech children from their national loyalties. This illustrates the meaning, in practice, of the phrases of the March 16th decree promising to "secure the national individuality" of the Czech people.

RACIAL STATE

PUBLIC ENLIGHTENMENT

The intentions of the Heydrich-reorganized Protectorate Cabinet were clearly expressed, in the following words, by E. Hromada, a Czech collaborationist writer:⁽⁴⁷⁾

“The negative spirit, pampered by Freemasonry and the Sokol and Legionary movements, which were infested by Jews, had to disappear from our education. . . . Communism, too, had found a fertile soil in our country. That is why we were not able to preserve even the form of a State whose mission was hostility to Germany. . . . Our entire education of yesterday, therefore, must be scrapped, for Czech chauvinism is played out.”

It is obvious, of course, what “loyalties” were to be implanted in the Czech people in place of their old “chauvinism.” In order to build up “Reich-mindedness” as well as to scrap “Czech chauvinism,” Colonel Emanuel Moravec was named head of the new Ministry for “Public Enlightenment.” The new Ministry promptly organized the Czech Institute for Public Enlightenment⁽⁴⁸⁾ in order to carry pro-Nazi propaganda to the whole adult population of the Protectorate. At the first meeting of the Institute in the Prague City Hall,⁽⁴⁹⁾ attended by members of the Protectorate Cabinet and representatives of the Reich Protectorate, 300 district officers of the new propaganda machine and 500 collaborators were gathered together.

It was characteristic of the new trend in the Protectorate that after the execution of Heydrich by Czech patriots, a Heydrich Memorial Fund was raised for an annual prize to be awarded to the person or institution having made outstanding contributions to “Reich-mindedness.”⁽⁵⁰⁾ The board of trustees of the Fund consisted of representatives of the Reich Protector, the NSDAP leader of the Prague district, the Prague Finance Office, the Prague Cultural Office, and the German representatives on

REEDUCATING A NATION

the Prague Town Council. The first annual prize of 100,000 crowns was awarded on June 4, 1943, the anniversary day of Heydrich's death, to Dr. Josef Kliment, political secretary of the Protectorate President's Office. As the judges stated,⁽⁵¹⁾ even before Munich, Kliment had “freed himself from the intellectual influence” of the Czechoslovak Republic and become an adherent of the “Reich idea,” having written in favor of this “new constitutional conception” while still a member of the Czechoslovak civil service. In acknowledging the honor conferred upon him, Dr. Kliment recalled that on March 19, 1939, after returning from Berlin, whither he had gone together with President Hacha on a notorious occasion, he published an article entitled “The Holy Roman Empire is being renewed.”

In this way it was publicly demonstrated to the Czech people how those would be rewarded who acquired the knack of “Reich-thinking.”

However, Moravec's attention was directed not only to “adult education” but also to the indoctrination of youth. Declaring that “the education of the younger generation as the future bearer of public responsibility requires early preparation for its future tasks,” a Protectorate ordinance of May 28, 1942⁽⁵²⁾ introduced the principle of general, compulsory youth service for Czechs. Jewish and part-Jewish Protectorate subjects were exempted. According to the ordinance, Protectorate youth required, in addition to parental and school education, the training of body, mind, and morals which compulsory youth service would give them. Vocational training was also to be part of the training. Compulsory youth service was to be administered by the Board of Youth Education in Bohemia-Moravia. The Chairman of the Board was to be appointed by the President, and its members were to be appointed by the Chairman. The Chairman, in agreement with the competent

Protectorate Ministers, was to issue regulations carrying out the compulsory youth service decree.

Colonel Emanuel Moravec himself was appointed Chairman of the Board. On May 30, 1942⁽⁵³⁾ he issued two decrees establishing the regulations for compulsory youth service. Protectorate subjects, male and female, from 10 to 18 years, whose permanent residence was in the Protectorate were declared subject to duty in the compulsory youth service. A youngster could be declared temporarily or permanently unfit only by certification of an official physician. Those excluded from youth service, in addition to Jews and part-Jews, included young people "who have committed dishonest acts or offended against public morality."

The Board of Youth Education assumed complete responsibility with regard to the "physical, mental, and moral education" of young Protectorate subjects, outside of the home and school. It was empowered to make use for this purpose, and under its own regulations and supervision, of Protectorate organizations already organized wholly or partly for youth education, such as athletic and physical education clubs, tourist clubs, vocational or professional corporations, and organizations devoted to the culture and folklore of Bohemia-Moravia. Organizations not approved by the Board were forbidden to admit to membership Protectorate subjects not exempt from youth service. Such clubs and organizations could be dissolved by order of the Board.

Thus the Krejci-Moravec-Bertsch Cabinet, which had already given to the Protectorate its own "law for the protection of blood and honor," now supplied the Protectorate with its own *Hitler Jugend*.

Speaking at a young people's swimming tournament ar-

ranged by the Board on June 4, 1943⁽⁵⁴⁾ in Prague-Barandov, Minister Moravec declared:

"Today is a memorable day because Czech youth is assembled for the first time under the flags of the Reich and the Homeland. A Reich victory is the highest aim of science, of art, and of any honest work. The great aim we have in common has already effaced the sad memories of the errors of our fathers. I am proud that the brotherhood of the two nations is mainly the achievement of young people, who are thirsting for deeds and worship heroism."

In the middle of July 1943,⁽⁵⁵⁾ the *Essener National Zeitung*, Reich Marshal Hermann Goering's own organ, wrote the following:

"Over a million Czech boys and girls are being systematically educated in German camps according to German views, with the object of bringing about a change in the attitude of Czech youth. The younger generation of Czechs is beginning to develop; it must break with the old political errors and strive to acquire a new outlook and disposition. Czech young people must make good the sins of their fathers."

The beginnings Moravec had made towards "reeducating" Czech youth evidently inspired the Germans to adopt a slightly different attitude towards its ancestors. The early German practice of destroying Czech monuments had been applied not only to military heroes. The statue of Frantisek Palacky, the Czech historian who was deservedly known as "The Father of the Nation," was also removed by order of the German authorities from its place at Rieger Quay. Another famous Czech whose memory at first suffered German displeasure was the composer Bedrich Smetana, universally known as the founder of the Czech nationalist musical style. His opera "Brandenburgers in Bohemia," depicting conditions during a former

RACIAL STATE

German invasion, led to a ban on his music soon after the Protectorate was established. In 1943, however, German authorities reconsidered his case and decided that Smetana was really German, under the skin. "The Bartered Bride" was performed in the German language at the Opera House in Prague to commemorate this triumph of "Reich-mindedness."⁽⁵⁶⁾

CHAPTER IX

PUNISHMENT AND REWARD

PROPERLY speaking, every act of the German regime in Bohemia-Moravia, whether directly or through the "autonomous" Government, had its function in an over-all plan for German dominion. The extraordinary system of government in the Protectorate of Bohemia-Moravia, its methods both of segregation and assimilation, had, in addition to the special purposes of each of them, one general purpose in common: they contributed to strengthen German rule in the Protectorate. That purpose is the single principle which can explain all the apparent inconsistencies in their application. Racial theories, logic, consistency, pride, profit—everything else was regarded as secondary and was summarily discarded if it seemed necessary to do so in order to secure Nazi rule.

In addition, however, there was an extremely elaborate system of specific penalties and rewards to back up the process of Nazi entrenchment. The Germans, of course, utilized all the extremes and refinements of force in governing their subject territory. They also employed all the maxims of Machiavellian rule, from the Macedonian Alexander to Mussolini. With the Romans, they divided in order to command. Profiting by the Soviet example, they used persuasion as well as coercion. They applied the whole psychology of empire, not only its knouts and its gallows, but its bread and circuses as well. Not fear alone, but greed, ambition, and jealousy were the drive-wheels of their engine of dominion.



RACIAL STATE

PENALTIES FOR DISSIDENCE

In imposing their own views on the people of Bohemia-Moravia, the Nazis invoked specific penalties for hostile attitudes as a supplement to their bureaus of censorship and general rules of political organization.

The penalties for opposition to National Socialism were not confined by any means to Germans alone, but extended to all Protectorate residents. Examples are the Reich Protector's ordinance of August 26, 1939⁽¹⁾ and February 11, 1942⁽²⁾ against acts of sabotage. The definition of "sabotage" was very broad. It included all acts intended or liable to disturb "public life" or the economy, provided such acts were subject to penalties under the criminal law of the Reich. The concept of disturbance of public life, particularly, could be applied against anyone, German or Czech, who did not fall in line with Nazi wishes. It included "disturbance of the functioning of government by (verbal) attacks upon leading officials or by stirring up unrest among the populace through propagation of malicious rumors, or the systematic disturbance of peaceful relations between Germans and Czechs." The last formula is broad enough to cover all forms of non-violent resistance to the Germans. It could easily be applied against anti-Nazi jokes or in case of failure to salute the swastika, "heil" Hitler, or to greet Nazi officers and German neighbors with sufficient enthusiasm. In many occupied countries, the local population, in addition to more direct forms of resistance, adopted an attitude of icy politeness to their conquerors, to which the Germans showed themselves highly sensitive. The Czechs, especially, had a tradition of systematic passive resistance, dating back to the previous war. The penalty for sabotage by "systematic disturbance of peaceful relations" could be life im-

PUNISHMENT AND REWARD

prisonment or death.

Another "legal title" under which even quite trivial manifestations of disrespect for National Socialism could be punished were the laws "for the protection of German national symbols." By ordinance of November 23, 1940,⁽³⁾ the German legislation for this purpose⁽⁴⁾ was introduced into the Protectorate of Bohemia-Moravia. This legislation forbade the public use of "the symbols of German history, of the German State, and of the national revival of Germany" in a manner liable to lower the dignity of these symbols. Similar laws in other countries protected the symbols of government; with typical sensitiveness to ridicule, the Nazis extended the scope of protection to cover the whole Pantheon of minor Nazi deities and fetishes.

The singing and playing of the *Deutschlandlied*, the *Horst-Wessellied*, and other German "patriotic and National Socialist fighting songs" was forbidden in all places of entertainment, as was the playing of traditional German army marches for dancing, except in special cases where permission had been granted. It was also forbidden to use such songs with an altered or a different text, or to perform the *Deutschlandlied* or the *Horst-Wessellied* together with other songs in so-called "national medleys." The *Badenweiler Marsch* was to be played in public only at functions in which the Fuehrer participated, and in his presence.

The permission of the authorities was necessary in order to use publicly, for professional purposes, a name of "German national significance," particularly the name of a leading personality in the German State, the National Socialist Party, the German armed forces, or of one of the "heroic dead of the National Socialist movement." Orders of prohibition and permission, under the above laws, were made by the German district governors. In doubtful cases the authorities charged with

RACIAL STATE

making decisions were to hear "the testimony of experts who combine artistic understanding with awareness of their national responsibility." Appeals against decisions might be made to the Reich Protector, whose rulings were of supreme and final authority.

We have seen that the Reich assumed and exercised the right to revoke the citizenship of both German and Protectorate citizens for presumptive hostility to the Nazi regime.⁽⁵⁾ The property of expatriates might be impounded and, after the loss of citizenship, reverted to the Reich. Expatriates also lost their rights of inheritance or of receiving gifts from Protectorate or German citizens.⁽⁶⁾ The laws providing these penalties referred to German and Protectorate citizens residing abroad. Another law provided similar punishment for Protectorate residents: by ordinance of October 4, 1939⁽⁷⁾ the Reich Protector assumed authority to confiscate the property of "persons or associations who promote tendencies hostile to the Reich." This ordinance affected both German and Protectorate subjects.

These laws were applied broadly first of all against the members of the Czechoslovak Government in London, as well as other Czechoslovak citizens who had taken refuge abroad or were fighting in the ranks of the United Nations. Hundreds upon hundreds of Czechoslovak names are contained in the lists of the German Official Gazette announcing the deprivation of citizenship and property.⁽⁸⁾ Other measures taken against these offenders were indicated by German Minister of State K. H. Frank in his Prague address of October 18, 1942,⁽⁹⁾ when he said:

"In order to gag the babbling mouths of the Czech emigrant clique in London we have, to start with, taken the relations of these gossipers, who are so heedless of their own fellow nationals, into custody and have removed them

PUNISHMENT AND REWARD

to concentration camps. . . . Should they continue to agitate then we should be compelled to proceed in corresponding fashion against the arrested persons. These persons can then express their thanks to the so-called Czechoslovak State Council in London. . . . Not a bomb, not a tank, not a gun less will in future be forged and produced in our armament works on account of the paper protests of a puppet government."

With Reinhard Heydrich's accession to the office of Acting Reich Protector, the Protectorate Government was prevailed upon to take measures against officials or former officials suspected of hostility to the Reich. An ordinance of October 30, 1941⁽¹⁰⁾ cut in half the payments to pensioned or temporarily suspended officials of the Protectorate or the Czechoslovak Republic if such persons were arrested by Reich authorities. The Government ordinance of November 19, 1941⁽¹¹⁾ set forth disciplinary measures to be imposed upon "unreliable" Protectorate employees whose acts indicated a hostile feeling toward the Reich or whose previous political activity or behavior in office did not justify confidence in their unreserved and lasting support of the new political order. The following penalties could be imposed, without a hearing and regardless of regulations, upon such persons:

1. transfer to another public office in the same or any other community;
2. a temporary or permanent decrease of salary;
3. retirement on a pension, temporarily or permanently;
4. dismissal without any consideration.

The scope of the ordinance was extended by the Government decree of December 18, 1941⁽¹²⁾ which declared that as a supplementary penalty for offenders, any person in public service who was condemned to death, penitentiary, or imprisonment at

RACIAL STATE

hard labor, or sentenced to jail for high treason or treason, was *ipso facto* to be regarded as dismissed without any consideration. Similar penalties applied to pensioners, and to widows and orphans of former officials with legal claims to maintenance, if they were sentenced for an act of high treason or treason. An ordinance of May 29, 1942⁽¹³⁾ suspended all Protectorate social security benefits (accident insurance included), by special order of the Minister for Economics and Labor, for any person who had acted in a manner hostile to the Reich at any time since March 16, 1939.

The collaborationist "autonomous" Government also proceeded under a special ordinance of June 27, 1942,⁽¹⁴⁾ to set up a seven man "National Court" in Prague for the trial of "Czech politicians who have acted as enemies of the Czech people." The court⁽¹⁵⁾ operated under the following special rules:

1. trial could take place *in absentia*;
2. there was no preliminary inquiry or trial;
3. the chairman of the court could shorten the period allowed for answering charges and other procedure;
4. there were no legal remedies against the sentences passed by the court.

The court was authorized to issue only a single judgment: that the accused was "an enemy of the Czech people, deserving death." If such a judgment was not reached, the court had to quash the proceedings. The "enemies of the Czech people" whom this court branded as "deserving death" were, of course, "dissident" Czechs, particularly the members and associates of the Czechoslovak Government in London.

It is revealing that in the decrees whereby the "autonomous" Protectorate Government undertook to enforce "Reich-mindedness" there is not even any attempt to suggest that the legis-

PUNISHMENT AND REWARD

lation was in the *mutual interest* of the Reich and the Protectorate. An attitude of hostility to the Reich, to which Czech citizens owed no allegiance, was sufficient reason, without further justification, for the "autonomous" Government to deprive Czech citizens of their constitutional and legal rights.

REWARDS AND BRIBES

Penal measures were not the only means used to enforce *Gleichschaltung*. For the faithful and compliant, both the Reich and the Protectorate issued laws conferring substantial benefits. The benefits frequently took the form of discriminatory rules, especially favoring groups whose loyalty had to be cemented. Members of the master race, particularly those who had been Nazi partisans under the Czechoslovak Republic, had to be shown that their Fuehrer had not forgotten them. Other Germans, too, had to be taught that citizenship of the Reich carried with it privileges, both of honor and of material advantage, over members of the subjugated Czech race. The "other inhabitants of the Protectorate" were to be consoled by the existence of a still lower class, the Jews, as compared with whom even the non-Germans enjoyed a privileged position.

(a) *For Nazis*

Special favors for German Nazis were obtained even before the occupation of Bohemia-Moravia. On November 20, 1938, the date of a whole series of agreements between Germany and the Second Czecho-Slovak Republic,⁽¹⁶⁾ the Czecho-Slovak Government agreed not to subject Germans in Czecho-Slovakia to criminal prosecution on account of political activities before November 24, 1938; and Germany made the same promise regarding Czechs in the Sudeten districts.⁽¹⁷⁾

On June 7, 1939, about three months after the occupation of Bohemia-Moravia, Hitler personally decreed⁽¹⁸⁾ that member-

ship in the National Socialist German Workers' Party and its affiliated associations, or in other, similar *Volksdeutsche* societies in the Protectorate, was legal and not subject to penalty in all cases where it had been forbidden and was punishable under Czech law. This decree was made retroactive for the time before the Protectorate was established, and sentences already passed were voided. Furthermore, crimes and misdemeanors in violation of administrative regulations which were committed in connection with the fifth column work conducted before March 16, 1939 were made unpunishable. But all sentences passed against Germans for political rioting and other acts, if directed "against the interests of the German Reich," were allowed to stand.

Not only were sentences revised, but reparations and compensation were ordered for damages suffered in connection with the political overturns in Czecho-Slovakia, beginning with Munich and culminating in the establishment of the Protectorate in March 1939. For such damages the Protectorate Government's ordinance on October 26, 1939⁽¹⁹⁾ assumed responsibility with regard to Protectorate citizens. Since, as we have seen, Germans in the Protectorate had the rights of Protectorate citizens, it is plain that the Protectorate Government had to compensate them for their damages also. The Germans saw to it that their people got their full "legal" rights. Indeed, some of the provisions of the law seem to have been framed specifically for the benefit of *Volksdeutsche*. Thus the term "damages" included discharge from employment during the period of tenure and "unjustified restrictions of personal liberty." Every traitorous civil servant or jailed Nazi hoodlum had a claim for "compensation" under these clauses. Other items compensated were bodily injuries and loss of health or danger to life, and damages to personal or real property.

On September 3, 1940⁽²⁰⁾ the Reich Government, in a law applying to the whole of Greater Germany, ordered a new procedure to relieve debtors from obligations resulting in consequence of pro-Nazi activities or attitudes during the so-called "fighting period," when National Socialism was not yet securely in power. In the Protectorate this law applied only to German citizens, and German courts were exclusively competent to administer it. Under the ordinance German judges had wide authority to assist Nazi sympathizers who became indebted, or lost or mortgaged their residence or other real estate. The judge was entitled to bring about a settlement between a debtor and his creditors or else issue a judicial order where no agreement could be reached.⁽²¹⁾

As late as September 5, 1942,⁽²²⁾ the Protectorate Government issued an ordinance of its own to compensate Nazis for penalties imposed upon them under the Republic, especially in the period between October 29, 1938 and March 14, 1939. The ordinance related to losses of social security rights incurred by Germans or their beneficiaries for "political reasons." Claims for reparations could be entered only against Protectorate insurance agencies, and, if the claimant proved "unworthy" at some time subsequent to his loss, the claims would not be allowed. Such losses could be claimed, with reference to any branch of social insurance, by Germans who had forfeited their rights during a period of imprisonment on charges connected with German *Volkstum*; or through flight or expulsion from the territory of the Czechoslovak Republic, or by failure to make payments because of dismissal from employment, as a member of the German *Volkstum*.

(b) *For Germans*

During the war the practice of rewarding friends of Na-

tional Socialism crystallized into a system of "racial" preferences, under which Germans were treated better than Czechs, and Jews were treated in a manner which is notorious. A significant instance is the ordinance of November 30, 1939,⁽²³⁾ which gave German judges in the Protectorate power to modify contracts during the period of war. It applied only for the benefit of Germans. The purpose of the ordinance, as a special preamble states, was that there should be a "reasonable and just settlement" between creditors and debtors who had fallen into straitened circumstances because of war conditions, and that, in cases where the parties failed to reach a voluntary agreement, the court might step in as arbitrator. In all such cases the judge had first to try to bring about a voluntary agreement between the parties. If such an attempt failed the judge might issue a decision which would take effect in place of a voluntary agreement between the parties. Such a decision, among other possibilities, might order a change in the date when claims fell due; lower the rental or lease payment; dissolve the rental or lease conditions; regulate the date of repayment of mortgage debts; and suspend legal penalties, such as interest charges on defaulted payments, and forfeitures of life insurance for non-payment. The interests of the creditor might also be secured by ordering special measures for his protection. Judicial arbitration could be demanded in the Protectorate only by persons who were *not Protectorate subjects*, that is, especially by the *German subjects* in the Protectorate. The German courts of the Protectorate were authorized to deal with all such claims for arbitration.

At the same time and for the same purpose as the above ordinance, the November 30, 1939 ordinance⁽²⁴⁾ concerning the war-time procedure of liquidating debts was issued. As its preamble states, the purpose of this ordinance was to aid de-

servicing persons or enterprises who became insolvent or over-indebted because of the war, in order to save them from bankruptcy. The special procedure for liquidating debts during the war was, therefore, "free of any character which might damage credit." This ordinance, also, could be appealed to only by persons who were *not* Protectorate subjects, that is, especially by the German subjects in the Protectorate.⁽²⁵⁾

(c) *Special Rewards for Czechs*

A system of rewards for non-Germans with certain "qualifications" was also established in the days of the "Reich-minded" Cabinet of 1942. A "wage of honor" (*Ehrensold*) was granted by ordinance of the Protectorate Government on September 24, 1942,⁽²⁶⁾ to Protectorate subjects who had received major decorations for bravery in the army of Austria-Hungary. A veteran's bonus was granted to Protectorate subjects over seventy years of age who had served at the front in the Austro-Hungarian Army in the campaigns of 1878 or 1882 or in World War I. These payments were granted, on application, by the Minister for Economics and Labor, Dr. Bertsch, provided no objections could be raised as to the political trustworthiness or military conduct of the applicant. The right to these rewards could be withdrawn, however, whenever the "Reich-mindedness" of the beneficiary became doubtful, or if he established residence outside the Greater German Reich without official authorization, or if a veteran was deprived of his decorations because of being convicted of an offense by some court.

In addition to these rewards for past merits, there was an elaborate attempt to bribe Czechs by special favors in order to obtain future performance. The chief target of these blandishments were the Czech workers. Although, as we shall

RACIAL STATE

see,⁽²⁷⁾ labor was held strictly controlled in the Reich interest, the Germans, especially in the early years, did not spare special inducements for "good behavior."

The Reich went out of its way to demonstrate that it had the "interests of the workers" at heart by several peculiar measures. The Reich Protector's ordinance of March 20, 1940,⁽²⁸⁾ about a general wage and salary increase, is to be regarded as such a special effort to win over the workers of the Protectorate. According to this ordinance, employees in all branches of business with incomes up to and including 3,000 crowns monthly were to receive a wage or salary increment of half a crown for every hour of work performed. This increment was not to be reckoned as part of the wage or salary or other contracted payment for labor, but was entered in the wage and salary accounts and payroll-envelopes as a special increment, and drawn as such. Such a special increment was to be paid also to employees of the State and communal administrations. The provisions of this wage increment law were to hold until the appearance of new regulations expressly declaring that the scale of wages and salaries established by them included the general wage increment of half a crown per hour. The effect of this ordinance was to let the Reich Protector appear as the source of a special wage increment for the workers of the Protectorate. Since the supplement appeared separately on every payroll and at every payment, it was always brought out to the working population as a benefaction of the Reich, represented by its Reich Protector. Actually, of course, the Reich did no more than decree the supplement, which had to be paid by the Protectorate economy.

Following the German example, the First of May was introduced in the Protectorate as a holiday, with pay, of national labor.⁽²⁹⁾ The Reich Protector also ordered wages to be paid

PUNISHMENT AND REWARD

to workers in the Protectorate for the first and second day of Christmas, 1940 and for New Year's Day, 1941. This applied also to home-workers.⁽³⁰⁾ The same measures were ordered for the year of 1941 and then for the duration of the war.⁽³¹⁾

DISCRIMINATION AGAINST JEWS

A different attitude was taken concerning the Jews. Just as special provisions were made to benefit the Germans, so special laws were enacted denying Jews benefits granted to the rest of the population. There was obviously no necessity to try to bribe Jewish workers with wage increments. Instead, the Jews were displaced from employment in private industry as a result of an ordinance by the Reich Protector, of October 23, 1939.⁽³²⁾ According to the ordinance, contracts of all sorts with Jewish employees in private industry could be terminated upon six weeks' notice as of the beginning of any month. At the end of the period of notice, all claims of the discharged employee arising from his contract were void, especially his claims to insurance payments and severance pay. If an employer voluntarily agreed to a larger severance pay than for the above-mentioned six weeks it was not to exceed half a year's wages. Agreements calling for higher sums, which were approved before the prohibitions went into effect, were to be reduced to the authorized level.⁽³³⁾

If Jewish employees had contributed to a pension fund of their business, providing assistance to employees in case of sickness, old age or invalidity, or aiding their widows and orphans, then they were to be repaid the sums that they deposited together with an appropriate interest, in addition to other settlements, if provided for. If such employees had already received benefits from the fund in the past, these were to be taken

RACIAL STATE

into account, according to a specified formula, in determining the amounts to be repaid. In addition to the repayment, a settlement of up to six times the former monthly premium might be granted. After October 23, 1939, Jewish employees could no longer be members of pension funds.⁽³⁴⁾ The same held for the Jewish survivors of Jewish or non-Jewish employees who had already died.

The Protector's ordinances about wage payments to employees and home-workers for Christmas Day, 1940 and New Year's Day, 1941 specifically excluded Jews from the benefits granted.

By an ordinance of the Government of the Second Czechoslovak Republic of October 14, 1938,⁽³⁵⁾ debtors owning property in parts of the former territory of Czechoslovakia ceded to other states, had been granted delays of execution and bankruptcy proceedings. On September 21, 1939,⁽³⁶⁾ the Protectorate Government extended the duration of the above ordinance, but this extension did not apply to Jewish debtors.

The war damage ordinance of the Reich Government of November 30, 1940⁽³⁷⁾ granted compensation for material damages caused by the war.⁽³⁸⁾ In paragraph 31 it stipulated that special regulations for Jews were to be issued. These provisions were contained in the ordinance of the Reich Minister of the Interior on July 20, 1941,⁽³⁹⁾ concerning the status of war damages of Jews. According to this law Jews, in principle, were to receive no compensation; they were not even entitled to claim compensation. However, the rights of non-Jewish persons who were affected by damages from which Jews suffered remained unimpaired, and such persons could claim compensation. Property administrators or personal creditors of the Jews who suffered damages might also be permitted by the authorities to make claims in exceptional cases.

PUNISHMENT AND REWARD

A representative of the Reich interests was always permitted to make such claims. The examining board might order the repair of material damages to real property at the expense of the Reich. If such repair was not accomplished, then the war damage of the Jews was assessed in money value, and the above-mentioned third entitled parties got a settlement, amounting to the sum of the damages to be paid them according to the Material Damages Ordinance. If there were special reasons in equity for such an action, settlement might also be granted to other German debtors of Jews. *The Reich might demand repayment from Jews*, at any time, for material damage repaired or money compensation paid to the above-mentioned parties. In no case could a Jew be granted a settlement; no considerations of equity were admissible. The provisions also applied to Jewish enterprises and non-Jewish assignees of a Jew who acquired the damaged objects after the occurrence of the damage.

CHAPTER X

COORDINATED ECONOMY

JUST AS surely as the political structure of Bohemia-Moravia was remolded to the Nazi pattern, so the business of the Protectorate was inexorably bent to the German shape, and fitted into the general framework of the Reich's managed economy. For the Germans, the assimilation was direct and legal. As workers they came under the Reich Labor Front, as professionals they joined German vocational associations, and as businessmen they were subject to the German jurisdiction. But they were so small a group that their *Gleichschaltung* did not give the Nazis the effective control they wished to have. Therefore, sweeping measures of illegal seizure, chicanery, and "legal coordination" were employed in order to "adapt the Protectorate economy to the Reich," and to transfer ownership and control to Germany and to local and imported Germans in Bohemia-Moravia.

We shall not attempt to describe all the methods used by the Germans to acquire control of property in the Protectorate nor the tremendous total effect of their actions. We are interested rather in the broad outlines of German economic legislation, and its bearing on the status of ethnic groups in the Protectorate.

THE LEGAL BASIS

It will be remembered that Baron von Neurath forecast "a new flowering of cultural and economic development" for Bohemia-Moravia under the protection of the Fuehrer. In the

March 16th decree the Czechs were promised a Government exercising an "autonomous administration of its own affairs." However, Article III of the same decree stipulates that the autonomous administration must exercise its authority "in conformity with the military and *economic* interests of the Reich." This fatal clause was used in economic affairs, as in all others, to effect complete German control, making a mockery of the purported Protectorate autonomy.

Under Article XI of the decree, the Reich enjoyed a general right to legislate and take over branches of administration, because of the existence of a "common interest" or "common need"—that is, at its own discretion. Under this power the Reich actually did take over the administration of a large part of the economy of the Protectorate, and enacted extensive legislation adjusting economic activities in the Protectorate to the Reich economy. Moreover, since the Reich Protector exercised supervision over all the legislative and administrative acts of the Protectorate Government, he could order or forbid "autonomous" Protectorate legislative or administrative measures in economic spheres as well as in all others. In consequence, many of the economic regulations of the Protectorate Government were of such a nature that it is quite obvious that they were issued at the suggestion of the Reich.

MONEY AND BANKING

Currency matters in the Protectorate were taken over by the Reich under Article X of the original decree. This Article made the Reichsmark legal tender but recognized the crown as a valid currency in the Protectorate, in addition to the Reichsmark, until further notice. For all external transactions, however, the Reichsmark became the exclusive currency. In ad-

dition to its ordinary currency, the Reich used treasury notes, redeemable only after the war,⁽¹⁾ in making purchases.

We noted above the tremendous confusion which necessarily resulted from the multiplicity and overlapping of sources of legislation in the Protectorate. The situation was quite as bad with regard to the numerous varieties of currency in circulation. According to a list published by the National Bank in Prague, in August 1942⁽²⁾ twenty-nine kinds of banknotes and twenty-six kinds of coins were legal tender in Bohemia-Moravia. There were nine banknotes issued by the *Deutsche Rentenbank*; seven by the *Deutsche Reichsbank*; nine by the Czechoslovak National Bank; and four issued by the Protectorate National Bank in the period after March 16, 1939. There were three types of coins: German, Czechoslovak, and Protectorate.

The continued use of the crown for an indefinite period within the Protectorate area was an important element in the German economic design. This is plainly shown in the fact that the *Protectorate Government* was induced to issue an ordinance on September 28, 1940⁽³⁾ defining the value of the crown. Under this ordinance, the Protectorate crown was the same as the old Czechoslovak crown for transactions within the Protectorate. It could be exchanged for the Reichsmark at the same rate as the Germans themselves fixed by their ordinance of March 21, 1939.⁽⁴⁾ Legally, the Protectorate was not empowered to issue such an ordinance, since Article X of the decree of March 16th reserved all currency matters as the exclusive province of the Reich. It is apparent that the Reich deliberately delegated the Protectorate Government to legislate in this field, wishing, no doubt, to strengthen the currency by putting behind it the authority of the Czech people's

"own Government," in which they might be presumed to have greater confidence than in the Reich.

The Reich had very solid interests in temporarily permitting the use, for intra-Protectorate transactions, of the crown. Maintaining the crown as a medium of exchange in the Protectorate obviated the necessity of expanding the circulation of the Reichsmark. In this way all obligations covered by crown notes were reported by the "National Bank for Bohemia and Moravia in Prague" which continued, as before, to issue crown notes and to report the circulation of Protectorate currency.⁽⁵⁾ Otherwise these obligations would have had to be reported in the Reichsmark balances of the Reichsbank, further increasing its stated obligations.

Secondly, the maintenance of the crown made it possible for the Germans to liquidate large holdings of crowns taken over by them in the Sudeten areas⁽⁶⁾ and in the Protectorate itself. The Reich was thus enabled to make large-scale purchases in the Protectorate of produce, raw materials, industrial and agricultural enterprises, without further inflating its own currency, the Reichsmark.

The general monetary plan of the Germans in Bohemia-Moravia called for the devaluation of the Czech currency, in order to raise prices in the Protectorate to the level of the Reich. Consequently the Reich ordinance of March 21, 1939,⁽⁷⁾ set the value of the crown as 10 Reichspfennigs, which was much less than the previous market value had been. A number of interesting transactions could be carried out in consequence. In the first place, having control of the Protectorate banking system, the Germans were able to force Czech banks to buy Reichsmarks.⁽⁸⁾ With the crown worth only a fraction of its former value in Reichsmarks, these Czech purchases gave the Germans a much larger stock of crowns for purchases within the Protec-

torate area than they would have got at the former market rate of exchange. In addition, the Germans used their currency regulations in the Protectorate to improve their foreign trade position. Thanks to the large-scale trade of Czechoslovakia in the Balkans, the Protectorate had substantial credits in countries where Germany was in debt. Since the Germans eliminated the crown as a legal medium of international payments, these Balkan credit balances of the Protectorate could only be paid in Reichsmarks or foreign currency. By raising the value of the Reichsmark in relation to the crown, the Reichsmark value of Czech credit balances was likewise raised. Germany could then use these inflated Reichsmark balances of the Protectorate to cancel its own debts to the Balkan countries.

The monetary transactions of the Reich were facilitated by German control of the Czech banking system. This was accomplished both by legal measures and by characteristic operations of the German financial authorities, who had developed the trait of Nordic cunning to a remarkable degree. We note that, as in other cases, the *legal* measures giving the Germans control over the Czech banking system issued to a considerable extent from the Protectorate Government itself.

On March 31, 1939⁽⁹⁾ the *Protectorate* Government ordered all transactions of its National Bank restricted to the Protectorate area, while those outside this area were terminated and cancelled with retroactive effect as of March 13, 1939, that is, three days before the establishment of the Protectorate. The bank's name was changed to the "National Bank of Bohemia and Moravia in Prague." This meant more than merely reducing the National Bank to a domestic bank of the Protectorate. It meant also, in view of the fact that the Protectorate became a part of the Reich, that all the bank's business outside the Protectorate reverted automatically to the Reichsbank.

All its credit balances abroad, except those frozen by foreign governments, could thus be applied to German uses.

The other legal measures necessary to give the Germans full financial control were issued in gradual succession. By an ordinance of June 23, 1939 the Protectorate Government altered its foreign exchange regulations to conform with the German rules.⁽¹⁰⁾ On September 26, 1940⁽¹¹⁾ a further foreign currency regulation stated expressly that none of the restrictions applied in dealings between the Protectorate and the rest of the Reich territory. Taking effect on June 1, 1941, the National Bank was directly incorporated in the clearing system of the Reichsbank.⁽¹²⁾ Thus, by an action of the "autonomous" Protectorate Government, the Reich and the Protectorate were legally made a united financial block, and all German clearing operations, at the expense of the Czech economy, were given free reign.

The laws establishing over-all German control of the Protectorate banking system were supplemented by a series of more or less official transactions, whereby German banks, especially the *Deutsche Bank* and the *Dresdner Bank* took over Protectorate financial institutions. The example of the *Ceska Banka Union* (Bohemian Union Bank) in Prague is typical of the methods used. Between 1939 and 1940 German authorities ordered this bank to reduce its capital from 100 million to 15 million crowns, and then to raise it back to 100 millions. The entire new issue was taken over by the *Deutsche Bank*; thus the *Ceska Banka Union* became a German banking institution.⁽¹³⁾ By a similar process the *Dresdner Bank* absorbed thirty branches of the *Zivnostenska* and *Ceska Eskomptni Banka*.⁽¹⁴⁾

In May 1943,⁽¹⁵⁾ Dr. Walther Bertsch informed representatives of Protectorate financial institutions that the field was

RACIAL STATE

overcrowded and therefore some banks would receive orders to liquidate or be merged with other banks. The Minister's announcement initiated a radical campaign to shut down Protectorate banks. When it was concluded, the following banks remained open:⁽¹⁶⁾

The *Zivnostenská Bank* in Prague, with six branches in Prague, seventeen elsewhere in Bohemia-Moravia, and one agency in Bratislava (Slovakia);

The *Ceska Eskomptni Banka* in Prague, with two Branches in Prague and nine elsewhere in the Protectorate;

The *Ceska Banka Union* in Prague, with four branches in Prague and nine elsewhere in the Protectorate;

The *Moravska Banka* in Brno, with twenty-two branches in the country and one agency in Bratislava (Slovakia);

The *Landwirtschaftliche Bank fuer Boehmen und Maehren* in Prague, with four branches in the country.

In addition the following banks without branches were unaffected by the rationalization campaign: the *Zentralbank der Genossenschaften fuer Boehmen und Maehren*, the *Boehmische Aktien-Hypothekenanstalt*, the *Plzen Bank*, and the Prague branch of the *Bank der Deutschen Arbeit*.

The number of principal banks was reduced from twenty to eleven, the number of branches in the country from 157 to 84, and the number of branches in Prague from 48 to 36.

A further decree by Dr. Bertsch⁽¹⁷⁾ established the Provincial Bank for Bohemia-Moravia as the "Central Bank for Savings Banks in Bohemia-Moravia." All Protectorate savings banks were required to affiliate with this central institution. The bank's liabilities were guaranteed by the province of Bohemia, supplemented by the guarantees of all the savings banks in Bohemia and Moravia. The balance sheet of the banking institute was estimated at 20,000 million crowns; thus this bank became the biggest financial institution of Bohemia-Moravia. The first

COORDINATED ECONOMY

general meeting of the bank was attended by Dr. Walther Bertsch who conveyed the greetings of the German Minister of State K. H. Frank, and declared that the bank's activities would be guided in accordance with the most modern conceptions. What this meant became clear from the list of members of the board of directors and personalities attending, nearly all of whom were Germans.⁽¹⁸⁾

The consolidation of the banks of the Protectorate was of considerable importance in view of the great holdings of industrial interests in their portfolios. By taking over these shares, German banking concerns gained control of industrial interests in, among others, the electrical and machine industries, sugar, ceramics, porcelain, perfumery, textiles, chemical and food industries, mills, breweries, and paper industries.⁽¹⁹⁾ Some of the banks also had branches abroad, for instance in Bulgaria, Yugoslavia, and Slovakia.

COMMUNICATIONS, CUSTOMS, AND TAXES

Both for military reasons and in order to incorporate the Protectorate in its foreign trade network, the Reich took over the whole system of communications in Bohemia-Moravia.⁽²⁰⁾ The administrative and operating staffs employed were chiefly Protectorate officials.⁽²¹⁾ The postal stamps in use were also issued by the Protectorate. On the other hand, all railroads were regulated in accordance with German laws and agreements existing between Germany and foreign countries.⁽²²⁾ German laws concerning aviation were introduced. All radio broadcasting was under the supervision of the Reich, except, of course, the "underground" stations, against which the Reich Protector's decree of October 11, 1939⁽²³⁾ was directed. The Reich Protector's ordinance of July 31, 1941⁽²⁴⁾ provided the

RACIAL STATE

right to reroute all private traffic on the railroads, waterways,⁽²⁵⁾ highways, and in the harbors in cases of emergency.

The Reich control of transportation in the Protectorate was completed by new customs regulations. Under Article IX of the decree of March 16, 1939, the Protectorate was to belong to the Customs Union of the Reich and be subject to its customs authorities. However, the Germans did not wish to permit free movement of goods between the rest of the Reich and the Protectorate until the level of prices had been adjusted as between those two areas. Consequently the Reich Government issued an ordinance on March 21, 1939,⁽²⁶⁾ provisionally maintaining the former customs boundaries between the Reich and Bohemia-Moravia, together with Czechoslovak customs laws.⁽²⁷⁾ After the Protectorate economy had been adjusted to that of the Reich as planned, the customs boundaries were abolished, as of October 1, 1940,⁽²⁸⁾ and German customs laws took effect in the Protectorate. At the same time, all excise taxes and state monopolies were withdrawn from the Protectorate Government.⁽²⁹⁾ German excise laws⁽³⁰⁾ were introduced in the Protectorate, and the whole field of indirect taxation was reserved for German administration and jurisdiction. The Protectorate treasury retained only direct taxes and fees as a source of income. Even in this field, the Reich reserved the right to the property and income taxes of its own administrative personnel. This included all officials and employees of the Reich Protector's Office, and other German offices and authorities, army men, full time functionaries of the NSDAP, together with their wives and minor children.

The tax authority of the Reich was exercised by the Reich Minister of Finance, in agreement with the Reich Protector. For the administration of customs and consumption taxes and monopolies, a special fiscal district of Bohemia-Moravia was

COORDINATED ECONOMY

constructed, covering the whole territory of the Protectorate. The administration, headed by a German Chief of Financial Affairs (*Oberfinanzpraesident*) with his office in Prague, was discharged by officials of the Reich fiscal administration at foreign frontiers, and by the Protectorate authorities within the Protectorate. The Protectorate authorities acted as an agency of the Reich. They were bound by the orders of the German Chief of Financial Affairs and were subject to his supervision with regard to their official acts. They were hired and paid by the Protectorate Government.

In the course of time, the tax system of the Protectorate itself was assimilated to the model of the Reich. The income tax was adjusted to German standards⁽³¹⁾ and a series of characteristic Protectorate taxes on income from securities and savings were abolished.⁽³²⁾ On the other hand, after June 1, 1943 a special wage tax, a war contribution based on a percentage of income, and a "social compensation tax," all similar to taxes of the same kind existing in the Reich, were introduced. For the year 1943, also, a corporation tax replaced the profit tax previously levied.⁽³³⁾

CONTROLLED ECONOMY

The whole system of economic control in force in Germany was introduced in the Protectorate either by the decrees of the Reich directly or by the Protectorate Government itself. In either case it was obvious that the purpose was to force Protectorate economic affairs into the mold of the Nazi Reich. In order to achieve such *Gleichschaltung* fully, the Germans took pains to put German officers in controlling positions in the administration even of Protectorate economic legislation.

The Reich Protector had a standing right of supervision and intervention in all economic matters. The establishment of

new enterprises and the extension of the plant and capacity of existing enterprises was dependent upon his approval. His police functions in economic affairs were facilitated by a measure applied generally to all entrepreneurs and enterprises: by an ordinance of the Reich Protector on February 6, 1940,⁽³⁴⁾ the Reich Protector and officers authorized by him were entitled at any time to demand information concerning the economic condition, prices, stock, as well as the production and capacity of enterprises and shops. Copies, extracts, or the originals of business accounts, correspondence, or other documents upon which the setting of prices was based might be demanded in support of information given. The power of the Reich Protector, of course, fell entirely into the hands of the Gestapo after von Neurath's resignation, and even before then the Gestapo influence was strong. Thus the Gestapo was authorized to seize the records of all agricultural enterprises, companies and associations, public law corporations, and "all persons who have or have had custody of objects about which information is requested, or who have claims for the delivery of such objects." Production plants, store rooms, and sales rooms might also be examined.

In addition to the Reich Protector, the "autonomous" Government also controlled economic enterprises, using techniques borrowed from the Germans. Thus the Protectorate Government issued an ordinance on June 23, 1939,⁽³⁵⁾ creating an economic "Supervisory Office" in the Ministry for Industry, Commerce, and Trade. The ordinance empowered the Minister to prescribe, by authoritative announcements, the methods of manufacture, and to direct and control the use of goods in industry and trade, for the sake of the most economical utilization of raw material imports. The issuance of a foreign currency certificate (*Devisenbescheinigung*) was required for

any imports, while a special proceeding (*Bewilligungsverfahren*) was instituted for the licensing of exports. Import and export control and the supervision of the use of imported goods were entrusted to the new Supervisory Office, which was entitled to subpoena information and documents from persons under its jurisdiction.

Shortly after the Supervisory Office was established, the Reich Protector appointed a Trustee to represent him in the Office. This official was supplied with a considerable staff of experts drawn from the most important Reich offices for controlling the use of raw materials such as iron and metals, leather, rubber, textiles. Thus a close contact was created between those offices in the Reich and the Supervisory Office in the Protectorate, in order to make possible a "complete adaptation of economic measures" in the Reich and the Protectorate.⁽³⁶⁾ Gradually the Supervisory Office became the central economic control agency of the Reich offices. In January 1942, upon taking office as Protectorate Minister for Economics and Labor, the Reich German, Dr. Walther Bertsch, was placed in direct charge of the Supervisory Office. The official announcements of the Ministry, issued under the ordinance of June 23, 1939, regulated the use, manufacture, import and export of raw materials in a manner completely uniform with the rules of the Reich. But "formally" the "autonomous" authority of the Protectorate Government and its legislation was preserved.

Among other Protectorate agencies of economic control, a Supreme Price Authority was instituted by an ordinance of May 10, 1939,⁽³⁷⁾ that is to say, before the outbreak of the war. Presumably, therefore, this, too, was intended as a permanent rather than an emergency measure. The organization of the price authority was copied from the German price control

ordinance.⁽³⁸⁾ The functions of the authority were to regulate the prices of goods and services and control all remunerations except wages and salaries. It could set minimum, maximum, normal, and fixed prices. It could establish regulations for the keeping of business accounts by both producers and distributors. It was authorized to demand information from enterprises and conduct inspections of business premises and store rooms. The importance of the Supreme Price Authority was underscored by the provision that its Chairman was to be nominated by the President of the Protectorate.

Prices of the trade with the rest of the Reich were determined by the Reich Government itself by an ordinance issued on March 21, 1940.⁽³⁹⁾ According to this ordinance, the prices of goods sent from the rest of the Reich territory to the Protectorate were to be no higher than the prices permitted in the remaining territory of the Reich; the same held for all other remunerations. A parallel ordinance was issued by the Chairman of the Protectorate Supreme Price Authority⁽⁴⁰⁾ decreeing that the prices of merchandise and services bought from the Protectorate by any other part of the Reich must be the same as those prevailing in the Protectorate. In addition goods obtained from the Reich could be sold within the Protectorate only at prices permitted for similar Protectorate goods.

The Germans assumed control not only of the price policy but of the organization of Protectorate business. By an ordinance of January 10, 1940,⁽⁴¹⁾ the Government of the Reich applied to the Protectorate the German Compulsory Cartellization Law,⁽⁴²⁾ whereby Dr. Walther Funk, the Reich Minister of Economics, could order any firm to enter syndicates, cartels, conventions or other production, sales quota, and price-fixing agreements. In this way the Reich assumed authority to dictate the production, sales, and price policy of any business

in the Protectorate. This power was to be exercised, as the law stipulates, "whenever it appears desirable in view of the interests of the enterprises themselves as well as of the whole economy and of public welfare." Whenever they desired, the Germans could thus order any firm to enter a German-dominated merger or combination. In the Protectorate these powers of the Reich Minister of Economics were exercised by the Reich Protector.

It was left to the Protectorate Government to introduce the most characteristic feature of the Nazi system of business organization. This was accomplished by a series of ordinances intended to bring about the "reorganization of the Protectorate economy,"⁽⁴³⁾ and the "adjustment of the Protectorate economy to the economy of the Greater German Reich."⁽⁴⁴⁾ The laws followed the German model⁽⁴⁵⁾ as adapted to the particular circumstances of the Protectorate. The idea of the "graded economic system" (*staendische Wirtschaftsordnung*) was followed by creating compulsory associations (*Verbaende*) for the several branches of the economy, such as industry, commerce, handicrafts, foreign trade, import, the private insurance field, and financial institutions. These corporations were divided into groups in accordance with the specialized trades within each field. Thus, for example, there were twenty-two sub-groups in the Corporation for Industry: mining; sugar; liquor; breweries; malt; flour mills; produce; iron construction industry; metal industry; electricity; sawmills; woodworking; paper; chemicals; ceramic industry; building; glass; textiles; clothing; leather; printing; gas and water works. All entrepreneurs and enterprises in the Protectorate had to be members of one of the sub-groups.

The compulsory associations were set up on the "leader principle." They were so organized that the policies of the

RACIAL STATE

Reich were carried out by a series of subordinate authorities with effective control over every individual worker or entrepreneur in the Protectorate. The stated purpose of the corporations was at once "to act in the common interests of their members"—that is of all entrepreneurs and enterprises—and "to impose certain obligations and tasks upon them." These functions were carried out by the directors of the corporations in line with "the interests of the Protectorate economy" and "the requirements of the Reich." They were authorized to lay down rules concerning production and sales which were binding upon all members of the corporations. Any contracts not conforming to these regulations were void and could not be performed. Failure to comply with the orders of the director might entail loss of membership in the association or, in other words, the end of the business.

The directors of associations were appointed and might be discharged by the Protectorate Minister for Industry, Commerce, and Handicrafts (in the period before this Ministry was transferred to Bertsch's new department). He could order directors of associations to issue regulations for their members; all their orders required his approval and in certain cases, also that of the Supreme Price Authority.⁽⁴⁶⁾ The Minister for Industry, Commerce, and Handicrafts might dissolve or merge corporations, and alter or amend their by-laws. His acts, in turn, were subject to the approval of the Reich Protector's Office.

We see, therefore, that starting well before the war, the principles of a controlled economy were fully instituted in Bohemia-Moravia, strictly in accordance with the needs of the Reich. During the war these measures were supplemented by even more detailed provisions⁽⁴⁷⁾ regulating down to the

COORDINATED ECONOMY

smallest item the production and distribution of all goods and services. This cannot be regarded as a mere war measure, in view of the fact that it merely carried out the tendencies already evident before and implicit in the very nature of Nazi economic administration. Moreover, whether it was issued by the Reich or the "autonomous" Government, the wartime economic legislation usually conformed to the over-all purpose of the Germans to suppress the local population and assure detailed and effective German control.

The control of agriculture was effected by an ordinance of the Protectorate Government on September 18, 1939.⁽⁴⁸⁾ By this decree the Protectorate Minister for Agriculture was authorized, "for the duration of emergency conditions," to control the trade in "food and feed stocks" in order to safeguard the interests of the population. It appears, however, that the Protectorate control of agriculture was limited to the distribution of food and feed products within the Protectorate itself. The whole import and export of agricultural goods was controlled by the Reich Protector directly.

By an ordinance of April 12, 1940,⁽⁴⁹⁾ the Reich Protector created a "Bohemian and Moravian Import and Export Office for Nutritive and Agricultural Products." Its importance is clear from the very fact that it was set up as a legal person under public law and was under the immediate supervision of the Reich Protector. Furthermore, it was one of the offices which was empowered to subpoena information from Protectorate entrepreneurs and enterprises. There were no detailed statements in either the ordinance itself or in the by-laws of the Office about its functions. Its purpose, therefore, is to be deduced from its title, and appears to have been the control of the whole import and export trade of the Protectorate in agricultural commodities, and food and feed stocks. The Office

was not required to pay for taxes, stamps, and fees, and had to make a yearly report of its receipts and expenditures to the head of the Reich Protector's Office.⁽⁵⁰⁾ If dissolved, its property was to be employed in accordance with the Reich Protector's orders. It was thus an instrument through which the whole import and export trade of the Protectorate in the field of agricultural commodities and food and feed stocks came into the hands of the Reich.

In view of this and all the other measures subordinating Protectorate imports and exports to Reich control, it was only to be expected that the Reich would take over the function of reporting foreign trade statistics. This was done by a Reich ordinance⁽⁵¹⁾ introducing German regulations for foreign trade statistics in place of the existing Czech provisions.

With regard to machinery and tools, the Reich took over control not only of import and export, but also of all internal dealings in these vital commodities. Although such a procedure was partly a war measure, it was also implicit in the Reich program to transform industry into a German monopoly, and reduce the non-German population of Europe to predominantly agrarian colonies of the Reich. If the Reich could not afford to do away with Czech industry entirely, it had to make sure at least that such industry was strictly under its own control. By the Reich Protector's ordinance concerning the direction and allocation of machinery and tool production, dated April 3, 1940,⁽⁵²⁾ the supply of machines and tools to the Protectorate industries was made subject to Reich supervision by the Reich Protector. For this purpose an agent (entitled *Bevollmaechtigter fuer Maschinen-Produktion in Boehmen und Maehren*) was appointed, with his office in Prague. He, too, was authorized to subpoena information from Protectorate enterprises.

When Dr. Walther Bertsch was appointed Minister for Economics and Labor in the Protectorate Government, the rather confused and overlapping system of economic control hitherto prevailing was tightened by a unified control of the three elements which Germans regarded as "the basis of all measures necessary for adapting Bohemian-Moravian productive capacity to the production of the Reich"⁽⁵³⁾—raw materials, power resources, and manpower.

Strict regulations were issued by Reich authorities at that time (during the German offensives into the Balkans) to make sure that raw material supplies were used in rigid conformity with war requirements. The German war-economy ordinance, originally issued by the German Ministerial Council for Reich Defense on September 4, 1939,⁽⁵⁴⁾ which had been partially introduced in the Protectorate by a decree of April 2, 1941,⁽⁵⁵⁾ was now redrafted and applied in its entirety.⁽⁵⁶⁾ It established severe penalties—including death—for destroying, concealing or holding back raw materials or essential products, or hoarding, counterfeiting, or using illegally, rationed documents or forms, or holding back currency. The decree of the Fuehrer for the Protection of the Armament Economy⁽⁵⁷⁾ was also introduced in the Protectorate.⁽⁵⁸⁾ It prescribed similar penalties for false declarations as to manpower, raw materials, products, machinery and tools. Economic post-war planning by enterprises and the development of new civilian product models were forbidden for the Reich and the Protectorate by decrees of Marshal Hermann Goering,⁽⁵⁹⁾ the Commissioner for the Four Year Plan, and of the Reich Protector.⁽⁶⁰⁾

The control of power use by Dr. Bertsch was made possible by the Protectorate Government ordinance of October 3, 1942 for safeguarding the power supply.⁽⁶¹⁾ It allowed Minister Bertsch to direct the whole supply and distribution of energy

(electricity and gas), to cut off temporarily or permanently or to restrict the supply of electricity to consumers, and to distribute the available supply according to his judgment of the urgency of need.

At the same time drastic measures were taken to divert manpower from civilian production to the war effort. Sweeping legislation for labor market control already existed, including provisions against strikes and lockouts.⁽⁶²⁾ The Reich system of "technical emergency squads," was now, nonetheless, applied in the Protectorate by order of the Reich Minister of the Interior on July 10, 1942:⁽⁶³⁾ these squads were used in breaking any strikes which might occur. The eight-hour day, mandatory in Czechoslovakia since 1918,⁽⁶⁴⁾ had been abolished by a Protectorate Government decree of October 1, 1940,⁽⁶⁵⁾ permitting two hours of overtime daily without extra pay. Now, by a Protectorate ordinance of August 21, 1942, the sixty-hour week became mandatory.⁽⁶⁶⁾ German orders frequently instituted a twelve-hour day. In addition to these measures, however, in March 1942 the Reich itself set up an office for "labor assignment" under Fritz Sauckel which, in effect— as we shall see⁽⁶⁷⁾—took over control of the workings of the forced labor system in all Nazi-controlled countries. In connection therewith the Reich issued decrees for "General Mobilization" permitting civilian-serving enterprises to be closed down and their personnel assigned to the war effort. The Reich "General Mobilization Law" was taken over by a Protectorate Government ordinance⁽⁶⁸⁾ "regarding adaptation of industry, trade, and handicrafts to the conditions of war." This decree empowered Dr. Bertsch, whenever necessary in order to adjust to war requirements, to discontinue temporarily or restrict the operations of enterprises or departments of an enterprise in industry, trade, or handicrafts. Firms affected by such orders

were entitled to monetary assistance by a newly founded fund for mutual economic assistance.⁽⁶⁹⁾ Through the orders issued under this authority, the number of textile wholesalers, for example, was reduced by 800 to 900 firms. The licenses of all hawkers and market traders were reexamined. New regulations were issued for business agents.⁽⁷⁰⁾

The system of manpower control was backed up by a firm policy of fixing maximum wage scales. An ordinance passed by the Protectorate Government under Heydrich's sponsorship on December 10, 1941,⁽⁷¹⁾ and promulgated on the day of Bertsch's appointment as Minister of Economics and Labor (January 15, 1942) forbade all increases in wages or salaries without the written concurrence of the Minister. Furthermore, the ordinance empowered the Minister to issue new rulings, for reasons of war necessity, departing from the prescriptions of the existing law, with regard to wages, salaries, and conditions of labor, especially hours and vacation allowances. The workers were declared under obligation to perform work assigned them, not to be absent from or refuse to work or deliberately decrease their output.

Dr. Bertsch himself, at a meeting of industrialists on March 6, 1942,⁽⁷²⁾ gave assurance that "the present wage rates will be maintained under any circumstances." On April 1, 1942,⁽⁷³⁾ he decreed that collective labor agreements which were valid on December 31, 1941 would remain valid until they were ordered abolished or changed by the Minister. When a German employee was inducted for military service, and a substitute had to be upgraded to fill his position, Dr. Bertsch decreed, the substitute was not entitled to a salary commensurate with his new assignment unless the Minister consented thereto. The Minister could order a partial compensation or a partial increase of wage even in cases when the collective con-

RACIAL STATE

tracts or work orders or individual agreements in force would have granted the claim for the full higher salary. Thus every guarantee was provided that the wage standards of Protectorate workers would not improve. As we shall see,⁽⁷⁴⁾ these measures were supplemented by others which turned practically the whole Protectorate population into a mass of slave laborers whether employed at home or abroad.

ENTERPRISES UNDER GERMAN JURISDICTION

One of the chief elements of Czech "autonomy" to which the Germans could point was that Czecho-Slovak civil law was not replaced entirely by the German code. The economic system which was imposed, however, did away with any important differences in the law ruling business, whether Czech or German, in Bohemia-Moravia from that of the rest of the Reich.

The Czechs might comfort themselves with the reflection that they had been coordinated with the National Socialist political and economic system by their own Government and that their own jurisdiction kept them in line. But even this consolation was a precarious one. Not content with forcing the "adaptation" of Czech business to the Reich, directly administering banking and foreign trade, and supervising the Protectorate Government's internal controls, the Germans gave themselves another handle for the thorough-going assimilation of the Czech economy. Since German jurisdiction was exclusive with regard to "German subjects," the Nazis set up such sweeping definitions as to what business enterprises would be legally regarded as "German subjects," that an unrestricted number of Czech firms could be brought under German jurisdiction.

According to an ordinance of September 5, 1939,⁽⁷⁵⁾ the concept "German subject" was to include, with regard to civil suits:

COORDINATED ECONOMY

1. All unincorporated business enterprises, any one of whose personally liable associates was a German citizen;
2. Incorporated firms half of whose authorized representatives, directors, or managers were German citizens;
3. *Companies using the German language in business correspondence.*

German economic laws brought many Czech firms into constant contact with the German bureaucracy, and under German language laws the correspondence had to be in German. When there was any question whether a firm used the German language in correspondence, the German district governor was competent to decide it. It was a very simple matter, therefore, for Germans to assert their jurisdiction over Czech enterprises under this clause.

4. *Public law corporations and enterprises, foundations and institutions, if so decided by the Reich Protector.*

This sweeping clause gave the Germans jurisdiction over all cultural and economic public institutions of the Protectorate, whenever they chose to exercise it.⁽⁷⁶⁾

FINAL WORD ON ASSIMILATION

The assimilation of the Germans in Bohemia-Moravia to the Reich was in itself an object of the Nazi program. Beginning with the grant of Reich citizenship to the local *Volksdeutsche*, and the establishment of a German administration with jurisdiction over them, the assimilation of the Germans culminated in their compulsory organization in Reich vocational groups and their forced full acceptance of German National Socialism.

The Germans, however, did not content themselves with bring-

RACIAL STATE

ing their co-nationals body and soul into the Reich. They used the assimilation of the Germans as a tool for the completer control of the Protectorate. They insinuated or imposed Germans in every phase of Czech business and government. By their rules concerning jurisdiction, they required the Czechs to come before German courts in any matter where Germans were involved. With respect to business enterprises and other associations they laid down such broad definitions that it was a simple matter to bring the Czechs under them.

But, wherever necessary for German control, the policy of assimilation was extended directly to cover the Czechs as well as the Germans. The whole political and economic organization of the Czech part of the Protectorate of Bohemia-Moravia was forced into the mold of Nazi practice. The segregated Czechs were thus robbed of every vestige of independence, and their "autonomy" became merely the machinery for their political and social debasement.

The measures concerning the Czech schools and language do not give the impression that the Germans intended Czech nationality to persist in the Protectorate. Together with the effective German claim to reserve ruling positions for the *Herrenvolk*, they made it plain that the Czechs were to be a helot people. While they were not granted citizenship in the German Reich, their own powerless "autonomous" Government was to be staffed more and more by Germans. Their courts were to operate under the thumb of the Reich Protector, and their law was gradually to be accommodated to Reich law. Their professional classes, cut sharply by the ejection of the Jews, were to be steadily reduced by the closing of all their professional schools, and by a decreasing quota of Czech students permitted to enroll in preparatory schools. If they were to retain their own culture at all it was only for family use. They were to

COORDINATED ECONOMY

speak German to their rulers. Their children were to learn to think like "Reich-minded," submissive peons and slaves.

The Czechs before World War I bitterly resented the restrictions on their national development under Austria-Hungary and, like any other freedom-loving people, struggled without let-up until they achieved independence. But their position in the Dual Monarchy was infinitely better than in the Protectorate under their own "autonomous" Government. Under the Hapsburgs, Czech patriots had leeway in which to grow and develop their national discipline, organization, and culture. The German methods in segregating the Czechs in Bohemia-Moravia were well calculated to stifle independent organization, stultify Czech culture, and, if allowed to work out for a long enough time, to reduce the Czech people to the brute submissiveness of Nazi slaves.

There were no attempts, of course, to assimilate the Jews, either to the Reich or to the New Order in the Protectorate. Their way became clearer every day: from segregation—to elimination—to annihilation.

PART IV

THE METHOD OF DEPOPULATION

CHAPTER XI

EXPROPRIATION

THERE was one purpose which, as we have seen, ruled all the policies of the regime in Bohemia-Moravia: to establish German dominion. The legislation tending both to segregate the various sections of the population and to assimilate it all to the Reich's purpose was adapted to this end. However, it is obvious that the most direct and reliable method for entrenching Germany in the Protectorate would have been to colonize it with Germans and reduce the non-German population. The Reich did not neglect to use this road to its goal, as well as the others.

There was a steady infiltration of Germans into Bohemia-Moravia, and various methods, both devious and direct, served to oust non-Germans in order to make room for them. The methods used were as direct as slaughter by the Gestapo, or as devious as the forced recruitment of Czechs in the prime of life for labor abroad, whereby the Germans calculated that the non-German birth rate would be depressed. It is evident, of course, that the immediate purpose of German terrorism was to undermine possible Czech resistance to the Reich, and that labor was removed to Germany, primarily, in order to man war industries; but, from a long-range point of view, all such measures tended to increase the relative weight of Germans as against Czechs in the population balance of Bohemia-Moravia—a fact of which German plans took full cognizance.

Similarly, the various measures used to transfer ownership and management of property in Bohemia-Moravia to Germans

RACIAL STATE

not only promoted economic *Gleichschaltung*; they were also a method for resettling Germans in the Protectorate. The looting which accomplished these purposes was facilitated by elaborate "legislation" intended to validate the results; a camouflage to which not only the Reich but the Protectorate Government, particularly after its "reorganization" in 1942, contributed.

The methods used varied. If property could be labelled "Jewish," under the very broad Nazi definitions of what constitute "Jews" and "Jewish enterprises," the Germans simply took over full ownership by a series of complicated "legal" measures. The expropriation was complete. So far as "Jews" in the ordinary sense were concerned, this was a step in the self-proclaimed Nazi campaign to drive all Jews out of the Reich to Eastern areas where they could be destroyed in mass quarantine. In very many cases, non-Jews were shareholders or partners in property or enterprises seized as "Jewish." They, too, were expropriated in the German interest. To a very considerable extent, therefore, this legislation was a method of looting Czech as well as Jewish holdings under the pretext of anti-Semitism. But the Germans did not restrict their economic plunder of Bohemia-Moravia even to that wide field which they regarded as "Jewish." They assumed control and often ownership of important resources and enterprises which could not be treated as "Jewish" under any color, even of Nazi-formulated law. The whole process was accompanied by the placement of German settlers in vital Protectorate economic positions.

GENERAL MEASURES

The limits of this study do not permit an exhaustive survey of the extra-legal methods used in looting the Protectorate

EXPROPRIATION

economy. Suffice it to say that every law for German economic control in Bohemia-Moravia, particularly the bank regulations described above, became an instrument for extending German ownership and management. The actual legislation not only laid the groundwork which made such manoeuvres possible, but it frequently served as an *ex post facto* "validation" of simple pillage.

If we may cite a relatively trivial instance, the informal looting of the Protectorate by Nazi officials, officers, or soldiers is indirectly indicated by an enlightening decree by the Reich Protector. On October 1, 1940⁽¹⁾ the Reich Protector issued an ordinance declaring that cultural monuments, "objects of artistic or national patriotic value or of particular significance for science" could be removed from the Protectorate only with his permission. In this way a certain legal sanction was given to the systematic looting of Czech libraries, museums, and scientific institutions that had been under way ever since the Germans marched into Bohemia-Moravia, one and a half years before. In effect the ordinance stated that, whereas heretofore Nazi troopers or leaders had been free to pick up whatever they could informally when closing down Czech institutions or searching Czech homes, thenceforth all such transactions had to be cleared through the Reich Protector's Office.

Without going into intricate non-legal procedures, we may see from the laws themselves how far the Germans went in their effort to take over Czech property. An ordinance by the Reich Protector, issued at the end of August 1940,⁽²⁾ stipulated that all commercial and industrial enterprises in the Protectorate with a turnover of at least three million crowns a year must have a German president or first vice-president on their Board of Directors. Thus for instance the *Zemská Banka Pro-Cechy*⁽³⁾ (the dominant mortgage bank of the Protectorate),

RACIAL STATE

the *Zivno Banka*,⁽⁴⁾ the Central Trade Association,⁽⁵⁾ the *Bruexer Kohlen-Bergwerke*,⁽⁶⁾ and the *Skoda* plants,⁽⁷⁾ had Germans appointed as directors in control of their administration.

Other measures aided the Germans to gain possession of foreign securities and partnerships held by Protectorate subjects. The Foreign Currency Ordinance of June 23, 1939⁽⁸⁾ made it impossible for Protectorate firms to sell foreign enterprises or shares which they owned without the permission of the National Bank of Bohemia-Moravia. A decision by the Prague Chamber of the Bourse⁽⁹⁾ prohibited dealings in foreign securities on the Prague exchange after March 10, 1940. This measure was introduced generally in the exchanges of all countries occupied by Germany, so that such paper became worthless and its owners could be induced to sell cheaply to interested German parties.

On January 13, 1942, the Protectorate Minister of Finance made public a regulation⁽¹⁰⁾ adopted by the National Bank of Bohemia-Moravia on January 7th, which ordered Protectorate businesses to report to the bank any foreign enterprises of which they were owners or co-owners on December 31, 1941. In this way, a complete register of such foreign holdings was made available to the Germans. Somewhat later a supplementary ordinance was issued by the Protectorate Government⁽¹¹⁾ requiring residents of Bohemia-Moravia to register at the National Bank all shares, mining shares, and colonial securities quoted at any stock exchange in the Greater German Reich, which they held on May 15, 1942 and had purchased at any time since September 1, 1939. Exemptions were allowed for security holdings whose current market value was less than 1,000,000 crowns (\$40,000); but the Minister of Economics and Labor was authorized to lower the value exempted and de-

EXPROPRIATION

mand the registration of securities not quoted in Reich stock-exchanges.

The various orders for the withdrawal of citizenship from *émigré* anti-Nazis also carried confiscatory penalties. In addition, however, there were rules for the wholesale pillage of property applying to the entire group of refugees. The chief significance of these rules lies in their relation to German plans of property seizure.

The German flight-tax, a measure whereby anti-Nazi refugees were robbed of their property in the Reich, was taken over by the Protectorate Government which levied it upon all persons emigrating or having already emigrated from the Protectorate, including both Protectorate and *German* citizens.⁽¹²⁾ The only exemptions from this tax were for persons with a tax liability below a certain minimum; or for officials of the Reich and others exempt from Protectorate income tax; and finally for persons whose emigration was regarded by the Minister of Finance as being in the interests of the Protectorate, or having sufficient economic grounds. The tax amounted to 25 percent of the net value of the property. Failure to pay it within a period of sixty days could be punished, in addition to imprisonment for two weeks to a year, by a fine amounting to the full value of the property. Failure to report property or incorrect tax returns could be punished by fines up to ten times the amount of tax evasion and imprisonment up to two years.

THE EXPROPRIATION OF THE JEWS

The most blatant examples of "legal" expropriation were the laws on Jewish property in Bohemia-Moravia. Even in this case the Germans did not frankly order confiscation, but the terms used in the legislation were merely transparent circumlocutions. Jews were required to "register" their property and "deposit"

their valuables. They were forbidden to "acquire or dispose of" property and businesses, or to withdraw more than specified small sums from their "deposits." "Trustees" were appointed to administer their businesses, and in certain cases their goods were "impounded." In plain language the meaning of all these orders was the total expropriation of the Jews.

(a) *The Purpose of Jewish Expropriation*

These laws were almost all issued by Reich authorities; and they account for most of the anti-Jewish laws issued directly by the Germans. This is true of the ordinance for "the care of Jews and Jewish organizations,"⁽¹³⁾ one of whose chief purposes was to give Germans control of the property of Jewish organizations. The Germans carried out the economic destruction of the Jews themselves, just as they took over a good part of the general economic control of Bohemia-Moravia for direct administration by themselves. In both cases the Reich was determined that economic power, whether it was wrested from Czechs or Jews, should fall into the hands of Germans. The Reich had no such interest in directly administering the remaining anti-Jewish laws. After they had reduced the Jews to paupers, the Protectorate Government could be delegated, as proof of its willingness to "collaborate," to issue the rest of the paraphernalia of anti-Jewish legislation: segregating them as a group of pariahs, and preparing their final expulsion.

Thus the anti-Jewish laws of the Reich served much the same purpose as their general economic legislation in Bohemia-Moravia: they were a means of taking over ownership and control of economic power. Why, then, did the Germans enact special laws to enable them to seize Jewish property, instead of simply relying on the laws which brought the whole Protectorate economy under their thumb?

One reason, apparently, was their decision to destroy the Jewish population within a short time. They therefore needed to speed up the seizure, so that the new German owners could move in and take over well before the Gestapo set to work on the Jewish expulsions. In addition, however, the anti-Jewish economic laws served important propaganda functions in the total Nazi plan for policing the Protectorate. The special anti-Jewish measures were intended, it seems, both to serve a warning upon the Czechs and to deceive them as to the nature of German aims. The difference in the treatment of Jews and non-Jews was, at once, a form of bribe and subtle threat. It reminded the Czechs that there was one group of the Protectorate population which had even less rights than they. In this way notice was given that however bad things might be for the Czechs, they had still not fallen to the lowest station possible in Bohemia-Moravia, and that, consequently, cooperation with the Reich could only be to their advantage. The economic privation of the Jews was a concrete demonstration of what might be the Czech fate if they proved recalcitrant. This moral was even more cogently preached by the German campaign of depopulation, directed in full against the Jews, but also applied in certain aspects to the Czechs.

The other propaganda function of the anti-Semitic economic laws was the familiar one of suggesting that the extreme Nazi methods were ordinarily reserved only for Jews. The German anti-Jewish policy was, of course, well-known, and their anti-Jewish economic measures in Germany and Austria were fresh in everybody's memory. By proceeding against the property and the whole economic position of the Jews in the Protectorate with special severity and speed, they apparently hoped to create the illusion that their policy of "legal" confiscation was simply an application of the well-known anti-Jewish policy of the Reich

RACIAL STATE

and need not affect the Czechs, so long as they maintained a relatively "correct" attitude. Thus, the attention of the non-Jewish Protectorate subjects might be diverted from the other measures which, working more slowly and hidden by phrases concerning the "common interest" of the Reich and Protectorate, were directed against the economy of the Protectorate as a whole. They might be led to believe that it was only the Jews whose economic destruction was being plotted.

The fact is, of course, that even the nominally "anti-Jewish" laws were so framed that much non-Jewish property also was affected, and, under cover of the anti-Semitic economic laws, ultimately passed into German hands. The confiscatory laws about Jewish enterprises were based on definitions of such terms as "Jewish enterprise" which were highly elastic. The plain purpose of such a broad formulation was to extend the range of business enterprises which could be expropriated with relative ease. Jewish business in Bohemia-Moravia was highly diversified and interwoven with that of non-Jewish investors. The anti-Jewish laws were thus a very important legal instrument of the Germans for acquiring property and business firms, not only from Jews, but also from Czechs who were partners, associates, or investors in the firms affected.

An enterprise was regarded as Jewish:⁽¹⁴⁾

1. When the owner was a Jew;
2. If an unincorporated company, when *any one* of the personally liable associates was a Jew;
3. If a corporation or mining company, when *any one* of the directors or members of the administrative or supervisory boards was a Jew, or when Jews owned *one-fourth* of the capital or *one-half* of the voting shares of the corporation;

There were a great many firms, and especially joint stock

EXPROPRIATION

companies, in Bohemia-Moravia which fell under the above definitions (2 and 3), although the bulk of the capital invested was non-Jewish. A large part of Czech industry and commerce was thus made subject to anti-Jewish laws.

4. *Any enterprise was regarded as Jewish, furthermore, whatever its nominal structure, if it was actually under the dominant influence of Jews.*

Since the laws containing this provision were promulgated by the Reich Protector and would be enforced and interpreted by the German jurisdiction, any firm with a history of Jewish participation of any sort at any time "whatever its (current) nominal structure" could be declared "under the dominant influence of Jews" by the Nazis.

5. All branches of a Jewish enterprise were regarded as Jewish (even if they were in non-Jewish hands);
6. Branches of non-Jewish enterprises were regarded as Jewish, if the manager or one of the managers was a Jew.

All the above provisions were also applicable to Jewish membership associations. In addition, organizations, foundations, and funds were considered to be Jewish if they were actually under the dominant influence of Jews—a fact to be determined by the Reich Protector or his authorized agents.⁽¹⁵⁾

(b) *The Legal Basis*

The Germans lost no time in legislating for the ultimate expropriation of the Jews. Even the early civil governors who took over with the army of occupation had evidently received instructions on the question. By March 22, 1939, the German Chief of Civil Administration in Brno had published an ordinance forbidding the sale of Jewish real estate in Moravia. This

was followed by a similar ordinance by the Chief of Civil Administration in Prague on March 29, 1939.⁽¹⁶⁾

The basic general ordinance was issued by Reich Protector von Neurath on June 21, 1939,⁽¹⁷⁾ about two months after entering into office. It appears from the legal justification given in this law that it was issued in order to assert German control of anti-Jewish economic legislation against any attempt of the Protectorate to interfere. Ordinarily the German anti-Jewish laws were said to be issued in the "common interest" of the Reich and Protectorate.⁽¹⁸⁾ The July 21, 1939 law, however, refers its authority to Article V of the March 16th decree, which makes the Reich Protector responsible for the "observance of the political policies" of the Fuehrer and authorizes him to "advise" the Protectorate Government and "take necessary measures regarding steps of the Protectorate Government liable to injure the Reich." It is clear, therefore, that the June 21, 1939 decree was issued in order to forestall the Protectorate Government, which was contemplating laws about Jewish economic activity in an attempt to appease Nazi demands and at the same time keep control in Czech hands. Under the economic legislation of the Reich Protector, which supplanted the proposed Protectorate laws, the authorities took care that when Jewish property was, in effect, withdrawn from its owners, it fell into German and not other "Aryan" hands.⁽¹⁹⁾

The June 21, 1939 decree imposed severe restrictions on the purchase, sale, and use of a wide range of property by "Jews, Jewish enterprises, and Jewish associations." Without the written permission of the Reich Protector or his authorized agent, "Jews" could not dispose of their real estate rights, securities, shares, or businesses in any way, and they could not buy such property under any circumstances. There was a ban on Jews' buying, selling, or pawning gold, silver, plati-

num, jewelry, or art objects above a value of 10,000 crowns, except to a German company, *Hadega (Handelsgesellschaft m.b.H.)*, set up to receive such goods.⁽²⁰⁾ Neither a Jew nor a non-Jew married to a Jew might make deposits, or withdraw or transfer deposits in banks without the permission of the Protectorate Minister of Finance or his authorized agents.⁽²¹⁾

Jews were required to register practically everything they owned in all the above types of property. The foreign as well as domestic business property of Jewish enterprises including handicraft firms (but not peddlers and professionals) had to be registered.⁽²²⁾ The Germans used the lists thus compiled in an attempt to seize possession of Jewish property in foreign countries.

The only latitude at first given to Jewish businessmen was in the transfer of cash, notes, checks, dividends, and commercial papers during the routine transactions of business.⁽²³⁾ The Jews, so hemmed in by restrictions, were not even permitted freedom in going bankrupt. The ban on sales included forced sales, and no bids were accepted at a public auction of real estate without official permission. Even wills were declared invalid if they carried out testamentary agreements for bequests to Jews without official permission.

The above rules were made retroactive to March 15, 1939, the day before the Protectorate was established. Transactions contrary to them or attempting to evade them were declared invalid.⁽²⁴⁾ No transactions concluded after March 15th could be entered in official registers without an official permit or a certification that no Jews were involved.⁽²⁵⁾

But the German hand reached even farther back to claim Jewish property, by annulling transactions completed over a year before the German occupation. The "autonomous" Government was called upon to participate in this enterprise, for

its facilities were indispensable in checking up past transactions. Moreover, the Germans found it useful to leave all public records of business dealings in the hands of the Protectorate. Consequently the "autonomous" Government was required to enact measures for the control of current and the re-examination of past licenses to open, expand, or move business enterprises. The November 4, 1939⁽²⁶⁾ ordinance of the Protectorate Government, enacted for the above purpose, is characteristic of Czech legislation in the early days of the Protectorate. Not wishing to accept the Nazi definitions of the term "Jew," the ordinance was so formulated that it could be applied against the Jews without specifically naming them. This decree ordered that the consent of the authorities to the establishment or extension of enterprises, or their location in a new city, be granted only if the officer concerned was of the opinion that there were "no objections to such a step in view of the emergency situation," or on account of "reasons of public interest." The competent authorities were also empowered to investigate enterprises permitted to open, expand, or move after March 1, 1938, and if they felt it necessary, to withdraw any permits granted. In the case of factories or other important enterprises the competent Ministry was to be consulted before issuing a decision.⁽²⁷⁾

(c) *Confiscation by Other Names*

Nowhere in the property legislation was there an explicit statement of what was to happen to the assets Jews were compelled to register or to their property which they were not allowed to use as they saw fit. Actually the denial of the owner's right to act freely as a proprietor in relation to objects and rights belonging to him was nothing more nor less than the confiscation of the property and the expropriation of the

owner against his will and without appropriate compensation. The September 17, 1940 ordinance⁽²⁸⁾ of the President of the Ministerial Council for Reich Defense, in speaking about certain basic anti-Jewish property laws, gave them the comprehensive title of "a campaign of dejudaization" (*Entjudungsverfahren*). This was a correct, if modest, description, since the purpose of the "campaign" was to "dejudaize" not only Jewish property, but ultimately the whole of the Reich territory. However, as a legal description the phrase contains a typical Nazi inversion: in fact, it is not property which was dejudaized, but the Jew who was expropriated.

Following is a survey of the measures which resulted in the *de facto* confiscation of all the Jewish property which, as we have seen, was ordered registered:

1. The rents and lease payments of real estate owned by Jews were to be paid into frozen accounts in a foreign currency bank (as defined by the foreign currency regulation) chosen by the owner, his representative, or authorized agent;⁽²⁹⁾ expenditures covering costs immediately connected with the maintenance of the real estate (taxes, assessments, insurance premiums, necessary repairs, *etc.*) need not be deposited. The exemption applied also to interest and amortization payments on account of mortgages, but only if the creditor was an "Aryan" or "Aryan enterprise."

2. All payments in favor of Jewish enterprises and associations had to be deposited in a frozen account in a foreign currency bank or other financial institution authorized to accept such payments by the Protectorate Ministry of Finance (examining section).⁽³⁰⁾ The only exemptions were for payments to Jewish enterprises under the direction of an "Aryan" administrator appointed by the Reich Protector or officials authorized by him, and also for payments for goods and services sold by an enterprise or business, if it was customary to pay in cash.

3. Jewish enterprises and associations were to deposit shares, mining shares, bonds, and similar securities, objects of gold, platinum, and silver, precious stones, and pearls in their ownership, joint ownership, or possession, in a general deposit at a foreign currency bank to be designated as a Jewish deposit; the same held for non-Jews in possession of Jewish property. Rights pertaining to such securities and objects remained unimpaired. Releases from these deposits required the permission of the Reich Protector. These provisions did not apply to Jews of foreign citizenship.⁽³¹⁾ Certain objects of lesser value made of precious metals were exempt from deposit.⁽³²⁾

4. Deposit and savings bank books and deposit sheets of Jews, except foreigners, even if held by non-Jewish custodians, unless appointed by the Reich, had to be submitted to the financial institutions which issued them. They were then cancelled by those institutions, and the deposits, together with accumulated interest transferred to frozen Jewish accounts.⁽³³⁾

5. Credits, guaranteed deposits, and safe deposits in financial institutions located in the remainder of the Reich territory, which must be registered, were frozen.⁽³⁴⁾ Withdrawals from such accounts required the previous written permission of the Protectorate Ministry of Finance. Exception was made for withdrawals for settling tax debts and assessments for which the depositor was liable in the Reich territory.

6. Jews, Jewish enterprises and associations must deposit at a bank stamp and postal collections in their ownership, joint ownership, or possession, except if they had received permission from the Protectorate Ministry of Finance by March 15, 1941 to sell them. This provision did not apply to Jews of foreign citizenship and to non-Jewish spouses of Jews.⁽³⁵⁾

7. The ordinances of the Reich Minister of the Economy dated December 23, and 27, 1940,⁽³⁶⁾ which were also promulgated by the Reich Protector of Bohemia-Mora-

via,⁽³⁷⁾ provided that Jews who were formerly Czechoslovak citizens, possessing or having possessed nativity or settlement rights in a community of Bohemia-Moravia, and who had not already acquired some other citizenship, must deliver objects of gold, platinum, and silver, precious stones, and pearls, belonging to them, to a public purchasing agency in Berlin, and deposit all their mining shares, bonds, and securities at a foreign currency bank.

8. There was an explicit provision for impounding Jewish property in the ordinance of the Ministerial Council for Reich Defense regarding the "treatment of property of citizens of the former Polish State."⁽³⁸⁾ According to this ordinance, the property of Jews of Polish citizenship within the Greater German Reich was to be impounded and, when necessary, put under commissary administration. But such property in the *Protectorate* continued to be treated according to the procedure laid down in the Reich Protector's ordinances "about Jewish property" (June 21, 1939) and "for the elimination of Jews from the economy" (June 26, 1940) with the provision, however, that the Reich Protector must deal with this property in agreement with the *Reichsdeutsche Haupttreuhandstelle Ost*. The property of stateless Jews whose last citizenship was Polish was included under the above regulations.

9. In the course of a calendar month, a Jew might withdraw from all his frozen accounts in one or more financial institutions the following maximum sums:

if single or widowed, 2,000 crowns; if married and living in the same household with a spouse, 5,000 crowns; for every other Jewish person living in the household and for every person working, living, or maintained there, 500 crowns.⁽³⁹⁾

It is quite apparent that Jewish business could not be expected to prosper under these rules. Accordingly, the June 21st decree and its supplements provided for commissary administration of Jewish enterprises by German "trustees." These

German administrators could choose to carry on a formerly "Jewish" enterprise—in which case the anti-Jewish laws no longer applied against it—or they could wind up its affairs and sell the stock or business, preferably to Germans. The proceeds of these transactions—minus administration costs—were deposited, of course, in frozen accounts.

According to paragraph 9 of the ordinance of June 21, 1939, the Reich Protector was authorized to appoint trustees for Jewish property, subject to his supervision and instruction, in cases where he saw fit.⁽⁴⁰⁾ He might discharge *other persons* previously appointed as trustees and receivers by the Protectorate administration and, if he thought it necessary, replace them by his own trustees. His own trustees might also be recalled at any time by the Reich Protector. During the time that a trustee was in charge of a business or estate, all powers of the owners, managers, or administrators under court order to act for or against an enterprise lapsed.

The purposes for which the Reich Protector could appoint a trustee included "the continuation, liquidation, or sale of an enterprise." The trustee was empowered to undertake, in his own name, but on the account of the enterprise or affected parties, all judicial and extra-judicial legal business and transactions in the performance of his function. The costs of his management were borne by the enterprise. The trustee was empowered to make income tax statements for the business or estate, and was obliged and entitled to pay debts out of the proceeds of affairs administered by him.⁽⁴¹⁾ He had the right to realize Jewish property values secured by a mortgage and even by a tax lien,⁽⁴²⁾ although otherwise the sale of mortgaged Jewish property values required the permission of the Reich Protector. Generally, the restrictions otherwise imposed on Jewish business did not apply to the German trustees. En-

terprises administered by a trustee were treated as equal to non-Jewish firms in such matters as allocation of priorities, grant of public contracts, treatment by banks, interest on bank balances.⁽⁴³⁾

(d) *The Final Bans*

The decisive blow to the general run of Jewish business was the Reich Protector's ordinance of January 26, 1940 "for the elimination of the Jews from the Protectorate economy."⁽⁴⁴⁾ This decree barred Jews from entire branches of industry and commerce, thus supplementing the "Aryanization" of individual firms in heavy industry under the June 21, 1939 decree. The terms of the ordinance were quite comprehensive and explicit. Jewish entrepreneurs might be forbidden to manage businesses of any sort; Jewish businesses operating in defiance of such orders were to be shut down by the police. The enterprises affected by bans against Jewish management were to be dissolved and liquidated. Exceptions were permitted⁽⁴⁵⁾ only in cases where the transfer of the business to non-Jewish—that is German—possession was "economically desirable," for instance, if it was necessary to keep the business open in order to supply the public. The stocks of businesses to be liquidated were to be "offered to designated official agencies and dealt with according to their orders," which meant that they were to be made available to the Reich with no specific requirement that the Reich pay. Creditors of enterprises in liquidation were to be paid out of the proceeds of liquidation, as in bankruptcy proceedings; thus, if an official Reich agency took over the stock, paying with promises, all the creditors get their *pro rata* share of promises. If an enterprise in liquidation had contracted to receive services or to occupy certain rooms for its business, such a contract might be terminated be-

fore its expiration by either party to the contract, giving the German "trustees" complete freedom of action.

Successive decrees under this ordinance applied the ban on Jews to the whole range of business enterprise. By the first executory decree,⁽⁴⁶⁾ Jewish enterprises in the shoe and leather trades, including the shoe departments of Jewish stores, were to be shut down on April 30, 1940. As of February 1, 1940 Jewish businessmen were barred from markets, fairs, and exhibitions and, beginning on April 30, 1940, from peddling and canvassing. The second executory decree,⁽⁴⁷⁾ effective April 15, 1940, barred Jews from the production and distribution of movies, and from operating studios, film developing and printing businesses, and moving picture houses. The third executory decree⁽⁴⁸⁾ listed a long series of important as well as minor businesses forbidden to Jews as of March 31, 1941: wholesale and retail trade, houses and inns, insurance companies, shipping companies, express and storage companies, travel bureaus and agencies, tourist guides, passenger transport, banking and money changing, pawn-brokers' shops, business information and collection agencies, private guard and protective associations, penny arcades, advertising agencies, house rental, real estate and mortgage brokers' agencies, private employment agencies, and matrimonial agencies. Jews were prohibited also from operating distilleries under the liquor monopoly.⁽⁴⁹⁾

By these measures the elimination of Jews and Jewish enterprises was practically completed. If we take them in conjunction with the bans on Jews in the professions and in private employment, it is clear that the way was paved for the complete physical extinction, step by step, of the Jews, in full accord with the example of Germany itself. The places thus left vacant were available to Germans, both *Volksdeutsche* already resident in Bohemia-Moravia and new settlers.

DEPOPULATION AND RESETTLEMENT

WHEN the Reich took over the territory of the Protectorate, there were less than a quarter of a million Germans in Bohemia-Moravia as against six and a half million Czechs. It was no great problem to maintain German political supremacy by the force of the Reich's overwhelming numbers and armaments. But the Germans wished to establish their dominance locally as well. We have seen how they used two methods for this purpose: they emasculated and suppressed all independent authority, political or moral, among the Czechs, substituting German masters; they tried to force acceptance of German views and aims by the Czech people. Yet all this was not enough to assure a permanent German hold on the Protectorate area, capable of persisting by its own strength. For this to be achieved the Germans probably had no ultimate alternative but to alter the relative number of Czechs and Germans in the Protectorate.

The Germans had full plans for changing the composition of the population in their favor. The plans included colonization of Germans in strategic towns and farm areas. They also included a variety of techniques for inducing depopulation among the non-Germans. The ruthlessness of these methods was extreme: isolating men from women by calling them up separately for forced labor duties, or by deportation; cutting down the birth rate by oppression; and direct and indirect slaughter. Almost the whole plan was set in motion against the Jews. But certain phases were applied against the Czechs,

too, and the possibility of its thorough and systematic application was held over their heads as a constant threat.

STRATEGIC COLONIZATION

The vast apparatus of German administration, both civil and military, served in itself to settle an army of Germans in Bohemia-Moravia. In comparison with the original German group, they constituted no small addition of strength. Being placed in positions of power, moreover, they counted for far more than their actual numbers. In addition, in carefully selected zones of Bohemia-Moravia the Reich resettled German peasants transferred from elsewhere in Europe. The land for this purpose was acquired by seizing public lands, by "revising" the parcellation of large estates previously carried out by the Czechoslovak Land Reform Administration, and by the so-called "Aryanization" of Jewish estates. Similar methods led to the placement of Germans in commercial and industrial occupations. Altogether, as early as 1941, the number of German immigrants settled in Bohemia-Moravia was already greater than the indigenous German population.⁽¹⁾ According to the Swiss newspaper, *Basler Neueste Nachrichten*, March 17, 1944, there were 250,000 Germans in Prague alone, as compared with 30,000 in 1938.

The zones of German colonization were chosen according to a quasi-military plan. Germans were settled in areas where they "encircled" important Czech centers. One of the clearest objectives of the plan was to divide Moravia from Bohemia, on the German theory that the Czechs in these two sections were not a single nation but a series of distinct clans. Moravia was marked out for more rapid Germanization, for German influence had always been stronger there than in Bohemia.

Accordingly, an ordinance of the Reich Protector on June 12,

1941⁽²⁾ established five entire municipal corporations, the communities of Jihlava (*Iglau*), Moravska Budejovice (*Budweis*), Brno (*Bruenn*), Olomouc (*Olmuetz*) and Moravska Ostrava (*Maehrisch-Ostrau*), as "German subjects." These five Moravian cities had been German strongholds before World War I and were in the area which the Germans were interested in colonizing in order to insert pincers of German settlement between Moravia and Bohemia, so that the two provinces of the Protectorate might be forced apart and the way to German domination made easier. The ordinance of June 12, 1941 did not, of course, affect the civil jurisdiction over the citizens of these communities who were treated according to whether they were Germans or "other inhabitants." But in any case where one of the municipalities appeared as such before a court, either as plaintiff or defendant, German jurisdiction was provided even though the majority of the citizens were Czechs.

The bearing of these acts becomes plain in a very curious provision of the March 16, 1939 decree establishing the Protectorate. Article I, paragraph 2 of the decree provides that, in so far as the defense of the Reich demanded, the Fuehrer and Reich Chancellor could make arrangements which would eliminate *certain portions of the area* from the Protectorate. This authorized further partition or fragmentation of the Protectorate area whenever it was desired to announce such a change.

AGRICULTURAL RESETTLEMENT

The German program of peasant resettlement in Bohemia-Moravia was impressive not because it assumed large proportions—in fact it was a relatively small project—but because the measures adopted hinted plainly at much more ambitious programs of "Germanization" in the post-war period. The German Resettlement Company of Berlin established a Prague branch

in 1942. This Protectorate company reported⁽³⁾ that it took over 975 farms for the purpose of resettling German farmers in 1942 and that it still held about 43,800 acres at the end of 1942.⁽⁴⁾ The resettlers were Germans from Southern Tyrol, Rumania, the Baltic States, and Yugoslavia. An ordinance by the Reich Protector of February 19, 1942⁽⁵⁾ authorized the *Deutsche Landesrentenbank* in Berlin to grant loans to German subjects for the purpose of building homes for agricultural workers and craftsmen.

Considerable aid to resettlers was given by the two Nazi youth organizations—the *Hitler Jugend* (for boys) and the *Bund Deutscher Maedchen* (for girls). The whole Protectorate was covered by “outposts” (*Stuetzpunkte*) of these two organizations. Every day the older boys and girls drove by bicycle or marched to the farms of resettlers, to help in the harvest and become accustomed to the conditions of what might become their new homeland. Students from Germany as well as from German universities in the Protectorate were mobilized for similar work, after special training. These projects were given considerable publicity in the German press.⁽⁶⁾ Special “Agricultural and German *Volkstum* Offices” in the Protectorate were in contact with German “youth leaders” to aid in training German youngsters to help on the farms of German resettlers.⁽⁷⁾

This was more than merely a “land army” project, intended only to utilize young people in farm production. Czech farmers were also expected to turn in large quotas of farm products, but no “land army” project was developed to aid them. They were “encouraged” by high prices, on the one hand, and by the strong-arm methods of the German “grain campaigns.” Reports from Prague in the summer of 1942⁽⁸⁾ and in March 1943⁽⁹⁾ told of hundreds of Czech farmers arrested by the Gestapo; and others had their property confiscated. For ex-

ample on February 5, 1943, seven were sentenced to death and many others to imprisonment and hard labor for “offenses against food regulations.” The entirely different methods used in the case of German resettlers indicate that they were regarded as a higher caste and the future masters of the soil of the Protectorate.

COLONIZATION BY EVACUEES

Another form of colonization was an outgrowth of the evacuation of bombed-out Germans from Hamburg, Essen, Hanover, Berlin and others of the Reich’s industrial centers, to the Protectorate. In December 1942, according to German reports,⁽¹⁰⁾ a special organization for the evacuation of children had established 200 camps in the Protectorate, accommodating 15,000 children between ten and fourteen years of age. In addition, German children were accommodated in hotels, palaces, and villas throughout the Protectorate.⁽¹¹⁾ The Spa of Podebrady was taken over for the needs of German youth, so that a report of October 3, 1943⁽¹²⁾ said that “the town today is a town of youth, of German youth.” A Nazi Party member, formerly a pastor in Oberhausen-Osterfeld in the Ruhr area, was appointed “commandant” of Podebrady and, as was enthusiastically reported, “became so acclimatized in Podebrady that Osterfeld will probably not see him again.”

The influx of German children was greatly increased in 1943 under a program called the “Hitler Youth Children’s Extended Evacuation Scheme.”⁽¹³⁾ The original idea of keeping the children in the Protectorate for only six months was abandoned, and the new program contemplated having the children grow up in this “most beautiful part of the Reich” where they would be trained for permanent settlement.

RACIAL STATE

FORCED LABOR

Forced labor, or "labor service," as the Germans preferred to call it, had an honored place in the Nazi system for educating the young.⁽¹⁴⁾ It was originally conceived as a privilege of the German citizens of the Protectorate, like military service, not to be shared by the subject race. All male and female youth of German citizenship in the Protectorate had to render "labor service."⁽¹⁵⁾ By order of the Reich Protector on August 1, 1939,⁽¹⁶⁾ a special regulation was issued in the Protectorate, dealing with the age classes nearing the time of service, defining what credit was to be given towards labor service for service in the former Czechoslovak army, and establishing rules concerning German subjects in the Protectorate who were already actively engaged in military service, or were soon to be inducted into the army. During the war, the duty of labor service in the Reich was extended to new categories of persons. These rules were also applied to the German subjects in the Protectorate.⁽¹⁷⁾ The most noteworthy were the inclusion of young women and the lowering of the service age to seventeen years.⁽¹⁸⁾

Germans called up for labor or military service were protected by rules preserving their seniority and granting them supplementary pay, if they were Protectorate officials. A special regulation to this effect was introduced by the ordinance of the Protectorate Government of April 25, 1940,⁽¹⁹⁾ providing that German Protectorate officials continue to receive their salaries during the period of their military or labor service. This rule benefited officials of the Protectorate itself, of regional, district, or communal governments, of all institutions, enterprises, foundations, or other organizations connected with one of these authorities, as well as judicial officers and teachers.

In the course of the war, the short supply of manpower

DEPOPULATION AND RESETTLEMENT

changed the character of the "labor service" administration. The propagandistic aims and National Socialist "training" gave place more and more to the urgent needs of the war effort. As the military service claimed more and more Germans, "labor service" turned increasingly into a form of slavery, open or disguised, for non-Germans. These changes were reflected in the legislation concerning the Protectorate.

The first step in this development was the enactment by the Protectorate Government even before the war of its own Czech "labor service" by an ordinance of July 25, 1939.⁽²⁰⁾ Under this decree *all Protectorate subjects*, without distinction of age or sex, could be called up for labor for a period of one year, with a possible extension for another year.

Among the purposes of the July 25, 1939 ordinance, "training" was mentioned, as in the German "labor service" decrees. After the outbreak of the war, however, this pretense was dropped. The labor of Czechs was requisitioned simply and solely for war tasks. The Reich itself, which previously disdained to call up Czech laborers, extended its "emergency service ordinance" of October 15, 1938,⁽²¹⁾ to apply to "Protectorate residents" by a decree of November 25, 1939.⁽²²⁾ Under this ordinance, the German district governors could call up Protectorate residents for short or long term "emergency service" within the Protectorate when there was a "need of manpower for tasks of special State significance." The concept of "State tasks" was divided into two categories: "public emergencies," and "state projects in the common interest." Even as so subdivided, the definition of the purposes for which labor could be requisitioned remained quite elastic. While introduced in the Protectorate during the war, this legislation was in effect in the Reich in the year 1938. Its significance for the Protectorate, therefore, exceeded that of a mere war ordinance

and tended to be a general claim upon the labor of *all Protectorate subjects* for the Reich.

The Protectorate Government revised its previous legislation by an ordinance of January 23, 1941,⁽²³⁾ in principle similar to the German ordinance, but applying to a more restricted range of persons. Under this decree concerning "measures for the regulation of manpower," employable male residents of the Protectorate from eighteen to fifty years of age could be compelled to work under the guidance and supervision of a labor bureau for private firms. The duration of a labor call was generally limited to six months. The following were mentioned as examples of work which might be required: projects on behalf of national defense, provision of food supplies, production of consumer goods, economic development of the country, improvement of traffic conditions, as well as service in public emergencies and natural catastrophes. Calls to labor were to be made by the regional labor bureaus by means of a "service induction order"; jobs could not be accepted or left without the labor bureau's approval. Though this ordinance presumably enacted compulsory labor service on behalf of the needs of the "Protectorate," the clauses cited above show that, in part, it dealt with functions which the Reich had taken over for its own administration. In these cases, the Protectorate Government was only the instrument whereby the Reich mobilized the Protectorate population for its own purposes.

Additional regulations subsequently issued were summed up in an ordinance dated May 4, 1942.⁽²⁴⁾ By this ordinance—and by an earlier ordinance No. 58/42 of December 18, 1941⁽²⁵⁾—all emergency labor (and during the war nearly all labor in the Protectorate was emergency labor) and all labor placement services were transferred to the supervision of the Minister for Economics and Labor, the German, Dr. Walther

Bertsch. Although the decrees stressed that employment, even when arranged by the Labor Service Administration, remained a relationship under private law, the comprehensive apparatus for control both of agricultural and industrial labor made practically all employment a public concern in the Protectorate, and turned practically all Czech workers into compulsory servants of the Reich and its war machine.

By this legislation the worker was tied to his place of employment at governmentally fixed wages and hours. He was now under "legal" obligation to work systematically and conscientiously. An employer had to apply for workers to labor bureaus which, after due examination, would grant him the number of workers which they considered he had proved to be necessary. He was compelled to discharge workers whom the Labor Office needed for another enterprise. He was not allowed generally⁽²⁶⁾ to discharge workers without the consent of the Labor Office. No compensation was to be granted for damages which an enterprise might suffer in connection with this legislation.⁽²⁷⁾

Provided with such powers, Dr. Bertsch was well equipped to carry out the "general mobilization" whereby the Reich harnessed all its local and foreign manpower to the war effort. A decree by Hitler on March 1, 1942⁽²⁸⁾ had appointed the Nazi Reich Statthalter and Gauleiter, Fritz Sauckel, Labor Czar for all Germany and its annexed and occupied territories. His task was to mobilize all labor necessary for the war economy, including impressed foreigners and prisoners of war, as well as other available labor, in the Greater German Reich, the Protectorate, Poland, and all occupied countries. He was entitled to issue new laws and to change the existing ones, in agreement with Hermann Goering, Representative General for the Four Year Plan. In January 1943, Sauckel issued a call for a

“general mobilization” for the war effort of all available men and women, including Poles, Czechs, stateless persons, and inhabitants of the Protectorate.⁽²⁹⁾ The call was followed, in the Protectorate, by a decree of the Minister of Economics and Labor, Dr. Walther Bertsch, on February 2, 1943⁽³⁰⁾ calling up for forced labor men from 16 to 65 and women from 17 to 45 years of age (including expectant mothers and mothers of one child over six years or of two children over fourteen years of age). This measure meant the breaking up of Czech families, for persons called up had to go where ordered, within the Protectorate, to the Reich, or elsewhere abroad.

In connection with the “general mobilization,” certain civilian enterprises were closed down, and a systematic campaign was conducted throughout the Protectorate to register all the employees of such enterprises. Domestic servants, such as housemaids, charwomen, housekeepers, servants, gardeners, nurses, governesses, were also registered, part of them being redistributed to households with many children where a domestic servant was regarded as necessary, while the remainder were called up for forced labor.⁽³¹⁾ As a result of the “general mobilization,” the *Berliner Boersenzeitung* reported on November 2, 1943:⁽³²⁾

“The number of working hours achieved in Bohemia-Moravia with a total population of seven million inhabitants exceeds the working hours of the entire former Czechoslovak Republic with its fifteen million inhabitants.”

Czech youth was drafted for forced labor by annual classes, as in other countries men are conscripted for military service. All juveniles leaving school had to pass through the Department for Juveniles of the Labor Office, which “advised” and allocated them for labor training, according to their ability.⁽³³⁾

The Protectorate Government established an “Institute for Labor Science” in Prague,⁽³⁴⁾ under the supervision of Minister Walther Bertsch and Colonel Emanuel Moravec, with the object of increasing, perfecting, and expediting production in all fields of work by means of research in the “psychology, physiology, and sociology of labor.”

Thus the whole Protectorate population was systematically “combed out,” “scientifically retrained,” mobilized and re-assigned for the sole purpose of turning out more working hours and a greater product for its masters—the Reich, and its German soldiers and officials. This was the end for which the Protectorate Government collaborated. It did not matter what spirits were crushed, what lives were snuffed out, what careers were ended; or families broken.

Such was the fate of those Protectorate subjects who were “allowed” to slave within their own country. But there were others, the exported ones.

MANPOWER EXPORT

Although the legislation from 1939 until 1941 referred only to labor service within the boundaries of the Protectorate, in fact, masses of Czech workers had already been transported into the Reich for long-term labor there, together with large numbers of other foreign workers. The Germans never issued figures about the Czech “unemployed” whom they said they had brought to the Reich as “voluntary” workers. According to official Czechoslovak sources,⁽³⁵⁾ the number of unemployed in Bohemia-Moravia amounted to 93,000 when the Reich occupied the country on March 15, 1939. But in the middle of 1940, the number of Czechs taken to the Reich for labor was estimated to be more than 200,000.

Some two years later, in August 1942, the number of Czech

RACIAL STATE

workers deported to the Reich was estimated at more than 500,000.⁽³⁶⁾ They were employed not only in Germany, but also in the occupied countries, for instance by the "Todt Organization" building fortifications in France and on other fronts. By the Protectorate ordinances of December 18, 1941 and May 4, 1942, mentioned above, Czechs were "legally" compelled to work outside of the Protectorate. The first ordinance stated that single as well as widowed, divorced, and separated persons could be called up for labor in other areas of the Reich. The ordinance of May 4, 1942 went farther, stating generally that able-bodied inhabitants of the Reich could be called up for work in other areas of the Reich. No exceptions were made with respect to family status or sex.

How many Czech camps were set up in the Reich was not announced. According to a report from Prague,⁽³⁷⁾ a single German firm, known as the "building staff" of German War Production Minister Speer, had about fifty-one such camps; the Berlin electric company *Allgemeine Elektrizitaets Gesellschaft* was served by four Czech labor camps, of from four to five hundred workers each. After the time of these reports, the "general mobilization" must have raised the number of Czech workers outside the Protectorate considerably.

From the beginning it had been feared that the transportation of Czechs to the Reich was one of the Nazi methods for "Germanizing" the Protectorate area. Whether it was this intention or the need of the German war machine which caused so substantial an export of manpower, the fact remains that Czech families were split up, with inevitable effects upon the natural increase of the Czech population. By forcing a considerable proportion of the active age groups of the Czech population into labor camps, the Czech birth rate was reduced and the death rate increased.

CHAPTER XIII

THE EXTINCTION OF THE JEWS

IN THE case of the Jews, the design of the German "depopulation" policy emerges unmistakably. The extinction of the Jews was the avowed purpose of the Nazis and was pursued inexorably. Having shut out the Jews from all occupations and sequestered their property, the Germans left them a mass of unemployed paupers. They then reorganized the whole Jewish community in such a way that its chief function became to aid in the elimination of the Jews from the Protectorate. This purpose was achieved by a series of successive stages, marked respectively by a policy of forced emigration, local segregation, forced labor, and finally deportation. At each step the Germans made sure to extort the maximum in loot and labor from the tortured Jews.

THE CENTRAL OFFICE OF JEWISH EMIGRATION

To help carry out certain routine tasks, ostensibly involved in the segregation of the Jews but actually leading to their extinction, the Nazis created a special agency, the "Central Office of Jewish Emigration." The decree creating this agency was issued by the Reich Protector on March 5, 1940,⁽¹⁾ and bore the characteristically brazen title, "Ordinance for the Care of Jews and Jewish Organizations." Under it, the "Central Office of Jewish Emigration" in Prague was granted supervisory powers over all Jewish religious communities, and through them over every individual "Jew," including those of

“non-Mosaic faith.”⁽²⁾ The functions of the Central Office of Jewish Emigration were plainly indicated by its name. In its premises was concentrated the whole machinery of the Protectorate and the Jewish community for the export of Jews from the Protectorate, working under the close supervision of the Gestapo.

In addition, the ordinance provided that other functions could be assigned to the Central Office and, through it, to the Jewish communities. At different times, the Central Office and its affiliates were ordered:

1. to collect, on the basis of a schedule of contributions approved by the Reich Protector, “fees” imposed upon Jews for support of the “religious communities”;⁽³⁾
2. to provide relief for the Jewish poor, in so far as the resources of the communities permitted, in place of the public relief ordinarily granted;⁽⁴⁾
3. to assemble persons to be sent to concentration centers for eventual deportation.⁽⁵⁾

A special “Emigration Fund of Bohemia-Moravia” was created to take charge of all the Central Office’s property.⁽⁶⁾ The Fund was constituted as a legal personality of public law. It was supervised by the Commanding Officer of the Security Police in the Reich Protector’s office, who also issued its by-laws. The Fund was exempt from all imposts; in any civil litigations in which it was involved, the German jurisdiction was exclusively competent. This Fund became the “Aryanization” Office for all Jewish wealth in the Protectorate.

EMIGRATION

For some time the Germans permitted organized Jewish emigration from the Protectorate area to take place. The Central Office was the authority which, after the emigrant had complied

with all prescribed formalities—such as the emigration tax which anyone emigrating after March 14, 1939 had to pay⁽⁷⁾—issued the necessary official papers.

It was a general rule that no emigrant could remove any of his goods without the permission of the Protectorate Ministry of Finance. For Jewish emigrants special rules were set up⁽⁸⁾ whereby goods acquired before September 1, 1939 could be exported duty-free in “normal” quantities, but all other property was subject to an export payment of 100% of the assessed value of the goods. For gold and silver objects previously exported, the payment amounted to 300% of the value. In addition to these payments, the handling charges had to be paid to the authorities. Only after paying these taxes and fees, did the Jewish proprietor receive the necessary permit to have his property sent abroad by an “Aryan” shipper licensed by the Ministry of Finance.

These were the official regulations. But they were gradually replaced by the German practice, which allowed an emigrant to take along only one or two suitcases with personal belongings for his immediate needs and ten Reichsmarks in German currency. In this way, it depended completely on the discretion of the Gestapo officials at the frontiers what belongings an emigrant was permitted to export. Thus, while the bulk of Jewish property was registered and deposited under the comprehensive legislation discussed previously,⁽⁹⁾ even their personal belongings were seized before the emigrants were permitted to escape.

LOCAL SEGREGATION

A preliminary step in preparing for the deportation and killing of Czech Jews was their segregation in special quarters in certain cities. There they were not only held easily avail-

able for deportation but, while awaiting that fate, were used for forced labor and weakened by calculated ill-treatment.

The Central Office of Jewish Emigration was given "powers of supervision" over Jewish residence; that is to say, it had to issue German orders, aimed directly or indirectly at clearing Jews out of specified business and residential areas. By these orders the Nazis not only made certain areas "*judenrein*" but they obtained extensive control over real estate. As early as September 1940, the Central Office informed the Jewish communities, for public proclamation, that Jews no longer had the right to rent vacant apartments in Prague;⁽¹⁰⁾ they could move only into residences already occupied by other Jews. At that time the Gestapo was ordering the removal of whole Jewish communities to the larger cities, particularly to Prague, where they would be available for registration and assignment to forced labor or deportation. The order forbidding Jews to rent vacant apartments resulted in overcrowding the restricted sections where Jews could reside. On September 10, 1940,⁽¹¹⁾ the Prague police set aside two hostels exclusively for the temporary use of Jews arriving in the city.⁽¹²⁾

On October 7, 1940⁽¹³⁾ the Reich Protector ordered that throughout the Protectorate no residential quarters leased to Jews could be leased anew upon termination of the contract, without the consent of the Central Office of Jewish Emigration. This applied even to a renewal of the lease by the same tenant. The rule also applied to apartments and homes vacant since June 30, 1940. A similar ordinance was issued by the Reich Protector on May 2, 1941⁽¹⁴⁾ concerning business premises. Contracts of Jews or Jewish enterprises to occupy such premises could be terminated by the German district governor at any moment by written notice to the lessor or lessee. The district governor could order the tenant dispossessed, and a new lease

granted to persons and for a period designated by the district governor. In Prague subleasing of apartments and rooms was controlled by the introduction of special sublease-books.⁽¹⁵⁾

A Protectorate Government ordinance of August 10, 1942⁽¹⁶⁾ forbade all inhabitants of the Protectorate—producers, manufacturers, dealers, and private consumers—to deliver to Jews, with or without consideration, fruit; vegetables, fresh, dried or preserved; wines and liquors; jams and marmalades; cheese; candies; fish and fish products; poultry; and any kind of game. As we have seen above, there were restrictions forbidding Jews to buy even the foods they were entitled to receive until after non-Jews had made their purchases. It was the officially ordered starvation of the Protectorate Jews.

FORCED LABOR

Like the other inhabitants of the Protectorate, the Protectorate Jews were subject to forced labor, on the basis of the Protectorate Government ordinance of January 23, 1941, which we have already discussed.⁽¹⁷⁾ But special ordinances were issued subjecting Jewish workmen to much severer conditions. In the end, these rules brought about the destruction of Protectorate Jewry. Thus, Protectorate Government ordinance No. 58 of December 18, 1941⁽¹⁸⁾ contained special prescriptions concerning the employment of Jews. No Jew could be employed except by special (written) permission of the Labor Office, even if he worked without payment or was a relative of the employer. Permission to employ a Jew would be granted only for a definite time, and under specified conditions as to duties; such permission could be revoked by the Labor Office at will. In practice, permission for the free private employment of Jews was rarely granted, all Jews being consigned to forced labor.

But even with regard to forced labor, special regulations were issued for Jewish workers. A Protectorate decree of July 17, 1942⁽¹⁹⁾ declared that "employment relationships of a special kind" obtained in the case of Jews in forced labor. Jews had a claim to be paid only for work actually done. No payment during periods of sickness was allowed, nor were Jewish workers entitled to extra rates for overtime, night shift, or holiday work. Bonuses and special payments usually given to workers on Christmas, New Year, or other occasions, as well as severance pay or other special payment at the end of employment, were forbidden in the case of Jews. Any disbursement in kind, as for housing, nutrition, lighting, or heat had to be deducted from wages or salary. Other special increments, such as were ordinarily granted to aid workers with large families or on special occasions such as marriage, or emergencies like confinements, births, or deaths were forbidden in the case of Jews. No Jewish employee was entitled to a paid vacation, although he might theoretically be granted "leave" without payment for the same period as the vacation he would have had if not a Jew. Jewish employees could be given notice at any time, effective at the the end of the next working day. No restrictions on hours of work were applicable to Jews, but for Jewish youngsters between fourteen and eighteen years of age, the maximum hours in force for adult non-Jewish workers applied.

This barbarous ordinance, signed by President Hacha, Minister of Justice and Chairman of the Cabinet Krejci, Minister of the Interior Bienert, and Minister of Economics and Labor Bertsch, reduced the Jews to the state of robots. No consideration for the smallest human needs of the working Jews was tolerated. With this ordinance the Protectorate Government

achieved its lowest stage of servility and submissiveness to the anti-Jewish designs of its Nazi masters.

DEPORTATION

The ordinances for local segregation and forced labor were the "legal" basis used in the final deportation of the Protectorate Jews. But legislation was of minor significance in this process; the most damaging measures, whereby Jews were removed from their homes and transferred to forced labor camps in the Protectorate or in foreign countries, were applied without reference to it. These measures were ordered not by the Protectorate but by the Gestapo itself, which also carried them out. The texts of the special orders issued have not been made known. The German secret state police, which enforced them, saw to it that neither the Official Gazette nor the radio made them public. The orders were executed on very short notice and were usually transmitted orally to the heads of Jewish communities. It is quite clear that the Jews of the smaller towns were practically all expelled in this way. Mass deportations were also ordered and carried out in Prague, Moravska-Ostrava, Plzen, and Brno.⁽²⁰⁾ By the end of January 1942, it was reported that Plzen was completely "*judenrein*."⁽²¹⁾ In October 1943, it became known that the Jewish community in Prague had been dissolved and that a "Council of Elders" had been established in that city, which means that, at most, only a small number of Jews lived there at that time.⁽²²⁾

As to the destinations to which Jews were sent, we have the following typical cases of labor camps, from reports in the press: A Jewish penal labor battalion was established in Moravska-Ostrava in October 1941, made up of Jews who had already been detained by the Germans at some previous

time;⁽²³⁾ special labor camps were set up for Jews at Nemecky-Brod and Terezin;⁽²⁴⁾ Jews were deported to the swamp areas of Pinsk in Poland;⁽²⁵⁾ a number of Jews were transferred to coal mines, for instance in Kladno, for forced labor.⁽²⁶⁾ Other Jews, not regarded as suitable for heavy labor, were sent to the ghettos and extermination centers of Poland and occupied Soviet territory. Conditions in labor camps tended to eliminate the "unfit" among the Jews speedily; and the health of the strongest was steadily undermined, so that they, too, were doomed to inevitable death.

Leaving generally on twenty-four hour notice, the forced laborers had to abandon such personal belongings as remained to them, and left wives, children, and parents to fend for themselves as best they could under the conditions of the Nazi regime for the Jews. In 1942, unofficially, a list was published⁽²⁷⁾ of the things which a Jew being sent to a labor camp was allowed to take along: three suits, eight shirts, twelve pairs of socks, twelve handkerchiefs, one hat, two overcoats, one pillow and cover, one set of fork, knife and spoon, one pot, one plate, personal and family souvenirs, ritual objects, tools, one nickel watch, one flash-light, one portfolio or suitcase, victuals for three days. The total weight was limited to fifty kilograms, including wrapping or box. These last Jewish belongings became the object of petty looting by Gestapo men. It was forbidden to carry the following: valuable objects, money, arms, cigars, cigarettes, or tobacco, matches, cigarette lighters, all papers except personal and family documents.

Much of the property left behind could be disposed of under the powers of the Central Office of Jewish Emigration which had "legal power" to dissolve or order mergers of all Jewish religious communities, organizations, foundations, and funds, except business enterprises, without explanation and subject to

no appeal. The property of the dissolved bodies was to be assigned to the Bohemia-Moravia "Emigration Fund."

A concentration center of particular importance was set up in the old prison-fortress of Terezin (Theresienstadt). On February 16, 1942,⁽²⁸⁾ Acting Reich Protector Reinhard Heydrich issued an ordinance concerning "measures for the allocation of Jews in closed settlements." Despite its title, the decree, consisting of fifteen articles, contains no concrete instructions regarding the "allocation" of Jews. The ordinance dissolved the community of Terezin, and expropriated all real estate⁽²⁹⁾ situated in Terezin in favor of the Bohemia-Moravia Emigration Fund. All the communal property of Terezin was also transferred to the ownership of the Emigration Fund. All non-Jewish residents were ordered removed from the city, with dispossessed owners of real estate to be compensated by the Emigration Fund. Only in section 14 is there a clause regarding the use of Terezin as a "Jewish settlement." It states that measures for setting up the "Jewish settlement" would be issued in an administrative ruling by the Commanding Officer of the "*Sicherheitspolizei*" in the office of the Reich Protector. Thus the fate of the Jews was given over, by law, completely into the hands of the Gestapo.

Terezin became a concentration center for large numbers of Jews from the Protectorate and from Western Europe. The aged particularly were sent there. According to an estimate of February 1943,⁽³⁰⁾ out of the 92,000 "Jews" of the Protectorate, 62,000 had been deported to Eastern Europe at that time, some 10,000 had been transferred to Terezin, and the remaining 18,000 still lived in the Protectorate, in "indescribable conditions of starvation and degradation." A later estimate (June 1944)⁽³¹⁾ indicated that the transfer of Protectorate Jews

to Terezin was reaching completion: at that time there were about 22,500 Protectorate Jews in Terezin.

In addition to Protectorate Jews, a balance of about 30,000 other Jews, deported from the Reich and Western Europe, were kept in Terezin permanently. Many more than this passed through: it was reported in January 1944 that by July 1943 more than 400,000 European Jews had been sent to Terezin in transit to extermination centers further East.⁽³²⁾ Conflicting accounts agree in giving the impression that the Germans hoped for some time to use the Terezin camp as an "ace in the hole" to show that, as evidenced in this one case, the German treatment of interned Jews fell somewhat short of an outright extermination policy. On one or two occasions, visits by outsiders were permitted; and Jewish agencies were allowed to send food parcels.

According to a Jewish report published in June 1943⁽³³⁾ Terezin had its own well-organized Jewish Self-Help Committee, under German control. Collective measures were taken to provide food for those inhabitants who, because of age, were unable to work. The aged were quartered in blocks of houses labelled "Reich (or Protectorate) Homes for Aged Jews." The younger Jews, working at forced labor, had to build barracks for themselves adjoining the original residential quarters. From their daily wages of twelve crowns (half a dollar), six crowns were deducted for the maintenance of those in Terezin who could not work. There were communal soup kitchens. Since some of the best Jewish physicians and social workers of Europe were concentrated in Terezin, the Homes for the Aged had their own medical service; however, an almost total lack of medical supplies was reported. Money sent to Terezin from neutral countries arrived regularly, receipts being signed not by a German commissar but by the recipient himself. But

there was such a shortage of food in Terezin, that life was sustained only by packages of supplies, such as dried milk and sardines, sent from abroad with the permission of the German supervisors.

A much graver report stems from a German Red Cross delegation which was admitted to Terezin at the end of June 1943.⁽³⁴⁾ It is later, consequently, than the description referred to above. The delegation was reported to have been deeply moved by the difficulties the internees had to cope with. At that time there were 43,800 Jews in Terezin. One-third were quite incapable of any work, the other two-thirds were all at forced labor. The average age of the internees was sixty years. They were destitute of practically all necessities and seriously underfed. Accommodations were said to be very bad, since originally the town had 7,000 inhabitants altogether. Five persons in one room was an exceptionally fortunate situation. Parcels sent from Portugal, Switzerland, and Turkey arrived in good order. Apart from these, it was reported, some 3,000 parcels were sent to Terezin each month from the Protectorate, apparently by Czechs who wished thus to express their sympathy.

According to a report from Stockholm,⁽³⁵⁾ two representatives of the Danish Ministry of Foreign Affairs received permission from the German authorities to visit Terezin, in order to ascertain the condition of 1,600 deported Danish Jews. The report of those representatives was that Danish Jews were being treated better than other Jews in Terezin "due to Denmark's special position" (it was not considered an occupied country at the time).

A comparison of the reports which reached the outside world shows that apparently the situation in Terezin deteriorated after the first report was written. In fact, a note appended to the earlier, more favorable account indicates that "in the last few

RACIAL STATE

weeks" evidence of a harsher policy was already reaching the world. A statement from Czechoslovak official sources in London on June 19, 1944⁽³⁶⁾ reports that 7,000 Protectorate Jews had recently been transferred to death camps in Poland and slain there. Apparently the Germans were giving up the hope of passing off even the horrible conditions of Terezin as a model of the treatment they accorded to Jewish internees. The much swifter and less refined extermination methods applied elsewhere were only too well known.

CIVIL DEATH

The Nazi masters of the Protectorate did not neglect the final step of liquidating the Jews of Bohemia-Moravia "legally," as well as in fact. It was necessary, first of all, to "establish the status" of all the Jewish property, which had been registered and deposited with the authorities and the banks designated by the legislation on Jewish property, but which so far had not found a new "legal" owner. The ordinances for this purpose (the second⁽³⁷⁾ and the fourth⁽³⁸⁾ ordinance "for the care of Jews and Jewish organizations") were issued by Acting Reich Protector Reinhard Heydrich. The first of these prescribed that the Central Office of Jewish Emigration could "wind up" the disposition of the property of Jewish emigrants, if the departing owner applied for such action in writing. Obviously, it was in the Central Office's (the Gestapo's) power to refuse to issue permits for emigration unless such written resignation of ownership rights were submitted.⁽³⁹⁾ A paper of this sort was declared by the ordinance to be a public document of the kind required by the Czechoslovak Real Estate Registry Law for the transfer of real estate.

The second of these decrees empowered the Central Office

THE EXTINCTION OF THE JEWS

to transfer such Jewish property to the Bohemia-Moravia Emigration Fund, which by that act acquired all the rights of the former owner. These two ordinances together accomplished the wholesale "Aryanization" of the property of all Jews who emigrated after October 1941.

But the ordinances left unsettled the question of the property of Jews who emigrated before October 1941 or who did not emigrate at all but were deported or died. To take care of this detail, the pattern of Reich legislation, as in so many other cases, was followed. By the ordinance of November 2, 1942,⁽⁴⁰⁾ the Reich Government had ruled that a Jewish Protectorate subject lost his Protectorate citizenship if he resided abroad "under circumstances which make it evident that he is not living there temporarily." Under this formula, which the Reich Protector's Gestapo Chief was empowered to apply, all Jews abroad, whether emigrants, deportees, or forced laborers, "legally" lost their property rights.⁽⁴¹⁾ Upon his loss of Protectorate citizenship, the property of a Jew was declared seized by the German Reich. Such persons could not inherit from a Protectorate or a German subject, and gifts to them on the part of Protectorate or German subjects were forbidden.

Thus the German Reich became the "legal heir" of all Jews still living; or rather, for the purposes of the Reich, the Jews were dead and the Reich became their heirs as soon as they crossed the border of the Protectorate. The more Jews died, civilly, by being removed from the area of the Protectorate by order of the Gestapo, the bigger was the Gestapo's inheritance. It was a roaring business.

Finally, on July 1, 1943,⁽⁴²⁾ the thirteenth decree under the Reich Citizens' Law of September 15, 1935 was promulgated. With respect to the Protectorate, it provided that within the

RACIAL STATE

sphere of German administration and jurisdiction "culpable actions committed by Jews will be punished by the police." Being thus formally consigned to the care of the Gestapo, Jews were deprived even of such legal guarantees as were represented by the right to be tried before a criminal court, even a German court. Now the prosecutor and judge of the Jews became the same person, the police. In using the expression "culpable actions" the German legislator plainly indicated that it did not matter whether a Jew was accused of having committed a minor legal offense or a crime. All Jewish affairs were to be handled by the police.

The ordinance, inevitably, contained another rule in the field of civil law. "After the death of a Jew his property goes to the Reich." By this regulation Nazism set the last stone into place in its edifice of Jew-looting. Within and without the borders of the Reich and the Protectorate, the Reich considered itself as the legal successor in Jewish ownership.

By the elimination of the Jews from the Protectorate, one major purpose of Nazi policy was achieved. During the five years of Nazi rule in Bohemia-Moravia the elimination of the Jews, in its successive phases, also served other important Nazi ends. It paved the way for German resettlement. It was a pretext for extending Nazi control over Czech property. It was a Nazi test of Czech collaboration. And, it was a weapon in the psychological arsenal of Nazi rule; by their anti-Semitic policy, the Nazis planned to deflect Czech antagonism from themselves to another quarter; and, at the same time, to point a moral and post a warning of the consequences which opposition might entail. In this respect the elimination of the Jews was an item in the Nazi manual for policing subject territory by propaganda as well as force. In Bohemia-Moravia this

THE EXTINCTION OF THE JEWS

aspect of the anti-Semitic policy was understood by the majority of the population. Consequently it failed. The Jews of Bohemia-Moravia, however, will not have survived to celebrate its defeat.

CHAPTER XIV

THE FAILURE OF FORCE

THE Nazi system of legislation, minutely conceived to win over the Protectorate to the Reich, was not sufficient to accomplish this purpose. Although every phase of life in the Protectorate was brought under German domination by the laws in effect, edicts could not determine the will of the people. Measures of bribery and persuasion, too, were not spared, as evident in our survey of the legislation. But when all these expedients failed, the Germans did not hesitate to use violence and terror on a grand scale, annihilating substantial parts of the known or suspected resistance.

Obviously, direct action by Nazi henchmen cannot adequately be described in terms of legislation. Yet, in this case, too, the Germans attempted to cover the harshest measures by legalistic formulations and expressions. Actually, of course, such laws and ordinances were no more than the bare announcement of ultimate despotism, and the transfer of the administrative authority to the firing squads and hangmen of the Gestapo.

NEURATH: THE GLOVED FIST

Reich Protector Konstantin von Neurath was the protagonist of the theory that the occupied lands of the Protectorate could be dominated satisfactorily by legislation. During the period when he was Reich Protector, from April 1939 until September 1941, the legislation with respect to both Czechs and Jews

THE FAILURE OF FORCE

was, as we have seen, a chain of planned and purposeful "Germanization." Step by step, the very "autonomous" Czech Government which Hitler established was broken down, and the rights of the Czech and Jewish inhabitants of the Protectorate were taken over by the German minority and by new German settlers. But Herr von Neurath was not a man who could use only "legal" methods of administering a country. He knew how to abandon the pretense of "legality" on occasion, and use the naked fist of violence. This he showed in his fight against the universities and students of the Protectorate in November 1939, the first of many subsequent struggles against the Czech *intelligentsia*.

Besides Baron von Neurath's "legal" administration there were, from the very beginning of the Protectorate, powerful Gestapo detachments and a full system of Nazi concentration camps in the Protectorate. The mass arrests of Czech patriots and politicians like General Bily, Major Klapka, and the deputy Richter, of well known Socialists, leaders of the workers' movements and cooperatives, and of the Czech clergy increased considerably after the war broke out.⁽¹⁾ At that time also appeared the first announcements of the deaths of Czechs in Nazi prisons. The German Military Courts and the German People's Court instituted trials for acts of high treason and sabotage, and death sentences were passed and executed.

Nonetheless Herr von Neurath was a disappointment from the Nazi point of view. He was not the ideal Nazi choice of a "strong man" temperamentally predisposed to apply *all* the measures which Nazi "total" ruthlessness might conceive for ensuring the compliance of the inhabitants of the Protectorate regardless of their private sentiments. His incumbency was marked by a wave of open resistance and sabotage throughout the Protectorate, becoming especially pronounced toward its end after

RACIAL STATE

Germany had plunged into the war with Soviet Russia. Von Neurath had to be replaced by a man whose record guaranteed that no "legal-mindedness" could possibly inhibit him in using every weapon which Nazi "statecraft" put at his disposal. This man was found in Elite Guard Obergruppenfuehrer and General of Police, Reinhard Heydrich. In a decree of September 27, 1941,⁽²⁾ Hitler declared that, "for the duration of the illness of Baron von Neurath, the functions of Acting Reich Protector had been assigned to Obergruppenfuehrer Heydrich."

HEYDRICH: THE HANGMAN

The appointment of Heydrich was a tacit admission that the German theory of Bohemia-Moravia as a natural, historical part of a single Greater Reich was mistaken and that the Nazi juridical constructions of a "protected" country and of the "common interests" of the Reich and the Protectorate were merely vain attempts to rationalize a patent annexation by force. The numerous reports⁽³⁾ of acts of sabotage against trains, railway tracks, warehouses and buildings, the wrecking of several entire plants by explosions, the series of mysterious fires in many other factories, the persistent and protracted strikes gave proof that the population was bitterly opposed to the German Protectorate, and that the masses did not intend to cooperate in the name of "common interests" which existed only in the vocabulary of the Nazis.

Heydrich, then the first assistant of Gestapo Chief Heinrich Himmler, and also Frick's right hand man in the Ministry of the Interior, belonged to the school of those for whom everyone who was not a German or a German slave was a foe. For him a non-cooperative Bohemia-Moravia was enemy territory, and its population was to be treated like the inhabitants of all

THE FAILURE OF FORCE

other occupied countries which, regardless of international law, had to be forced to make way for the German master race. His appointment as Acting Reich Protector initiated a campaign of murder calculated to wipe out those non-German inhabitants of the Protectorate who by education, political connections, prestige among the masses, or simply as bad examples, were considered potentially harmful to the German cause in that part of its *Lebensraum*.

Heydrich's last official act as Undersecretary in the Reich Ministry of the Interior had been the signature and promulgation of the Jew-Star Ordinance of September 1, 1941.⁽⁴⁾ His first acts in the Protectorate were three ordinances of September 27th,⁽⁵⁾ 28th,⁽⁶⁾ and October 1, 1941,⁽⁷⁾ by which a "civil state of emergency" was proclaimed throughout Bohemia-Moravia. The new Reich Protector's *Blitzkrieg* tactics were characteristically shown by proclaiming the state of emergency at once by radio and by posters. These decrees were promulgated⁽⁸⁾ in the Official Gazettes of the Reich and the Protectorate respectively a considerable time before those organs published Hitler's decree appointing Heydrich as Acting Reich Protector.

Under the first ordinance the Reich Protector endowed himself with the power of proclaiming a "civil state of emergency" for the whole Protectorate or parts of it. Through such a proclamation, the Reich Protector acquired the "right" to ignore existing law, and to rule under emergency martial law and by courts-martial. These courts, to be set up by the Reich Protector, could sentence offenders to death, transfer their cases to the Gestapo, or acquit them. They could also order the seizure of property.

The preamble to the second ordinance set forth that, "recently irresponsible elements and persons in the pay of the enemies of Europe had committed a number of acts hostile to

the Reich." The Reich Protector expected that the population, which for the most part, he averred, understood that the destiny of the European peoples was tied up with German victory, would not succumb to provocation by enemies of the Reich, but would preserve order and do its regular work. The ordinance then proclaimed a civil state of emergency and declared that anyone aware of acts forbidden under the state of emergency who did not report them to the authorities would be punished under martial law.

The third ordinance extended the state of emergency to the parts of the Protectorate not covered by the preceding ordinance.

These ordinances were the basis of Heydrich's reign of terror in Bohemia-Moravia.⁽⁹⁾ By the end of 1941 more than four hundred people had been sentenced to death and executed on charges such as subversive activities, high treason, acts of sabotage, listening to foreign broadcasts, or disseminating information from foreign sources.⁽¹⁰⁾ General Alois Elias, the Czech Prime Minister, was sentenced to death on September 29, 1941; he was executed, after nine months of imprisonment, on June 20, 1942. Others executed were the Generals Josef Bily, Hugo Vojta, Oleg Svatek, Frantisek Horacek, Mikulas Dolezal, Vaclav Sara; the former Mayor of Prague, Otakar Klapka; Vladimir Groh, professor at Brno University; Karel Treybal, district judge; and also members of parliament, editors, industrialists, financiers, farm and labor leaders, together with other men from all walks of life, of every party and every denomination.⁽¹¹⁾ Among those executed a substantial proportion were Jews.

Up to the middle of October 1941, more than nine hundred persons were handed over by courts martial to the Gestapo—which meant that they were consigned to police prisons or con-

centration camps. Many others, in addition, were sent to concentration camps by the Gestapo itself, to be held as hostages for the "good behavior" of the Protectorate population.

By the successive decrees of November 29, 1941⁽¹²⁾ and January 19, 1942,⁽¹³⁾ Heydrich declared the state of emergency at an end, "in view of the steadily improving situation." Courts-martial, however, continued to be active.

Heydrich's purge of the Protectorate momentarily silenced resistance and enabled the Acting Reich Protector to carry out his "reorganization" of the Protectorate Government in January 1942 and the following months,⁽¹⁴⁾ by which a Cabinet of collaborationists became the approved leaders of the "autonomous" Protectorate. But Heydrich's plans went farther than this. He negotiated with the Protectorate Government and with President Hacha concerning the *de facto*, if not *de jure*, incorporation of the Protectorate into the political framework of the Greater German Reich.⁽¹⁵⁾ These negotiations were nearing conclusion when, on May 27, 1942, unknown patriots succeeded in waylaying the Hangman and wounded him with bombs, leading to his death on June 4, 1942.

REPRISALS BY DALUEGE

Heydrich's death was the signal for a new wave of violence throughout the Protectorate. Two other Gestapo-men took up this work: Kurt Daluege, Elite Guard and Police Commanding General; and K. H. Frank, Undersecretary in the Reich Protector's office. Undersecretary Frank, as deputy of the Reich Protector, issued a decree on the very day of the attack on Heydrich,⁽¹⁶⁾ proclaiming a civil state of emergency for the whole Protectorate. The decree declared: "Any person who gives asylum to the authors of this attack, or who aids them in any other manner, or who, knowing those authors or their

whereabouts, does not denounce them, shall be shot *together with his family.*" A public proclamation by K. H. Frank on the same day⁽¹⁷⁾ promised a reward of 10 million crowns (about \$235,000) to persons who helped bring about the arrest of the persons responsible for Heydrich's death. The proclamation set a curfew from 9 P.M., May 27, 1942, until 6 A.M., May 28, 1942. During those hours, hotels, restaurants, theaters, and places of entertainment were to be closed, and all public transport suspended. Anyone seen in the streets was to be shot immediately, if he did not halt at the first command.

Obergruppenfuehrer Kurt Daluege, who was immediately appointed Acting Reich Protector, issued a decree on May 28, 1942⁽¹⁸⁾ forbidding any meetings and assemblies of Czechs for the duration of the state of emergency. Exceptions were made for directors' meetings the dates of which were already set and all other meetings of purely economic character; the latter, however, only if competent authorities granted permission. All theaters, cinemas, and other places of amusement had to close at 9 P.M. German organizations, meetings, or concerns were not subject to the restrictions, except as to the hours of closing. The doors of private houses had to be closed and locked no later than 11 P.M. except where an earlier hour was set by local authorities.

On March 28, 1942,⁽¹⁹⁾ Acting Reich Protector Kurt Daluege decreed that all non-German subjects over fifteen years of age, staying in the Protectorate but not yet registered, had to register at once at the competent police department. Any unregistered person in the Protectorate after 12 P.M., May 29, 1942, and anyone harboring such persons, would be shot.

A further proclamation by K. H. Frank on June 13, 1942⁽²⁰⁾ stated that persons under "obligation" to denounce others would

not be shot if they did their "duty" by 10 P.M., June 18, 1942. Anyone who, after that time, learned of facts bearing on Heydrich's execution had to denounce the person involved within twenty-four hours. For complying with orders, he would receive a reward; for failure to do so, he and his family would be shot, and the family property would be confiscated.

Such were the decrees. What was their effect?

The Nazi newspaper *Der Neue Tag* of Prague published several lists of those condemned to death and executed. The lists, though incomplete, allow us to draw certain conclusions about the type of persons executed, their trades and professions: it is clear that the reign of terror after the attack upon Heydrich was used to decimate the ranks of Czech professionals and leaders.⁽²¹⁾

A report from Switzerland on June 4, 1942,⁽²²⁾ the day Heydrich died, states that, officially, 178 had already been executed, most of them for "approving the attempted murder." A statement by the Czechoslovak Government in London in July 1943⁽²³⁾ declared that 1300 had been executed between May 28th and July 4, 1942. Among them was a considerable number of Jews. More than 5,000 persons were arrested by the Gestapo. According to the Berlin *Deutsche Allgemeine Zeitung*,⁽²⁴⁾ German courts martial in the Protectorate were so overburdened, that the judges were forced to move from town to town holding court without formalities. These tribunals of death became notorious under the name of "courts on wheels."

On June 10, 1942, the village of Lidice near Kladno, about eighteen miles from Prague, was destroyed by the Gestapo.⁽²⁵⁾ The mayor of the town, the town secretary, the local priest, and the entire male population over seventeen years of age, approximately two hundred persons, were shot on the spot. The children, approximately 120, were transferred to reformatories

in Germany. The whole village was destroyed and completely levelled to the ground and the name of Lidice was erased from official records. Cattle and domestic animals were driven to distant villages and distributed to German colonists. The reason for these measures, as given in a German report of June 10th,⁽²⁶⁾ was that the population of Lidice had "afforded support and help to the set of culprits in question" and that their "guilt" was aggravated by other acts hostile to the Reich, such as keeping "treasonable" printed matter, stores of arms and munitions, illegal wireless transmitters, and extremely large quantities of rationed goods.

On June 24, 1942,—according to *Der Neue Tag*, Prague⁽²⁷⁾—the village of Lezaky near Louka (district of Chrudim) was razed in the same way and the adult inhabitants were shot. The reason cited was that the inhabitants had harbored Czech paratroopers who played a leading role in plotting the attack upon Heydrich, and had tried to protect them against arrest by the police.

These bloody reprisals against the inhabitants of the Protectorate were a continuation of the cunningly planned policy of selective depopulation by violence initiated by Heydrich. The leadership of the Czech people, in the professions, in industry, and among the working classes was exterminated. The proceeds of the Gestapo raids whereby Czech villages were wiped out were distributed among German colonists. If Germany had not needed the products of Czech industrial workers so badly, reprisals might have been more extensive. In an address to the workers at the Skoda Works in June 1942,⁽²⁸⁾ Dr. Voss, Chairman of the Board of Directors, stated that Adolf Hitler "loves labor, and that he did not undertake the sharpest measures against the Czechs after the assassination of Heydrich only because of his respect for the Czech munition workers."

Hitler's "love" for the Czech munition workers may be explained by the same reasons which led him to deport Czech workers together with foreign workers from all the Nazi occupied countries to the Reich: the need for munitions, armaments, all the products of slave labor in war industries was its core and essence.

On July 3, 1942⁽²⁹⁾ Acting Reich Protector Daluge issued a decree lifting the civil state of emergency; but the express stipulation was made that the courts martial would continue to operate. They "remained competent for the judgment of criminal acts committed in direct connection with the attack upon Reinhard Heydrich." The courts martial were solely competent to judge whether a connection existed between any act committed at a future date and the Heydrich assassination. Thus, courts martial became a permanent institution in the Protectorate.

The lifting of the civil state of emergency was a mere formality, and did not affect the reign of terror in the Protectorate. On the very same day, Acting Reich Protector Daluge issued another ordinance⁽³⁰⁾ imposing the death penalty, or in minor cases imprisonment at hard labor, upon anyone who harbored or otherwise aided, or did not denounce to the authorities, any person who—to his knowledge or reasonable supposition—participated in an enterprise hostile to the Reich; or anyone who counterfeited personal identification cards or procured or delivered identification cards which were forged or intended for unauthorized use. Ordering the death penalty for comparatively minor offenses of this type was, legally and in practical effect, a continuation of the state of emergency.

FRICK AND FRANK

By August 1943 the steady decline of Germany's fortunes

RACIAL STATE

at war forced Hitler to put even greater reliance upon the Gestapo. Gestapo Chief Heinrich Himmler was appointed Reich Minister of the Interior and "Chief of the Reich Administration."⁽³¹⁾ This change made it necessary to find a new position for the former Minister of the Interior, Wilhelm Frick. Since it was in his office that the original March 16, 1939 decree establishing the Protectorate of Bohemia-Moravia had been formulated, the honorific position of Reich Protector seemed an appropriate place for Frick. However, Undersecretary Karl Hermann Frank, with the new title of German Minister of State for Bohemia-Moravia, was kept on hand to apply the knowledge and experience he had accumulated under Herr von Neurath and the two Acting Reich Protectors, Heydrich and Daluge. As we have shown above,⁽³²⁾ the establishment of the new State Ministry meant a significant step in the direction of merging the "Protectorate" in the Reich. Frank, as the head of that Ministry, was the true master of the Protectorate, and conducted its affairs in the spirit of the Gestapo, of which he was a trusted officer. Reich Protector Frick himself, after his long term in the Reich Ministry of the Interior working with men like Heinrich Himmler and Reinhard Heydrich, could hardly be expected to oppose any measure of violence which events in the Protectorate might seem to necessitate.

One of Frank's first acts was to summon the German civil servants and Gestapo functionaries and tell them that he intended to wring the last drop of productivity out of Czech industry for the benefit of the German war effort. His new position, he added, gave him power to "arrest any Czech Minister even after a banquet."⁽³³⁾ But there was no need to arrest Czech Ministers in Prague. Collaborationism was in full swing. In an article in *Narodni Politika* on December 6, 1943,⁽³⁴⁾ Minister Emanuel Moravec gave a "warning to tempters," and

THE FAILURE OF FORCE

stressed the Czech Government "program of still closer cooperation with the Reich and of loyalty to it in life and death."

The gruesome machinery of police and courts continued its bloody work unabated. On November 13, 1943 a decision of the German *Reichsgericht* was published,⁽³⁵⁾ stating:

"In the Protectorate any assistance given to persons wanted by the Gestapo is an offense against German law. Therefore such offenses are to be dealt with by a German court according to German law, regardless of whether the person giving assistance did or did not know that the person he was assisting had committed a criminal offense against the German penal law and was wanted by the Gestapo."

By this decision, the highest German court approved the arbitrary exercise of power by the Gestapo in the Protectorate. No subject of the Protectorate could hope to be judged by Czech judges any longer if the Gestapo intervened.

The results of the reign of terror can be traced in the announcements of official and semi-official journals. *Der Neue Tag* in Prague conducted a continuous listing of sentences against Protectorate subjects, which were passed either by the courts martial, or the People's Court, or the "Special Tribunal of the German *Landgericht*" in Prague. The alleged crimes varied: listening to enemy broadcasts; innkeepers listening with their customers to enemy broadcasts; assisting Communists wanted by the Gestapo; supporting and not denouncing enemies of the Reich wanted by the police; illicit trading in pigs; failure to deliver and illicit trading in cereals. The penalty was always the same: death. On October 28, 1943, the Stockholm newspaper *Svenska Dagbladet*⁽³⁶⁾ reported an announcement from Prague that "the mass trial of 519 Czechs accused of terrorist activities over a period of many years was concluded by the court-martial at Olomouc recently. Several of the accused

were sentenced to death as '*Volksverbrecher*'. . . . Some of the accused were charged with 'terrorist activities' dating as far back as the end of the last war." The London radio reported on January 25, 1944⁽³⁷⁾ that, according to lists published in the three latest editions of the German Official Gazette, 854 Czechs had recently been punished by the German courts for sabotage or sheltering persons wanted by the Gestapo, and that 419 of them had been executed.

Aiding Jews attempting to hide or escape abroad from Gestapo persecutions was a recurrent charge for which sentences of death were executed upon Czech subjects. Early in November 1943⁽³⁸⁾ the Prague Special German Court condemned to death no less than eight persons, including two women, for assisting Jews in crossing the frontier, "thus sabotaging the measures taken by the Government to solve the Jewish problem in Bohemia and Moravia."

FINAL WORD ON DEPOPULATION

We do not know what is the exact or even approximate number of non-German inhabitants of the Protectorate killed by the various Nazi purges. On July 24, 1943,⁽³⁹⁾ Dr. Hubert Ripka, Minister of State in the Czechoslovak Government in London, made the statement that 50,000 Czech citizens had been executed by the Nazis since the occupation of Czechoslovakia in March 1939, and that during the same period about 200,000 Czechs were sent to German concentration camps, and more than 500,000 to forced labor in Germany and other, Nazi-occupied countries. Dr. Ripka said that his figures did not include the scores of thousands of Czech Jews killed, imprisoned, or deported.

It is clear that, for a country with seven million inhabitants, these figures, augmented by about 90,000 uprooted Jews, meant

a very serious loss of population. Taking into account the effect of these blows upon the natural increase of the population of Bohemia-Moravia, the results appear much worse. Those deported for forced labor were of the age-groups which are most important for natural increase. The separation of families consequent upon forced labor assignments within the Protectorate will also have left its mark in a lower birth rate. To this extent, the Germans achieved their goal of depopulation.

They succeeded also in so far as they forced the inhabitants of the Protectorate to slave on behalf of the German war effort. Czech workers and peasants, for the most part, had to obey orders given by the German Gestapo and by the collaborationist "autonomous" Protectorate Government.

But the Germans did not succeed in winning over the Czechs to voluntary collaboration with the Reich. The swelling tide of German violence in the Protectorate was an index of the strength and stubbornness of resistance. The Nazis realized their failure in this regard. It made no difference that they blamed the Czechs instead of themselves for this fact. It made no difference that, in their official statements, the Nazis and collaborationists always pretended that the Czech population as a whole accepted the "New Order" and cooperated freely and voluntarily with the Reich.

The true picture was revealed in statements of a different kind which Nazis and collaborationists made from time to time. Early in 1942, Reinhard Heydrich expressed his astonishment at the magnitude of the "forces in the Protectorate opposing European development under Germany's leadership."⁽⁴⁰⁾ Undersecretary K. H. Frank, in calling for Czech allegiance in his speech of October 18, 1942, warned the Czechs that they had just one more chance to reform and to repent, but

that it would be the last chance. Kurt Daluege confessed at a celebration in the *Deutsches Haus* in Prague in February 1943,⁽⁴¹⁾ that he considered the Protectorate of Bohemia-Moravia a barrel of gun-powder, but he promised he would see to it that the Czechs would not be able to explode it. After the fall of Stalingrad, Reich Marshal Hermann Goering's organ, the *Essener National Zeitung*,⁽⁴²⁾ blamed "certain Czechs in Prague for their lack of Reich-mindedness." And letters sent to German soldiers from friends in the Protectorate, and found on those soldiers when they were killed or captured on the Eastern Front, spoke again and again of the terrible, deep-rooted hatred of the Czech populace for the Germans.⁽⁴³⁾

On September 19, 1943, on the occasion of the Italian armistice, the *Essener National Zeitung*⁽⁴⁴⁾ published an editorial under the caption "The Ghost of Treachery," and the subheading "Events in Italy and the Czechs." The article sees in the Italians and the Czechs two nations through whose histories the "ghost of treachery" strides like a colossal, inevitable Nemesis.

"The state which the Czechs had received after the First World War was the product of Czech treachery against the Central Powers and the reward of traitors. . . . A large part of the Czechs living today still cherish the memory of the Italian and Czech treachery of the First World War and, helped by the agitation of the Benes Government in London, are able to exert psychological pressure and influence on those Czechs who are loyal to their homeland.

"When on March 15, 1939, the political leadership of the Czechs, thanks to the initiative of Dr. Hácha, submitted to the protection of the Reich, the masses of the Czech people did not appreciate that step. They simply regarded it as a way out of an untenable situation. Meanwhile the

re-education of the Czech people had taken place, which work met with manifold difficulties and obstacles, which were even made worse by the war."

"It is true," continues the article,

"that on the occasion of the events in Italy, the Czech interest in newspapers grew like an avalanche and that the people were forming long queues before the newspaper shops. But there was no sign of any unrest or excitement in the streets of Prague. This town being a sensitive political barometer, the pulse of the capital and of the Czech masses remained quiet. But this should not mean that the ghost of treachery has vanished completely from the streets of Prague and from the hearts of all Czechs. Such wishful thinking would be not only frivolous but even wrong. . . . Whether the Czech people's conversion from treachery and loyalty to the Reich are of a lasting character and remain firm in the face of any oscillations can only be proved by time and facts."

We have quoted this editorial at length, because in spite of the bias of a German viewpoint and the Nazi propaganda vocabulary, it shows the true opinion of important Nazis with regard to the non-German population of the Protectorate. What the article calls "the ghost of treachery" is the unbreakable and stubborn determination of the Czech people not to succumb to the merciless pressure of the Gestapo and its helpers. What it calls "cherishing the memory of the First World War" is the unbending insistence on political independence and the sovereignty of their own state. When the queue-forming masses in front of newspaper stands remained quiet, it was proof of the self-discipline which the Czech people had learned during five years of the reign of German machine-guns. This self-discipline reflected the true education of the Czech people, far more than the vaunted re-education by men like Moravec who confessed that they were in collaboration "with the wolves."

RACIAL STATE

After five years of bloodshed, the Germans had only occupied the soil of Bohemia-Moravia, but they had not conquered the people. It was not without reason that, at the end of February 1944,⁽⁴⁵⁾ the Nazis ordered that all German nationals living in the Protectorate be issued a gun and twenty-five cartridges for self-protection; and that in March, German youths were given a two-week course in street fighting.⁽⁴⁶⁾

CONCLUSIONS

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1.

FOR Nazi Germany the establishment of the "Protectorate of Bohemia-Moravia" was an experiment to determine in what manner, by what means, to what extent a traditional conception of international law could be applied to a situation new to the modern civilized world: the complete, colonial subjection of an independent, highly civilized European people to the political, economic, and cultural domination of another European people. Germany went on from one stage to another in developing the titles by which its claims of domination were cloaked: from the "self-determination" of nations, to "*Lebensraum*," to the "New Order in Europe" and, finally "New World Order"—these were the road-marks of the progressively augmented German will to power. In this development of ideas the "Protectorate of Bohemia-Moravia" was only a second stage. If the experiment succeeded in Czechoslovakia, the further experiments of the New European and World Orders would have good augury of success. It would not then be difficult to work out new measures of international and municipal "law" whereby the broader schemes of German domination could be made to appear legal.

But the experiment failed in Czechoslovakia. What Nazism created in Bohemia-Moravia was not a legal order. Just as a systematic procedure does not in itself constitute an *Order*, in the sense of aiming at and attaining a constructive social life with the peaceful cooperation of all participants, so the aggregation of ordinances by the Nazi authorities, and by a Pro-

RACIAL STATE

tectorate Government dependent upon them in every particular, did not create a *Law*. The legislation did not succeed in making the country a protected area. Some residents were granted great privileges because of their German blood, but the others, far from being protected, were suppressed, despoiled, enslaved, expelled, or "liquidated" because of their "race." Bohemia-Moravia was reorganized in the interests of the Reich, and its entire population and natural resources were thoroughly exploited on behalf of the German war effort. But it was the firing squads and hangmen of the Gestapo that held the whole system together, and not the acceptance of Nazi legislation by the people as legitimate, nor any acceptance of Reich allegiance.

The experiment showed that the racial state could not but fail as a legal structure. Certainly the German inhabitants of the country obtained a privileged position, and the German position was extended by colonization under the protection of armed force. But the non-German population of Bohemia-Moravia was not won over by a system in which their political rights were made a mockery, their cultural institutions destroyed, and their economic position restricted for the future to that of impoverished workers and peasants, working under coercion and according to schedules of German masters. The quislings in the Government and in certain high positions of trade and industry who were willing to cooperate with Nazism did not express the true feeling of the population of the Protectorate, neither could they influence it. The hatred of the Czechs for the Germans never diminished, as the ceaseless executions plainly prove.

The fate of the Jews in the Protectorate was also an irrefutable evidence of the true, gruesome meaning of the racial state. The Nazi distinctions of racial status were in this case brought

CONCLUSIONS

to their ultimate consequence: from oppression of the despised caste to its total extinction. The Nazi *Weltanschauung*, as was here shown, could not stop at robbing the lower castes of their human and civil rights, their economic positions, and possessions. The propensity of Nazism to degrade and destroy, its greed for the goods of others, its delight in torture and annihilation did not allow for the existence of Jews in any status at all within the state, even in a status of complete disfranchisement and despoliation. The racial caste state could not form the basis of an organized society; Nazism could accomplish only organized annihilation.

2.

One might ask whether the experiment of the racial caste state in Bohemia-Moravia would have succeeded if the war had not broken out in 1939, and if Germany had not had to exploit the whole Protectorate in the interests of its war effort. Such a question would be basically mistaken. The establishment of the Protectorate, like the "*Anschluss*" of Austria is inseparable from the war; it was one of the very causes of the war. The chief reason for Germany's seizure of Bohemia-Moravia was to prepare for the coming struggle for the conquest of Europe.

Corresponding to the "*Drang nach Osten*," there was also in the Nazi program a "*Drang nach Westen*." The "union of all Germans in a Greater Germany" was an aim which extended to "Germans" in Czechoslovakia, the Baltic States, Poland, the Balkans and Russia, but also those in Denmark, Holland, Belgium, and France. It meant the conquest of Europe, with the union of the German minorities as a pretext, and with the help of the German minorities, which had been organized for that purpose. The "Protectorate of Bohemia-Moravia" was thus only an experimental model of the fate which Hitler

planned for all the free and sovereign states and nations of Europe. While peace lasted, it was an experiment in what could be exacted from the peace-lovers, the appeasers, and the peace-mongers of Europe by way of bloodless conquest. If the world acquiesced in the legal construction of a Protectorate of Bohemia-Moravia, the same legal theory could be applied in the case of Poland, or Denmark, or Holland, as the best—and only—way to preserve “peace in our times.” With the refusal of the democratic world to acquiesce in a similar seizure of Poland, the Protectorate became the scene of new experiments devoted to determining how much labor and wealth could be extorted from the non-belligerent population of a foreign country in contradiction to the rules of international law. The whole non-military population of Europe at war became the slaves of the Nazi war-machine, in the name of the protection of Europe and the New Order on that continent.

Thus, the problem of the “Protectorate of Bohemia-Moravia” is not a Czechoslovak affair. It is not even an European affair, but the affair of all the belligerent United Nations. It is the interest and the duty of the united free nations to see to it that no civilized people be subjected to foreign oppression. No nation can be protected by another nation against its own will, and no pressure is permissible to force the will of a stronger power and its opinions and institutions on a weaker one. Bloodless conquests cannot be permitted, because conquests of any kind whatsoever cannot be allowed. And no people or part of a people can be compelled to slave for another nation, except it has to repair damages criminally inflicted on the other.

3.

The problem of minorities will have to be examined in view

of what our experience with the Protectorate of Bohemia-Moravia has taught us.

There can be no duality of allegiance for a minority, toward the homeland where they are born, and toward a “motherland” abroad to which they adhere for reasons of blood, language, or culture. Belonging to one state, with mental reservations in favor of another, must lead to infidelity toward the state which offers home, protection, and all its constitutional rights; in the end, it must lead to disloyal acts against the state. There can be no fifth columns in the future.

No interference by a foreign government on behalf of a minority in a state can be permitted. In the same way as the allegiance of the citizens is indivisible, the protection of citizens can be performed solely by one state, that is, by the state to which the citizens belong. Protection by foreign states would be inadmissible interference in the internal affairs of a sovereign state.

The situation which will confront us in post-war Bohemia-Moravia raises various problems. There are minorities—in the “Protectorate” and in other countries—which foreswore their allegiance toward their homelands. They felt bound to the greater “*Vaterland*” and they became the vanguard of the foreign conqueror. Will they be able, after this treason failed, to become faithful citizens of their country? Shall they have the right to opt for citizenship in that land to which they themselves felt bound by blood and language? And if they do not so opt—because for a certain time it may be a hard fate to belong to a Germany wasted by the deeds of Nazism and compelled to make reparations for its crimes—will Bohemia-Moravia have the right to get rid of them? This would raise the problems of population transfer with regard to those minorities which apparently cannot be trusted to hold true allegiance to their

homeland. This is certainly a harsh solution and not easy to carry out, but it is much less harsh than the problems which arise when a whole world is driven into war by the fanaticism and treason of blood and race.

4.

There can be no doubt that minorities loyal to their homeland are fully entitled to tolerance of their religious, cultural, and linguistic characteristics and the necessary facilities within their homeland to foster these ethnic traditions. Those rights have to be preserved and guaranteed by an international machinery, which, after this war, may well be established to protect human rights generally under the provisions of an international bill of rights. Here again the lessons of the Protectorate of Bohemia-Moravia may be generalized. The Jews in the Protectorate suffered because they were a loyal minority. They suffered all over Europe because the Jews, by mental construction and by historical experience, are inclined toward democracy and know that their fate is connected with that of democracy and of the free peoples of the world. One reason why the Nazis wished to eliminate them was that, as protagonists of democracy, they were intellectually dangerous opponents.

The immaterial and material losses of the Jews are the heaviest inflicted by Nazism on any people. The Jews have a just claim to the restitution of their civil, political, and economic rights and of the property they lost by a "legislation" which was clear theft. They are entitled to see their places of worship built up and their religious and cultural institutions restored. They have the right to have those of their uprooted brethren who survive the Nazi slaughter brought, according to their own choice, either to their old homeland or to a place where they can build up a new homeland in peace.

5.

"Orient and Occident can no longer be separated," said Goethe, more than a hundred and twenty years ago. The two world wars of the twentieth century have proved that they cannot be separated indeed. What happened in Czechoslovakia, happened earlier in Korea; as we have shown, the Nazis learned only too well their lesson from Japan. But the "big powers" also have a lesson to learn from those two Protectorates: that their attitude of *laissez faire, laissez aller* was one of the main reasons why an aggressor nation could subjugate a free people by annexation veiled in forms of international law and tolerated as "protection."

The more clearly the big nations recognize their guilt, the more secure the world—both Orient and Occident—will be against the repetition of similar events. The principle of non-interference in the internal affairs of a sovereign state grants every nation—small or large—the right to an independent life. This means, on the one hand, that no state can intrude, by way of "minorities" or through any other byway, into the area of another state. It means, on the other hand, that no smaller state shall be sacrificed through a policy of appeasement and compelled to submit without resistance to the will of a tyrant, so that other states may not be disturbed in their lassitude. There must be no higher and lower degrees of sovereignty. All nations must agree that even sovereignty is not an empty fetish. There may be restrictions upon sovereignty which every free nation will acknowledge in the common interest of humanity in a concert of free nations in a free world.

In such a concert there will be the collaboration of all, by the free will of free men. In a world protected by a world

RACIAL STATE

bill of rights, there will be no need for special protectorates, neither of states nor of groups, nor of individuals. There will be the world guarantee for the freedom of all, because:

“All men are created equal.”

ABBREVIATIONS

DNB	Deutsches Nachrichten Buero (Official)
Hamb. Mon.	Hamburger Monatshefte fuer auswaertige Politik
JTA	Jewish Telegraphic Agency
Kerner	Robert J. Kerner, “Czechoslovakia. Twenty Years of Independence”
RGBI	Reichsgesetzblatt (des Deutschen Reichs)
RMBl.i.V.	Ministerialblatt fuer die innere Verwaltung
S.d.G.u.V.	Sammlung der Gesetze und Verordnungen der Tsechechoslovakei (since March 1939: Sammlung der Gesetze und Verordnungen des Protektorats Boehmen und Maehren)
VOBl.R.Prot.	Verordnungsblatt des Reichsprotectors in Boehmen und Maehren (the first copies were published under the title: Verordnungsblatt fuer Boehmen und Maehren)

FOOTNOTES

FOOTNOTES

CHAPTER I

(1) Closing address at the *Reichsparteitag* of the NSDAP on September 12, 1938 (Deutschland, *Auswaertiges Amt* 1938 "Sudetendeutsche Frage," No. 1, p. 10). Speech at the Berlin Sportpalast on September 26, 1938 (*Ibidem*, No. 16, pp. 29, 31). Reply to President Roosevelt on September 27, 1938 (*Ibidem*, No. 19d, p. 38). Letter to Prime Minister Chamberlain of September 27, 1938 (Great Britain, *Foreign Office Miscellaneous* No. 7, 1938: No. 10, p. 21).

(2) *Hamb. Mon.* October 1938, p. 964.

(3) See Appendix I, table 3.

(4) Great Britain, *Foreign Office Miscellaneous*, No. 1, p. 6. Cf. the speech of Viscount Halifax in the House of Lords on October 3, 1938, Deutschland, *Auswaertiges Amt* 1938, No. 31, p. 63.

(5) Table 2 in Appendix I.

(6) *The French Yellow Book*, document 47, p. 59.

(7) *Ibidem*, document 51, p. 63.

(8) *Ibidem*, p. 65.

(9) Deutschland, *Auswaertiges Amt* 1938, "Sudetendeutsche Frage," No. 23, p. 50.

(10) *RGBl.* II 1938, p. 895. Executory ordinance of the Czecho-Slovak Government of November 25, 1938 (*S.d.G.u.V.* 1938, No. 301, p. 1041).

(11) *RGBl.* II. 1938, p. 909.

(12) Deutschland, *Auswaertiges Amt*, 1938, "Sudetendeutsche Frage," No. 39, p. 85.

(13) Gustav Foehler-Hauke, "Deutsche Volksgruppe und Deutsche Arbeit in Boehmen, Maehren und der Slovakei," *Deutsche Volksforschung in Boehmen und Maehren*, June 1939, pp. 1-17.

(14) *Hamb. Mon.*, January 1939, p. 60.

(15) Foehler-Hauke, *loc. cit.* pp. 11-12.

(16) *Four Fighting Years*, p. 101.

(17) *The French Yellow Book*, documents 77, p. 96 ff.

(18) *Hamb. Mon.*, April 1939, p. 357.

(19) See Annex at end of Chapter I.

(20) *Hamb. Mon.*, 1939, p. 358.

(21) *Hamb. Mon.*, 1939, p. 357.

(22) *RGBl.* I., 1939, p. 485.

(23) Cf. Palacky, *Geschichte von Boehmen*, Vol. 3, Book 7, p. 4 ff; Woodrow Wilson, *The State*, p. 334 ff; Radl, *Der Kampf der Tschechen und Deutschen*, p. 160; S. Harrison Thomson, "The Czechoslovaks to 1620," *Kerner*, p. 8-28; *idem*, "Czechoslovakia in European History," p. 7 ff.

(24) Palacky, *loc. cit.*; Hans Kohn, "The historical roots of Czech Democracy." *Kerner*, p. 94 ff.

(25) Cf. Benito Mussolini, *John Huss*, p. 16 and Foreword p. VI; also Hans Kohn, *loc. cit.*

(26) Thomson, "The Czechoslovaks to 1620." *Kerner*, *loc. cit.*; *idem.*, "Czechoslovakia in European History," *loc. cit.* Cf. Robert J. Kerner, "The Czecho-

slovaks from the Battle of White Mountain to the World War," *Kerner*, pp. 29-50.

(27) Karl Gottfried Hugelmann, "Das Reichsprotectorat Boehmen und Maehren," *Hamb. Mon.*, May 1939, p. 400.

(28) M. W. Fodor, *South of Hitler*, p. 328; Colonel Emanuel Moravec, *The Strategic Importance of Czechoslovakia for Western Europe*.

(29) Bernadotte E. Schmitt, "The Road to Munich and Beyond," *Kerner*, pp. 409-440, especially p. 438. Eduard Benes, *Nazi Barbarism in Czechoslovakia*, p. 15 ff.; Gerhard Schacher, "Czechoslovakia's Economic Development," *Kerner*, p. 242 ff.

(30) Hans Raupach, "Der Schutz des Tschechischen Volkes," *Osteuropa*, July 1939, pp. 656-662; *idem.*, "Staat, Gesellschaft und Friedensordnung in Boehmen," *Zeitschrift fuer die gesamte Staatswissenschaft*, Vol. 99, p. 737.

ANNEX TO CHAPTER I

(1) Law No. 121 S.d.G.u.V., 1920, p. 299, Section 3.

(2) Section 33 of the Czechoslovak Constitution.

(3) Law No. 330 S.d.G.u.V., 1938, p. 1087.

(4) In the general press on March 16, 1939.

(5) Consisting of Messrs. Benes, Osusky, Outrata, Ripka, Slavik, Mgr. Sramek and Generals Ingr, and Viest. *L'anné politique française et étrangère*, January 1940, p. 57 ff.

(6) *Le Temps*, November 19, 1939; published in full in *L'année politique française et étrangère*, January 1940, p. 57 ff.

(7) Cf. also Bernard Lavergne, *Le Maintien de la République Tchechoslovaque*, *ibidem*, pp. 51-57.

(8) *The French Yellow Book*, document 78, p. 98 and document 82, p. 108; *Le Temps*, November 19, 1939.

CHAPTER II

(1) Deutschland, *Auswaertiges Amt*, "Verhandlungen zur Loesung der sudetendeutschen Frage," 1938, No. 16, p. 29.

(2) The most important international protectorates and their manner of establishment are the following:

Georgia—became a Russian protectorate by the Treaty of July 24, 1783. The protectorate was terminated by annexation in 1801.

The Republic of Andorra—a protectorate jointly administered by the French prefect of the Pyrénées Orientales and the Bishop of Urgel since the decrees of June 3, 1882 and February 1884.

Monaco—according to the Treaty of July 17, 1918. Article 3, it is "destined" to become a French protectorate "if the crown should become vacant."

The Ionian Islands—were a protectorate of Austria, Prussia, England, and Russia under the Treaty of November 5, 1815. This situation was ended by annexation by Greece, on the basis of the Treaty of London, November 14, 1863.

San Marino—has been a protectorate under Italy since the convention of June 23, 1897.

Tunis—has been a protectorate under France since the Treaties of Csarel Said Bardo of May 12, 1881, and Marsa of June 8, 1883.

Tonkin and Annam—have been under French protectorate since the Treaty of March 15, 1874. The protectorate includes *Cambodia* which assumed this position by an earlier Treaty of August 11, 1863.

Madagascar—was a French protectorate on the basis of the Treaty of December 17, 1885 until its annexation in 1896.

Morocco—has been a French protectorate since the Treaty of March 30, 1912. Cf. *Dictionnaire Diplomatique*, Vol. 2, p. 501 ff.

(3) A distinction was already made in the Roman Empire between "*civitates foederatae*" or "*liberae*" and states which came "*in deditionem*" or "*in fidem populi Romani*." The relation of the latter sort of states with the Roman people has been compared with the private law relationship of a "*cliens*" with a "*patronus*." Cf. Marquardt, *Roemische Staatsverwaltung*, Vol. I, p. 80 ff. Treaties of alliance were known as "*foedera aequa*," treaties of protection, such, for instance, as were concluded with Numidia, Macedonia, Syria, and Pergamum, as "*foedera iniqua*."

(4) Sir John Macdonell in *Encyclopaedia Britannica*, Vol. 18, p. 608, and the legal opinions cited there; cf. further Heinrich Triepel, *Die Hegemonie*, p. 280 ff., 406 ff., 485 ff.

(5) Sir John Macdonell, *loc. cit.*, p. 609.

(6) *Dictionnaire Diplomatique*, pp. 500, 501, and the literature cited there.

(7) Cf. Karl Freiherr von Stengel, *Die Rechtsverhaeltnisse der deutschen Schutzgebiete*, pp. 32-33.

(8) A. B. Keith "The Theory of State Succession," especially pp. 1, 5, 6.

(9) This, at least, is the Anglo-Saxon opinion, as represented by Keith. Dr. Walter Schoenborn, "Staatensukzessionen," opines: 1) that there exists only a moral obligation, but not one by international law, for the annexing state to keep the rules of the agreement; 2) the annexing state is not forbidden to create a position of subjects of minor rights for the subjects of the annexed state, or to construct its relations to them differently from those existing with regard to the other citizens.

(10) Cf. Gairal, *Les Protectorats Internationaux*, pp. 27, 81; Liszt, *Voelkerrecht*, pp. 51-52, 66, 84-86; Tupper, *Our Indian Protectorate*, p. 339 ff.; Laband, *Staatsrecht des Deutschen Reiches*, pp. 279-280.

(11) Liszt, *loc. cit.*, p. 86.

(12) Laband, *loc. cit.*

(13) Published in *Deutsche Justiz*, 1939, pp. 892-894.

(14) The German "*Bundesstaaten*" of Bismarck's German Reich Constitution of January 18, 1871, and the German "*Laender*" of the Weimar Constitution of the German Reich of August 11, 1919, were individual states which did not give up their state character because of their membership in the Reich. The Reich of Bismarck and of Weimar was a Confederation ("*Bundesstaat*") composed of a plurality of states. Cf. Anschuetz, *Die Verfassung des Deutschen Reiches vom 11. August 1919*, p. 38.

(15) In contrast to this, the constitutional autonomy of the German *Bundesstaaten* or *Laender* was *ex jure proprio* (original) and not *ex jure delegato* (derived from the Reich). The governing power of the *Laender* (*Landeshoheit*) was not identical with that of the Reich; while it was subordinate to the Reich power, it was not derived from it. The *Laender* were thus, with regard to the source of their power, true states. (cf. Anschuetz, *loc. cit.*, p. 50.) According to Article 19 of the Weimar Constitution of August 11, 1919, an independent States Court (*Staatsgerichtshof*) was to decide constitutional disputes between the Reich and a *Land* or between the *Laender* themselves.

(16) Article 11 of the Decree of March 16, 1939.

(17) Cf. H. R. M. Worsley, *Inside the Czech Protectorate*, pp. 42-43.

(18) Fritz Berber in his article "Boehmen im Grossdeutschen Raum," *Hamb. Mon.*, April 1939, p. 303, believes "the guarantee of autonomous regional development towers high above the Geneva minorities' laws." But actually there was no guarantee at all, formally or in practice.

(19) Article IV and Article V, paragraph 3 of the Decree of March 16, 1939.

(20) Dr. Stuckart's speech at the *Deutsche Reichswahrertrag* was followed by

the paper of Professor Swoboda of the German University in Prague, on the "Legal Status of the Protectorate of Bohemia-Moravia." Following Stuckart's line of thought, he felt that the internal interests of the Czech national community were fully guaranteed and their further development made possible by their own administrative, legislative, and governing powers.

(21) Carl Georg Bruns, *Grundlagen und Entwicklung des internationalen Minderheitenrechts*, p. 9.

(22) Laband, *loc. cit.* p. 281.

(23) Gairal, *loc. cit.*, p. 154.

(24) W. G. Grewe, "Protectorat und Schutzfreundschaft," *Hamb. Mon.*, April 1939, p. 343.

(25) An Anglo-French protest against the German act was rejected by the Reich government "as lacking any political, legal, or moral foundation." *DNB*, March 18, 1939.

ANNEX TO CHAPTER II

(1) *Korean Treaties*, compiled by Henry Chung, p. 205.

(2) Henry Chung: *The Case of Korea*, p. 328.

(3) Henry Chung: *The Case of Korea*, p. 44.

(4) *Korean Treaties*, p. 214.

(5) *Korean Treaties*, p. 221.

(6) For details see: F. A. McKenzie, *Korea's Fight for Freedom*, pp. 87-100.

(7) See J. O. P. Bland, *China, Japan and Korea*, p. 197.

(8) *Korean Treaties*, p. 223.

(9) McKenzie, *op. cit.*, p. 124.

(10) *Korean Treaties*, p. 225.

(11) For internal financial affairs there had been a Japanese advisor since the agreement of August 22, 1904.

(12) As related in Chapter I, the agreement of Hitler, von Ribbentrop, Hácha and Chvalkovsky was concluded on March 15, 1939.

CHAPTER III

(1) Fritz Berber, "Bohmen im Grossdeutschen Reich," *Hamb. Mon.*, April 1939, p. 303.

(2) Von Neurath, "Die Neuordnung der Europaeischen Mitte" in *Europaeische Revue*, April 1939, pp. 327-328. The German Academy of Law has ruled that the word "minority" is no longer used to describe German minorities abroad. The substitute expression is "Volksgruppe," which is the term used in this quotation and translated by us as "national minority." (Loesch: "Rasse, Volk und Staat" in *Zeitschrift der Akademie fuer Deutsches Recht*, 1939, p. 117).

(3) German extradition law of December 23, 1929, in the draft of the law of September 12, 1933, *RGBl.* 1929, I p. 239; *RGBl.* 1930, I, p. 28; *RGBl.* 1933, I, p. 618.

(4) Joint regulation of the Reich Minister of Justice and the Reich Protector of May 28, 1940, *Deutsche Justiz* 1940, p. 625, *VOBLR.Prot.*, p. 263.

(5) The validity of Czechoslovak documents issued or extended before March 16, 1939, was provisionally recognized. Announcement by the Reich Minister of the Interior on March 30, 1939, *RGBl.* I, p. 644.

(6) Ordinance concerning the legal status of the representative of the Protectorate of Bohemia-Moravia to the Reich Government, December 26, 1939, *RGBl.* 1940, I, p. 22.

(7) Pfundtner-Neubert say, in note 2 to Article 6 of the decree of March 16,

1939, that the Protectorate representative with the Reich Government is not a minister in the meaning of international law—in spite of the name chosen for description of his office—because the Protectorate is an integral part of the Reich. Consequently, they felt he would not belong to the diplomatic corps.

(8) *RGBl.* 1942, II, p. 195.

(9) The ordinance and the agreement itself were published also in *VOBLR.Prot.* 1942, pp. 99-104.

(10) Ordinance No. 353, *S.d.G.u.V.*, p. 1732.

(11) Ordinance No. 348, *S.d.G.u.V.*, p. 1715.

(12) In the same way an "agreement" was concluded under date of March 14, 1940, between the "German Reich" and the "Government of the Protectorate of Bohemia-Moravia" regarding "the adjustment of questions in the field of social insurance arising from the incorporation of former Czecho-Slovak territories in the German Reich." The "agreement" was published in Part II of the German *Reichsgesetzblatt* (where treaties regularly appear) 1940, p. 108.

(13) Article VII of the Decree of March 16, 1939.

(14) Item II (paragraphs 10-14) of the Ordinance concerning the structure of administration and the German Security Police in the Protectorate of Bohemia-Moravia, September 1, 1939, *RGBl.* I, p. 1681.

(15) Reich Government Ordinance of September 16, 1940 (*RGBl.* I, p. 1238) concerning customs, excise taxes, and monopolies; and Reich Government Ordinance of September 16, 1940 (*RGBl.* I, p. 1240) concerning the structure of customs excise, and monopoly administration in the Protectorate of Bohemia-Moravia.

(16) Article VIII of the Decree of March 16, 1939.

(17) See Chapters X and XI.

(18) Item II of Ordinance under the Decree of March 22, 1939 concerning the Protectorate of Bohemia-Moravia, *RGBl.* I, p. 549.

(19) Article V of the Decree of March 16, 1939.

(20) Item I of the Decree of March 22, 1939, (*RGBl.* I, p. 549).

(21) Ordinance of June 7, 1939 (*RGBl.* I, p. 1039).

(22) Paragraph 2, subsection 1 of the Ordinance of June 7, 1939.

(23) Ordinance of September 18, regarding the construction of the Office of the Reich Protector in Bohemia-Moravia. *VOBLR.Prot.* p. 425.

(24) Item II (paragraphs 10-14) of the Ordinance of September 1, 1939.

(25) Law No. 330, *S.d.G.u.V.* 1938, p. 1087.

(26) *VOBLR.Prot.* 1940, p. 604.

(27) Decree No. 83 of the President of the Protectorate concerning the oath of Cabinet members, civil servants, and other organs of public administration, March 8, 1940, *S.d.G.u.V.*, p. 259.

(28) Ordinance of September 1, 1939, regarding the structure of administration and the German security police in the Protectorate of Bohemia-Moravia, Paragraph 9, (*RGBl.* I, p. 1681).

(29) Ordinance No. 14 of the Protectorate Government of January 15, 1942, regarding the reorganization of certain central authorities, *S.d.G.u.V.*, p. 75.

(30) Ordinance No. 80 of the Protectorate Government of March 4, 1942, regarding the administrative competence of the Government of the Protectorate of Bohemia-Moravia and the representation of Cabinet members (*S.d.G.u.V.*, p. 551); Ordinance No. 208 of the Protectorate Government of June 15, 1942 regarding the reorganization of certain central authorities (*S.d.G.u.V.*, p. 997); and executive Ordinance No. 293 of July 18, 1942 (*S.d.G.u.V.* p. 1446).

(31) *VOBLR.Prot.* 1942, p. 42.

(32) *News Flashes*, No. 119, February 9, 1942.

(33) Moravec "The Strategic Importance of Czechoslovakia for Western Europe" No. 13 of *Czechoslovak Sources and Documents*, Prague 1936.

- (34) *News Flashes*, No. 119, February 9, 1942.
 (35) Ordinance No. 326 regarding the creation of a uniform for Ministers *S.d.G.u.V.*, p. 1645).
 (36) See for instance the typical decree of the Fuehrer, dated March 21, 1942, for the simplification of the judiciary (*RGBl. I*, p. 139).
 (37) See Chapter VI.
 (38) *RGBl. I*, p. 329, *VOBLR.Prot.* p. 117.
 (39) *VOBLR.Prot.* p. 118 and pp. 119-122. Furthermore the decree of the Reich Protector of June 15, 1942 (*VOBLR.Prot.* p. 175) complementing the executive ordinance of May 23, 1942 for matters of air-raid protection, and the ordinance of the Protectorate Government, No. 278, published August 10, 1942, regarding the districts and residences of the agencies of the *Reichsauftragsverwaltung*.
 (40) *News Flashes*, No. 202, September 13, 1943.
 (41) *Neues Wiener Tagblatt*, October 15, 1943.
 (42) See Appendix II.

CHAPTER IV

- (1) Gottfried Feder, *Das Programm der NSDAP und seine weltanschaulichen Grundgedanken*, Munich 1931, p. 42 ff.
 (2) *RGBl. I*, p. 685.
 (3) *RGBl. I*, p. 1146.
 (4) *RGBl. I*, p. 533.
 (5) *RGBl. I*, p. 1540.
 (6) *RGBl. I*, p. 710.
 (7) *RGBl. I*, p. 1063.
 (8) Proof is to be given before the authorities who, in each case, must verify descent: that is, before the registrar or other officer assigned for a definite purpose. Proof already given before one official agency can be used for another. Fundamentally, the *Oberlandrat* is the competent authority. (Ordinance of the Reich Minister of Justice, April 14, 1939 and Ordinance of the Reich Minister of the Interior, March 31, 1939, *Deutsche Justiz* p. 659). In doubtful cases, the decision of the Reich Office for Genealogical Research (*Reichsstelle fuer Sippenforschung*) is required.
 (9) *Rassenkunde des deutschen Volkes*, pp. 7-8.
 (10) *Ibid.*, p. 15.
 (11) *RGBl. I*, p. 1146.
 (12) Pfundtner-Neubert, note 2 on paragraph 1 of the first ordinance to the Reich Citizenship Law.
 (13) *RMBli.V.*, p. 783.
 (14) In the German-Czecho-Slovak Treaty of November 20, 1939, regarding citizenship and option, *RGBl. 1938*, II, p. 895.
 (15) In Art. 2 of the Decree of March 16, 1939.
 (16) A similar definition may be found in the February 24, 1939 ordinance of the Czecho-Slovak Government No. 39 (*S.d.G.u.V.*, p. 231) concerning the exemption of persons of German nationality from military service.
 (17) *RGBl. I*, p. 815.
 (18) *RGBl. I*, p. 308; *VOBLR.Prot.* p. 307.
 (19) Ordinance of the Chairman of the Council for the Defense of the Reich, of the Representative General of the Administration of the Reich, and of the Reich Minister and Head of the Chancellery of the Reich, dated September 4, 1939 (*RGBl. I*, p. 1741; *VOBLR.Prot.* p. 145).

- (20) Paragraph 9 of the protected Areas Law; cf. Freiherr von Stengel, *Die Rechtsverhaeltnisse der deutschen Schutzgebiete*, p. 59.
 (21) Ordinance No. 19, *S.d.G.u.V.*, p. 19.
 (22) Speech of Undersecretary K. H. Frank in Prague on October 18, 1942 (see "German Imperialism and Czechoslovakia," No. 4 of *Czechoslovak Documents and Sources*, London 1943). Similarly, according to General of the Police Daluge: "The Czech people did not have to make sacrifices of blood and life for victory" (*DNB*, January 19, 1943, quoted in *News Digest*, No. 1936, p. 15).
 (23) Lord Coke, as quoted by John Alderson Foote, *Private International Jurisprudence*, 1914, p. 8.
 (24) John W. Salmond, "Citizenship and Allegiance" in *The Law Quarterly Review*, Vol. 17, p. 270-282, vol. 18, p. 49-63.
 (25) *RGBl. I*, p. 384.
 (26) By the decree of July 5, 1941 the following legislation of the Reich was formally introduced in the Protectorate: Law for the Protection of German Blood and Honor of September 15, 1935 (*RGBl. I*, p. 1146); First Executory Ordinance of November 14, 1935 (*RGBl. I*, p. 1334); Supplementary Ordinance of February 16, 1940 (*RGBl. I*, p. 394).
 (27) Par. 1 of the "*Blutschutzgesetz*" of September 15, 1935, *RGBl. I*, p. 1146.
 (28) Paragraph 5 of the "*Blutschutzgesetz*." The woman involved cannot be punished either for complicity in or encouragement of the crime. Supplementary Ordinance of February 16, 1940 (*RGBl. I*, p. 394).
 (29) Paragraph 2 of the First Executory Ordinance of November 14, 1935, (*RGBl. I*, p. 1334).
 (30) Paragraph 3, item 1 of the First Executory Ordinance.
 (31) Paragraph 6 of the First Executory Ordinance.
 (32) Paragraphs 1 and 5 of the "*Blutschutzgesetz*," par. 8 of the First Executory Ordinance.
 (33) Paragraph 8 of the First Executory Ordinance.
 (34) Paragraph 9 of the First Executory Ordinance.
 (35) Paragraph 5 of the Third Executory Ordinance to the "*Blutschutzgesetz*," of July 5, 1941, *RGBl. I*, p. 384.
 (36) Paragraph 3 of the "*Blutschutzgesetz*."
 (37) Paragraph 12 of the First Executory Ordinance to the "*Blutschutzgesetz*."
 (38) *Four Fighting Years*, p. 101.
 (39) Ordinance of the Reich Protector about Jewish property, of June 21, 1939 (*VOBLR.Prot.*, p. 45).
 (40) Law No. 136, *S.d.G.u.V.*, 1939, p. 337.
 (41) Gov. Ordinance No. 85, *S.d.G.u.V.*, p. 565.
 (42) *RGBl. I*, p. 480.
 (43) Ordinance of the Reich Government of October 3, 1939 regarding abrogation of Protectorate citizenship (*RGBl. I*, p. 1997).
 (44) *RGBl. I*, p. 637.
 (45) *News Flashes*, No. 196, August 2, 1943.

CHAPTER V

- (1) Heinrich Brunner, *Deutsche Rechtsgeschichte*, Leipzig, 1887-92, p. 259 ff.
 (2) Heinrich Brunner, *op. cit.*, p. 217.
 (3) Item 19 of the NSDAP program.
 (4) Cf. John W. Salmond, "Citizenship and Allegiance" in the *Law Quarterly Review*, Vol. 17, pp. 270-282; Vol. 18, pp. 49-63.
 (5) May 15, 1871. *RGBl. 1871*, p. 1146.
 (6) Ordinance of the Reich Government of April 14, 1939 (*RGBl. I*, p. 754)

on criminal jurisdiction in the Protectorate; Executory Ordinance of May 5, 1941 (*RGBl. I*, p. 248); Ordinance of the Reich Government of August 13, 1941 (*RGBl. I*, p. 1107) regarding the introduction of Reich criminal legislation in the Protectorate.

(7) Paragraph 18 of the Ordinance of April 14, 1939.

(8) Law of September 4, 1941, altering the Reich Criminal Code (*RGBl. I*, p. 549).

(9) Cf. First Part of the Introductory Law to the German Civil Code, Article 7 ff.

(10) Ordinance of the Reich Ministers of Justice and the Interior, dated December 12, 1941, regarding the districts where the respective inheritance laws are valid. (*RGBl. I*, p. 765).

(11) See Chapter X.

(12) Paragraph 3 of the Ordinance of the Reich Government of April 14, 1939, regarding civil jurisdiction in the Protectorate (*RGBl. I*, p. 759).

(13) *Ibidem*, paragraph 1, item 2.

(14) Paragraphs 8-13 of the Ordinance of March 20, 1940 (*RGBl. I*, p. 533).

(15) Paragraph 7, no. 1 of the ordinance of March 20, 1940.

(16) Par. 7, no. 3 of the Ordinance of March 20, 1940.

(17) Ordinance of the Reich Protector of June 20, 1940 (*VOBl.R.Prot.*, p. 250).

(18) Third Ordinance of the Reich Minister of Justice of July 6, 1942, regarding civil jurisdiction in the Protectorate (*VOBl.R.Prot.*, p. 208).

(19) Ordinance of the Reich Government of April 14, 1939, regarding German legislation in the Protectorate (*RGBl. I*, p. 752).

(20) Ordinance of the Reich Ministers of Justice and the Interior of April 14, 1939 (*RGBl. I*, p. 752).

(21) Statements by the Reich Minister of Justice Dr. Thierack (in *Deutsche Justiz*) of October 16, 1942 and October 29, 1943.

(22) *RGBl. I*, p. 201; *VOBl.R.Prot.*, p. 152.

(23) *RGBl. I*, p. 2038.

(24) For members of the German armed forces. the Law regarding non-contentious jurisdiction and other legal matters in the armed forces of April 24, 1934, (*RGBl. I*, p. 335) and the Executory Complementary Ordinance of February 3, 1936, (*RGBl. I*, p. 99) and September 13, 1939, (*RGBl. I*, p. 1923) apply.

(25) Decree of the Fuehrer of March 21, 1942, on the simplification of the judiciary (*VOBl.R.Prot.*, p. 67); Ordinance of the Reich Minister of Justice of May 16, 1942, for the further simplification of legal procedure, civil jurisdiction, etc. (*VOBl.R.Prot.*, p. 141).

(26) *RGBl. I*, p. 704.

(27) Article V, paragraph 4 of the Decree of March 16, 1939.

(28) Paragraphs 7, 8, 9, of the Ordinance of the Reich Government of September 1, 1939 regarding administration and German police in the Protectorate (*RGBl. I*, p. 1681).

(29) Ordinance of the Reich Government regarding legislation in the Protectorate (*RGBl. I*, p. 1039).

(30) Even the communal authorities of the Protectorate are obligated to purchase the Official Gazette of the Reich Protector: Ordinance No. 36 of the Protectorate Government of January 11, 1940 (*S.d.G.u.V.*, p. 52).

(31) The Ordinance of the Reich Government regarding criminal jurisdiction in the Protectorate of April 14, 1939. (*RGBl. I*, p. 754) together with the Complementary Ordinances of September 18, 1939, (*RGBl. I*, p. 1945) and of May 5, 1941, (*RGBl. I*, p. 248) and the Ordinance for the introduction of criminal legislation of the Reich in the Protectorate of August 13, 1940, (*RGBl. I*, p. 117).

About competence, see also the Ordinance of September 1, 1939, (*RGBl. I*, p. 1658).

(32) Ordinance of the Reich Minister of Justice of August 4, 1941, (*Deutsche Justiz*, p. 823; *VOBl.R.Prot.*, p. 471).

(33) No. 2 of the Complementary Ordinance regarding criminal jurisdiction in the Protectorate of September 18, 1939 (*RGBl. I*, p. 1945).

(34) Ordinance regarding military jurisdiction in the Protectorate of May 8, 1939, (*RGBl. I*, p. 903) and Ordinance supplementing the criminal legislation for the protection of the Defensive Power of the German People of September 25, 1939 (*RGBl. I*, p. 2319).

(35) Paragraph 18 of the Ordinance of April 14, 1939 (*RGBl. I*, p. 754) and no. 18 of the Ordinance of May 5, 1941, (*RGBl. I*, p. 292).

(36) Regarding the expanded concept of "German subject" cf. the Second Ordinance of September 5, 1939, implementing the Ordinance of April 14, 1939 (*RGBl. I*, p. 1697).

(37) *Ibidem*, paragraph 1, item 2.

(38) Ordinance No. 143 of the Protectorate Government of April 16, 1942, for adjusting the criminal law of the Protectorate to the law of the Reich (*S.d.G.u.V.*, p. 792).

(39) Ordinances of the Protectorate Government, No. 396 of August 29, 1940 (*S.d.G.u.V.*, p. 1179); No. 284 of June 26, 1941; and No. 306 of August 4, 1942 (*S.d.G.u.V.*, p. 1531).

(40) Paragraph 20 of the Ordinance of the Reich Government regarding criminal jurisdiction in the Protectorate of April 14, 1939 (*RGBl. I*, p. 754).

(41) Ordinance of the Reich Government regarding the Reich Protector's right of objection in civil proceedings of April 4, 1940 (*RGBl. I*, p. 603).

(42) *Deutsche Justiz* 1941, No. 20, p. 586, "Decision of the Landgericht Mainz of January 9, 1941"—File number 4T 15/41.

(43) Paragraph 19, item 2 of the Ordinance regarding criminal jurisdiction in the Protectorate of April 14, 1939 (*RGBl. I*, p. 754).

CHAPTER VI

(1) Ordinance of the Chairman of the Council for the Defense of the Reich, of the Representative General of the Administration of the Reich, and of the Reich Minister and Head of the Chancellery of the Reich, dated September 4, 1939 (*RGBl. I*, p. 1741; *VOBl.R.Prot.*, p. 145).

(2) *Bulletin of the Czechoslovak Economic Council*, London, No. 9, August 1, 1940.

(3) *Bulletin of the Czechoslovak Economic Council*, London, No. 7, June 15, 1940.

(4) Ordinance of June 28, 1942, on the introduction of rules regarding medals and decorations in the Protectorate of Bohemia-Moravia (*VOBl.R. Prot.* p. 199) and Ordinance of the Chief of the Fuehrer's Chancellery of August 20, 1941, regarding manufacturing and distributing medals and decorations in the Protectorate.

(5) Specifically the following measures were issued: the Protectorate Government's Ordinance No. 105 of March 31, 1939 (*S.d.G.u.V.*, p. 358), through which Law No. 184 of June 1937 about military training, and its executory provisions, became ineffective; Ordinance of the Protectorate Government No. 317 of December 21, 1939, (*S.d.G.u.V.*, p. 895), regarding the dissolution of the former Czechoslovak army; Ordinance of the Reich Government of July 12, 1939 (*RGBl. I*, p. 1237), regarding legal conditions of material belonging to the former Czecho-

slovak army; Ordinance of the Reich Government of December 1940, regarding handing over to the German Government all documents concerning the former Czechoslovak army (*News Flashes*, No. 69 of February 17, 1941); Ordinance of the Protectorate Government No. 144 of June 23, 1939 (*S.d.G.u.V.*, p. 435), regarding officers engaged in the judiciary to be transferred into the civil judiciary; Ordinance of the Protectorate Government No. 255 of September 7, 1939 (*S.d.G.u.V.*, p. 781) regarding the dissolution of the military judiciary; Ordinance of the Reich Protector to the Law No. 63/1935 of the former Czechoslovak Republic for the purpose of the defense of the State of April 11, 1940 (*VOBL.R.Prot.* p. 162).

- (6) Reich Protector's Ordinance of August 25, 1939 (*VOBL.R.Prot.*, p. 85).
- (7) Reich Protector's Ordinance of August 17, 1939 (*VOBL.R.Prot.*, p. 69).
- (8) Ordinance No. 105, (*S.d.G.u.V.* 1939, p. 358).
- (9) *VOBL.R.Prot.* 1940, p. 13.
- (10) The name means "falcon, a powerful and courageous bird."
- (11) *Cf. News Flashes* No. 79, April 28, 1941, No. 83, May 26, 1941.
- (12) Sokols have been organized in more than three hundred communities of the U.S.A. for the physical training of their members. (*News Flashes*, No. 87, June 23, 1941).
- (13) *Delnicka Telocvicna Jednota*.
- (14) *News Flashes* No. 86, June 16, 1941.
- (15) *News Flashes* No. 105, November 3, 1941.
- (16) *Overseas News Agency*, November 30, 1941, Cable from London, November 30, 1941.
- (17) Article VII, paragraph 3.
- (18) Created by Ordinance of the Protectorate Government No. 216 of July 25, 1939 (*S.d.G.u.V.*, p. 623).
- (19) Article II.
- (20) Paragraph 3 of the ordinance of April 20, 1939 (*RGBl.* I, p. 815) regarding acquisition of German citizenship by former Czechoslovak subjects of German nationality.
- (21) Decree of the Reich Minister of the Interior (*RGBl.* I, p. 309).
- (22) Ordinance of the Reich Minister of the Interior of December 8, 1939 (*RGBl.* I, p. 2390).
- (23) *News Flashes*, December 1940.
- (24) *VOBL.R.Prot.*, p. 491.
- (25) *I.e.*, the persons designated in paragraphs 1, 2, and 5 of the December 21, 1939 Ordinance No. 69/1940 of the Protectorate Government (*S.d.G.u.V.* 1940, p. 230).
- (26) *Cf.* the list in par. 2 of the Ordinance of October 1, 1940.
- (27) *VOBL.R.Prot.* 1941, p. 7.
- (28) Ordinance No. 379, *S.d.G.u.V.* 1938, p. 1299.
- (29) *News Flashes*, No. 69, February 17, 1941.
- (30) *VOBL.R.Prot.*, p. 47.
- (31) No. 254, *S.d.G.u.V.*, p. 1241.
- (32) Ordinance No. 288, regarding the official salute of civil servants (*S.d.G.u.V.*, p. 1439).
- (33) *Czechoslovak Documents and Sources* No. 4, 1943: "German Imperialism and Czechoslovakia"—Analysis of K. H. Frank's Speech given on October 18, 1942 in Prague.
- (34) Ordinance No. 285, *S.d.G.u.V.*, p. 1117.
- (35) Ordinance No. 123, *S.d.G.u.V.*, p. 295.
- (36) Ordinance No. 136, *S.d.G.u.V.*, 1940, p. 337.
- (37) Ordinance of the Reich Protector of July 10, 1940 (*VOBL.R.Prot.* p. 45).
- (38) See also: Executory Ordinance of March 19, 1940 (*VOBL.R.Prot.* p. 41).

- (39) Paragraph 7 ff. of the Ordinance No. 284 of July 4, 1939 (*S.d.G.u.V.*, p. 1117).
- (40) Paragraph 12 ff. of the Ordinance of July 4, 1939.
- (41) Similar provisions applied for Jewish counselors in the German courts of the Protectorate; see the Ordinance of the Reich Minister of Justice of August 21, 1940 (*VOBL.R.Prot.*, p. 479).
- (42) Paragraph 16 of the Ordinance of July 4, 1939.
- (43) Paragraph 17 ff. of the Ordinance.
- (44) Paragraph 20 of the Ordinance.
- (45) Paragraph 21 of the Ordinance.
- (46) Paragraph 22 of the Ordinance.
- (47) Paragraph 24 of the Ordinance.
- (48) *Juedisches Nachrichtenblatt*, Prague, of March 28, 1941.
- (49) Paragraph 28 of the Ordinance.
- (50) Ordinance No. 421, *S.d.G.u.V.*, p. 1341.
- (51) Paragraph 3 of the Ordinance of July 4, 1939.
- (52) Figures given in *Four Fighting Years*, published by the Czechoslovak Minister of Foreign Affairs in London, p. 114.
- (53) *News Flashes* No. 26, December 16, 1939.
- (54) This title given by the law No. 31 of March 2, 1937 was eliminated by Government Ordinance No. 373 of December 23, 1938 (*S.d.G.u.V.*, p. 1181).
- (55) *News Flashes* No. 55, November 5, 1940, and No. 56, November 12, 1940.
- (56) S. Harrison Thomson, "German Piracy of Cultural Treasures—and Restitution" in *Bulletin of the Masaryk Institute*, New York, Vol. 1, No. 3.
- (57) *News Flashes*, No. 66, January 27, 1941.
- (58) *News Flashes*, No. 76, April 7, 1941.
- (59) *News Flashes*, No. 30, January 29, 1940.
- (60) The Czechoslovak Government in London emphatically warned in a radio broadcast against accepting this invitation, for it was intended solely to provide physically healthy persons for German forced labor.
- (61) A special kind of expropriation for German purposes was applied against Czech cultural institutions. A typical example is what happened to the famous "Staedetheater" (Stagovske Divadlo) in Prague, which had been founded and maintained by the nobility of Bohemia, and in which the members of the old families owned their individual boxes. By Ordinance of the Reich Protector of February 19, 1942, (*VOBL.R.Prot.* p. 40) this theater was transferred, free of all existing legal burdens, to the ownership of the Reich. Regarding the owned boxes and the other existing legal burdens, the Reich had to pay indemnities fixed by the German *Amtsgericht* in Prague.
- By another decree of the Reich Protector (*Der Neue Tag*, Prague, December 4, 1942), Czechoslovak foundations and endowments whose income was too small, had to be amalgamated into larger endowments and used for the following purposes:
 - (a) As a foundation for German students in Bohemia-Moravia;
 - (b) For the German "Winter Relief Fund";
 - (c) As a Foundation for German art students.
 The money which in the past had been endowed by the Czechoslovak people was to remain in Prague, but was now destined to benefit only the Germans in the Protectorate. (*News Flashes*, No. 171, February 8, 1943).
- (62) *News Flashes* No. 80, May 5, 1941.
- (63) The *gymnasia* in Vodnany, Terezin, Zidlochovice, Upice, Frenstat, were closed; the Czech *gymnasium* in Jindrichuv Hradec was transferred to Germans; the experimental *gymnasium* "Atheneum," the former English *Realgymnasium*, the girls' *gymnasium* in Holesovice and Budejovice, the *Realgymnasium* in Vysocany, Dejvice, Dvur-Kralove, Chotebor, Vusoke Myto, Policka and Straz-

nice, the girls' *gymnasium* and *Velehrad gymnasium* in Brno were closed. (Cf. *News Flashes* No. 55, November 5, 1940 and No. 66, January 27, 1941).

(64) *News Flashes*, No. 66, January 27, 1941.

CHAPTER VII

- (1) *Hamb Mon.* 1939, p. 217.
- (2) *RGBl.* I, p. 762.
- (3) *VOBLR.Prot.*, p. 264.
- (4) See Chapter VIII for details.
- (5) Ordinance of the Reich Protector of September 14, 1939, regarding the care of working Germans in the Protectorate, *VOBLR.Prot.*, p. 142.
- (6) Quoted *in extenso* in Ordinance of the Reich Government of January 21, 1941, concerning the introduction of the legislation on the Reich Chamber of Culture in the Protectorate, (*RGBl.* I, p. 65).
- (7) Ordinance of September 24, 1940 (*RGBl.* I, p. 1275).
- (8) The German *Reichsaerzteordnung* was introduced in the Protectorate by Ordinance of September 24, 1940, (*RGBl.* I, p. 1274); the German *Bestallungsordnung fuer Aerzte* was introduced by Ordinance of December 24, 1940 (*RGBl.* I, p. 1665).
- (9) Ordinance of October 13, 1939 (*RGBl.* I, p. 2038).
- (10) Ordinance of December 23, 1940 (*RGBl.* I, p. 1664).
- (11) See Chapter VI.
- (12) See *Four Fighting Years*, p. 94.
- (13) *News Flashes*, No. 197, August 9, 1943.
- (14) *News Flashes*, No. 135, June 1, 1942.
- (15) *Hamb. Mon.*, January 1939, p. 64. Cf. also the favorable German criticism of this speech, *ibidem*.
- (16) Constitutional Law No. 330 of December 15, 1938, regarding the authorization of changes of the constitution and the constitutional law of the Czechoslovak Republic (*S.d.G.u.V.*, p. 1087).
- (17) Ordinance No. 355, *S.d.G.u.V.*, p. 1123.
- (18) Ordinance No. 229/1939 regarding the revocation of paragraph 8, subsection 4 of the rules of procedure of the Chamber of Deputies and the Senate (*S.d.G.u.V.*, p. 658).
- (19) Law No. 142/1941, *S.d.G.u.V.*, p. 601.
- (20) Law of December 20, 1934 against treacherous attacks upon the State and the Party (*RGBl.* I, p. 1269).
- (21) Dr. Emil Hacha in *Europaeische Revue*, April 1939, pp. 329-330.
- (22) Like the German National Socialists, the party did not admit women to membership.
- (23) Cf. *News Flashes*, No. 26, December 16, 1939.
- (24) "Vlajka" was finally dissolved by the Germans in June 1943 and its property was confiscated on behalf of the German Red Cross (*News Flashes*, No. 191, June 28, 1943).
- (25) *News Flashes*, No. 48, August 27, 1940.
- (26) *News Flashes*, No. 82, May 19, 1941.
- (27) *DNB*, March 16, 1943, quoted in *News Digest*, No. 1048, March 18, 1943, C. 46, p. 14.
- (28) *Der Neue Tag*, Prague, March 18, 1943.
- (29) *DNB*, April 20, 1943, quoted in *News Digest*, No. 1114, April 22, 1943, C. 67, p. 16.
- (30) *Der Neue Tag*, Prague, July 13, 1943.
- (31) *DNB*, January 19, 1943, quoted in *News Digest*, No. 1036, January 21, 1943, C. 46, p. 15.

- (32) See Chapter V, footnote 33.
- (33) *News Flashes*, No. 119, February 9, 1942.
- (34) Speech on the occasion of the inauguration of the "Czech Institute for Public Enlightenment in Bohemia and Moravia," on May 23, 1943. (*DNB*, May 28, 1943, quoted in *News Digest*, No. 1147, May 31, 1943, C. 54, p. 20).
- (35) *DNB*, January 18, 1943, quoted in *News Digest*, No. 1035, January 20, 1943, C. 63, p. 14.
- (36) Cf. Edward Benes, *Nazi Barbarism in Czechoslovakia*, p. 17; *Four Fighting Years*, p. 99.
- (37) *Ceske Slovo*, October 9 and 25, 1940.
- (38) Ordinance No. 233, (*S.d.G.u.V.*, p. 1233). Special emphasis was laid by the Reich Protector on the obligation to register stateless persons of former Polish citizenship, *Juedisches Nachrichtenblatt*, Prague, June 6, 1941.
- (39) Section 9 of the Ordinance No. 85 of the Protectorate Government of March 7, 1942 (*S.d.G.u.V.*, p. 565).
- (40) Announcement of the Landespraesident in Bohemia of February 8, 1941, *Juedisches Nachrichtenblatt*, Prague, February 14, 1941.
- (41) *Juedisches Nachrichtenblatt*, Prague, March 21, 1941.
- (42) *Juedisches Nachrichtenblatt*, Prague, July 19, 1941.
- (43) *Juedisches Nachrichtenblatt*, Prague, September 19, 1941.
- (44) *Juedisches Nachrichtenblatt*, Prague, October 3, 1941.
- (45) Reported generally in the press.
- (46) *JTA*, No. 268, November 2, 1941.
- (47) *Juedisches Nachrichtenblatt*, Prague, May 30, 1941.
- (48) Public announcement of the Jewish Community of Prague of August 7, 1940.
- (49) Public announcement of the President of the Police of Prague.
- (50) Public announcement of the President of the Police of Prague of January 25, 1941.
- (51) As examples we may cite the following orders, which, of course, underwent frequent alterations:
 - Order of August 5, 1940, by the police authorities of Prague.
 - Order of October 28, 1940, by the district office of Prossnitz.
 - Order of February 14, 1941, by the police authorities of Brno.
 - Order of February 13, 1941, by the police authorities of Prossnitz.
 - Order of February 13, 1941, by the police authorities of Olmouc.
 - Order of March 14, 1941, by the police authorities of Brno.
- (52) About buying coal:
 - Order of February 21, 1941, by the police authorities of Prague.
- About visiting financial institutions:
 - Order of March 28, 1941, by the police authorities of Prague.
- About visiting insurance companies:
 - Order of April 25, 1941, by the police authorities of Prague.
- About taking shaves and haircuts:
 - Order of July 1941, by the police authorities of Prague.
- (53) For the restrictions against Jews regarding marketing, see *Starvation over Europe*. Part II and III.
- (54) *RGBl.* I, p. 547; *VOBLR.Prot.*, p. 497.
- (55) Ordinance No. 85, *S.d.G.u.V.*, p. 565.

CHAPTER VIII

- (1) Ordinance No. 174, *S.d.G.u.V.*, p. 497.
- (2) Ordinance No. 423, *S.d.G.u.V.*, p. 1255.
- (3) Cf. *Political Handbook of the World*, 1939, pp. 50-51.

(4) The most important German language papers were: *Deutsche Landpost*, *Deutsche Presse*, *Deutsche Zeitung Bohemia*, *Die Zeit* (Henlein Party), *Prager Presse*, *Prager Tagblatt*, *Sozialdemokrat*, *Rundschau* (weekly periodical, Henlein Party).

- (5) e.g. the German *Prager Presse*.
 (6) *News Flashes*, No. 7, 1939, (no date).
 (7) Josef Hanc, *Czechs and Slovaks since Munich*, p. 12.
 (8) Important Catholic papers like *Nedele* ("Sunday") with 100,000 subscribers, *Mlady Katolik* ("The Young Catholic") and *Colegio Angelica* were also suppressed for political reasons; cf. *News Flashes*, No. 64, January 13, 1941.
 (9) Cf. *News Flashes*, No. 13, August 19, 1939.
 (10) Ordinance No. 175, *S.d.G.u.V.* 1941, p. 974.
 (11) *News Flashes*, No. 65, January 20, 1941.
 (12) *News Flashes*, No. 83, May 26, 1941.
 (13) *News Flashes*, No. 41, July 2, 1940.
 (14) *News Flashes*, No. 61, December 23, 1940.
 (15) *VOBL.R.Prot.*, p. 399.
 (16) *VOBL.R.Prot.*, p. 569.
 (17) But not those imported from Germany, where they had already been censored by German authorities.
 (18) The procedure of the Film Censorship Office is governed by the September 18, 1912 Ordinance of the Reich Minister of the Interior (*RGBl.* 1912, I, No. 191).
 (19) *VOBL.R.Prot.* 1941, p. 55.
 (20) I.e., effective as of February 15, 1941, the day when the Ordinance entered into effect.
 (21) Ordinance dated March 21, 1939, *VOBl.* for Bohemia and Moravia, No. 3.
 (22) *VOBL.R.Prot.*, p. 422. Compare the various provisions abrogated; especially those regarding language itself and the names of localities and streets.
 (23) Ordinance of the Reich Government regarding the legal position of the German notaries in the Protectorate of October 13, 1939 (*RGBl.* I, p. 2038).
 (24) Report of the Czechoslovak Press Bureau, New York, April 4, 1941.
 (25) *News Flashes*, No. 86, June 16, 1941.
 (26) Ordinance No. 2655, January 22, 1941, *News Flashes*, No. 80, May 5, 1941.
 (27) *News Flashes*, No. 21, November 15, 1939.
 (28) Ordinance No. 124, *S.d.G.u.V.*, p. 317.
 (29) Ordinance No. 145, *S.d.G.u.V.*, p. 805.
 (30) See appendix III.
 (31) *RGBl.* 1940, I, p. 1371.
 (32) *News Flashes*, No. 68, February 10, 1941.
 (33) Ordinances of the Protectorate Government: No. 260 of October 5, 1939 (*S.d.G.u.V.*, p. 794) and No. 394 of September 26, 1940 (*S.d.G.u.V.*, p. 1172).
 (34) "Before Munich" there were 15,000 school libraries and 8,500 public libraries in Czechoslovakia.
 (35) *News Flashes*, No. 52, October 1, 1940, No. 76, April 7, 1941.
 (36) Protectorate Government Ordinance No. 394 of September 26, 1940, with new regulations about required subjects of study in primary and secondary schools (*S.d.G.u.V.*, p. 1172).
 (37) *Neue Zuercher Zeitung*, April 1, 1941.
 (38) *Neues Wiener Tagblatt*, October 15, 1943.
 (39) *Der Neue Tag*, Prague, March 19, 1943, and *Narodni Prace*. Prague, March 20, 1943 and April 4, 1943.
 (40) *Der Neue Tag*, Prague, May 1, 1943.
 (41) *News Flashes*, No. 52, October 1, 1940; No. 74, March 24, 1941.
 (42) Ordinance No. 167, *S.d.G.u.V.* 1939, p. 486.

- (43) *News Digest*, No. 1172, June 29, 1943, C. 53, p. 22.
 (44) See Chapter VI.
 (45) *News Flashes*, No. 68, February 10, 1941; No. 74, March 24, 1941; No. 76, April 7, 1941; No. 80, May 5, 1941.
 (46) Ordinances No. 71 and No. 72, *S.d.G.u.V.* 1941, p. 187 and p. 190
 (47) *News Digest*, No. 1065, February 24, 1943, C. 50, p. 17.
 (48) *Der Neue Tag*, Prague, May 21, 1943.
 (49) *DNB*, May 23, 1943.
 (50) *News Digest*, No. 1171, June 28, 1943, C. 52, p. 21.
 (51) *News Digest*, No. 1167, June 23, 1943, C. 59, p. 16.
 (52) Ordinance No. 187 regarding "the Compulsory Youth Service" (*S.d.G.u.V.*, p. 905).
 (53) Ordinances No. 188 and No. 189, *S.d.G.u.V.*, p. 907 and p. 910.
 (54) *News Digest*, No. 1195, July 26, 1943, C. 61, p. 20.
 (55) *Aftonbladet*, July 19, 1943, Quoted in *News Digest*, No. 1192, July 22, 1943, C. 81, p. 22.
 (56) *News Flashes*, No. 217, December 27, 1943.

CHAPTER IX

- (1) *VOBL.R.Prot.*, p. 83 and Executory Ordinance of January 11, 1940, *VOBL.R.Prot.*, p. 3.
 (2) Ordinance of the Reich Protector of February 11, 1942, *VOBL.R.Prot.*, p. 35.
 (3) *RGBl.* I, p. 1528; *VOBL.R.Prot.* 1941, p. 39.
 (4) Reich Government Law of May 19, 1933 (*RGBl.* I, p. 285), for the Protection of the National Symbols and Executory Ordinance of May 23, 1933 (*RGBl.* I, p. 320); Police Ordinance of the Reich Minister for Public Enlightenment and Propaganda of May 17, 1939 (*RGBl.* I, p. 921), against the abuse of the Badenweiler March; the same Minister's Police Ordinance of January 5, 1940 (*RGBl.* I, p. 31), for the Protection of the National Symbols and Songs.
 (5) Ordinance of the Reich Government of October 3, 1939 (*RGBl.* I, p. 1997).
 (6) Reich Government Ordinance of December 31, 1939 (*RGBl.* 1940, I, p. 35) introducing, in the Protectorate the German Law of November 5, 1937 (*RGBl.* I, p. 1161), for restrictions upon inheritance rights in cases of anti-social attitudes.
 (7) *RGBl.* I, p. 1998.
 (8) On the basis of the ordinance, the *Deutscher Reichsanzeiger*, No. 7, January 9, 1941 listed forty-seven Protectorate subjects who lost their citizenship, including Dr. Eduard Benes and the following members of his Government together with their families, if they had families: Bechyne, Drtina, Feierabend, Necas, Nemeec, Outrata, Ripka, General Ingr, Sramek, and Jan Masaryk. In a later issue, Senator Voita Benes and his family were included; cf. *News Flashes*, No. 66, January 27, 1941 and No. 78, April 21, 1941.
 (9) Which we have mentioned repeatedly. See also: *New York Times*, October 19, 1942.
 (10) Ordinance No. 44/1942 (*S.d.G.u.V.* 1942, p. 411).
 (11) Ordinance No. 397, newly drafted and published by Government Ordinances Nos. 296 and 297 of June 19, 1942 (*S.d.G.u.V.*, p. 1455 and p. 1459).
 (12) Ordinance No. 82/1942, regarding the influence of criminal proceedings upon civil service relations and pensions of public officials (*S.d.G.u.V.* 1942, p. 555).
 (13) Ordinance No. 200, *S.d.G.u.V.*, p. 947.
 (14) Government Ordinance No. 227 regarding the National Court (*S.d.G.u.V.*, p. 1047). The Ordinance was signed by Dr. Hacha as State President and Dr. Krejci as Chairman of the Cabinet and Minister of Justice.
 (15) The Chairman and two other members of the court must be judges of

the Supreme Court in Brno or of the Supreme Administration Court in Prague. The other members were to be appointed by the State President on the suggestion of the Chairman of the Cabinet.

- (16) See Chapter I.
- (17) German-Czecho-Slovak Agreement of November 20, 1938 on indemnity, *RGBl.* 1938, II, p. 901.
- (18) *RGBl.* I, p. 1023; Executory Ordinance of June 30, 1939, *RGBl.* I, p. 1087.
- (19) Ordinance No. 93, *S.d.G.u.V.*, p. 239.
- (20) *RGBl.* I, p. 1299.
- (21) An Ordinance of the Reich Minister of Justice of December 19, 1941 (*RGBl.*, p. 798) extended the measures to *Volksdeutsche* settlers, who in consequence of inter-governmental agreements or following an order of the Reich Commissioner for securing the German *Volkstun* had transferred their domicile into the Reich.
- (22) Ordinance No. 323 regarding reparation in the field of social insurance (*S.d.G.u.V.*, p. 1630).
- (23) The so-called "*Vertragshilfverordnung*" (V.H.V.), *RGBl.* I, p. 2329.
- (24) *RGBl.* I, p. 2338.
- (25) It did not apply to Jews.
- (26) Ordinance No. 350 (*S.d.G.u.V.*, p. 1727).
- (27) See Chapter XII.
- (28) *VOBLR.Prot.*, p. 214 and the Supplementary Ordinance of October 2, 1940, *VOBLR.Prot.*, p. 497.
- (29) Ordinance of the Reich Government of April 23, 1940 (*RGBl.* I, p. 675). [In accordance with the Law of April 26, 1934 (*RGBl.* I, p. 337) regarding payment of wages for the National Holiday of the German people].
- (30) Ordinance of the Reich Protector of December 9, 1940, (*VOBLR.Prot.*, p. 675).
- (31) Ordinances of the Reich Protector of April 2, 1941 (*VOBLR.Prot.*, p. 118) and of March 23, 1942 (*VOBLR.Prot.*, p. 62).
- (32) *VOBLR.Prot.*, p. 281.
- (33) Ordinance of the Reich Protector of September 14, 1940 regarding the legal status of Jewish employees in the Protectorate (*VOBLR.Prot.*, p. 475).
- (34) Paragraph 2 of the Ordinance of October 23, 1939; paragraph 3 of the Ordinance of September 14, 1940. For detailed regulations, and also regarding the so-called "*Ersatzinstitute*" cf. paragraph 6 ff. of the Ordinance of September 14, 1940.
- (35) Ordinance No. 238, *S.d.G.u.V.*, p. 894.
- (36) Ordinance No. 224, *S.d.G.u.V.*, p. 641.
- (37) *RGBl.* 1940, p. 1547; the December 2, 1940 executory decree "*Kriegs-sachschaden-Zustandigkeitsverordnung*" (*RGBl.*, p. 1557) provides for application in the Protectorate area.
- (38) With Executory and Complementary Ordinances of March 28, 1942 (*VOBLR.Prot.*, p. 65) and July 7, 1942 (*VOBLR.Prot.*, p. 209).
- (39) *RGBl.*, p. 437; *VOBLR.Prot.*, p. 426.

CHAPTER X

- (1) Cf. Paul Einzig "Nazi Exploitation of Conquered Nations" in *News Flashes*, No. 54, October 22, 1940.
- (2) Cf. *Neue Zuercher Zeitung*, July 7, 1942.
- (3) Government Ordinance No. 321 concerning new regulations regarding the currency (*S.d.G.u.V.*, p. 883).
- (4) *RGBl.* I, p. 555.
- (5) The seizure of the Protectorate had particularly favorable consequences

for the Reich currency, since the Reich came into possession of the Czech gold reserves. In May 1939, at the instruction of the Protectorate Government, the Swiss National Bank paid out to the German Reichsbank gold deposits in the value of fifteen million Swiss francs. In addition, the Prague National Bank had deposits of ten million English pounds at the Bank for International Payments in Basle, of which the Bank for International Payments kept a sum of four million pounds in Basle and six million pounds in London. These ten million pounds also were paid out to the German Reichsbank in May and June, 1939, at the order of the Protectorate Government. Thus, the German Reich received from Protectorate funds the equivalent of about 150 million Reichsmarks (60 million dollars) in gold and foreign exchange. Cf. Josef Hanc, *Czechs and Slovaks since Munich*, p. 11 ff.

- (6) The sums accruing to Germany with the Sudetenland have been stated as 446,000,000 crowns or about 45,000,000 Reichsmarks at the official German rate. Cf. Josef Hanc, *loc. cit.*
- (7) *RGBl.* I, p. 555.
- (8) Cf. *Neue Zuercher Zeitung*, July 7, 1942.
- (9) Ordinance No. 96, *S.d.G.u.V.*, p. 347.
- (10) Ordinance No. 155, *S.d.G.u.V.*, p. 447; to complement this the Government Ordinances No. 12 of November 12, 1939, No. 78 of February 5, and No. 180 of April 11, 1940 were issued (*S.d.G.u.V.* 1940, pp. 10, 245, 537).
- (11) Ordinance No. 324, *S.d.G.u.V.* 1940, p. 887.
- (12) *Bulletin of the Czechoslovak Economic Council* No. 21, September 1, 1941, p. 1.
- (13) *New York Times*, May 16, 1943.
- (14) *News Flashes*, No. 179, April 5, 1943.
- (15) *Der Neue Tag*, Prague, May 18, 1943; *Koelnische Zeitung*, May 19, 1943.
- (16) *Der Neue Tag*, Prague, September 25, 1943 (quoted in *News Digest*, No. 1267, October 18, 1943, C. 78, p. 24).
- (17) Governmental Ordinance No. 206 of July 20, 1943.
- (18) *Der Neue Tag*, Prague, October 15, 1943 (quoted in *News Digest*, No. 1288, November 11, 1943, C. 82, p. 24).
- (19) *Koelnische Zeitung*, May 19, 1943.
- (20) Article 8 of the Decree of March 16, 1939.
- (21) Pfundtner-Neubert on Article 8 of the Decree of March 16, 1939.
- (22) Ordinances of the Reich Government regarding rail traffic of October 26, 1939 (*RGBl.* I, p. 2171) and of December 15, 1939 (*RGBl.* 1940, II, pp. 1025, 1048 and 1300).
- (23) *VOBLR.Prot.* p. 190.
- (24) *VOBLR.Prot.* p. 444.
- (25) A report of June 16, 1943 said that the time taken for transport of goods on the water-routes Hamburg-Magdeburg-Prague, Berlin-Prague, and Saxony-Sudetenland-Prague was only half as long as before. (*News Digest*, No. 1197, July 28, 1943, C. 101, p. 21).
- (26) *RGBl.* I, p. 551.
- (27) The Reich Government's Ordinance of March 28, 1939 (*RGBl.* I, p. 654) about goods traffic with the Protectorate of Bohemia-Moravia emphasizes that this was done to prevent an unregulated drain of raw materials and semi-manufactured goods from the Protectorate into the Reich.
- (28) Ordinance of the Reich Government of September 16, 1940 (*RGBl.* I, p. 1238) regarding customs, excise taxes and state monopolies; and Ordinance of the Reich Government of September 16, 1940 (*RGBl.* I, p. 1240) regarding the administration of customs, excise taxes and state monopolies in the Protectorate of Bohemia-Moravia.
- (29) By the ordinance of September 16, 1940, the German tobacco, sugar, salt, beer, candle, playing cards, saccharine, mineral oil, fat, slaughter and sales

tax laws and liquor monopoly were introduced. The match tax and monopoly followed somewhat later, by the Reich Government's Ordinance of March 25, 1941 (*RGBl. I*, p. 165) and were made subject to the German match law of July 9, 1923 (*RGBl. I*, p. 570) in the wording of January 26, 1939 (*RGBl. I*, p. 92) and the Executory Ordinance to the match law of February 7, 1939 (*RGBl. I*, p. 165). The Ordinance of September 16, 1940, contains a list of various consumption taxes and monopolies and the provisions of Reich law thenceforth applicable to them. The tobacco monopoly, which was left to the Protectorate Government, is not listed.

(30) The *Reichsabgaben-Ordnung* of March 22, 1931 (*RGBl. I*, p. 161), the *Steueranpassungsgesetz* of October 16, 1934 (*RGBl. I*, p. 925) and the *Steuer-saeumnisgesetz* of December 24, 1934 (*RGBl. I*, p. 1271), and their subsequent changes; cf. paragraph 5 of the Ordinance of September 16, 1940 (*RGBl. I*, p. 1238).

(31) By Government Ordinance No. 233, published August 30, 1943.

(32) By Government Ordinance No. 234, published August 30, 1943.

(33) Cf. "Die Steuerangleichung in Boehmen und Maehren" ("Adaptation of taxes in Bohemia-Moravia") in the economic part of the *Berliner Boersen Zeitung*, September 2, 1943.

(34) *VOBLR.Prot.* p. 47.

(35) Government Ordinance No. 150, regarding the creation of a Supervisory Office in the Ministry for Industry, Commerce and Trade (*S.d.G.u.V.*, p. 441).

(36) Oberregierungsrat von Schmoller, Prague, in *Der Neue Tag*, Prague, December 15, 1942 (as quoted in *News Digest*, No. 1027, January 11, 1943, C. 48, p. 14).

(37) Ordinance No. 121, *S.d.G.u.V.* 1939, p. 385.

(38) Fourth Ordinance of the Reich President for economic and financial security and the safeguard of domestic order of December 8, 1931 (*RGBl. I*, p. 699). This Ordinance created the office of "Reichskommissar fuer Preisueberwachung." Also the Ordinance concerning the powers of the "Reichskommissar fuer Preisueberwachung" of December 8, 1931 (*RGBl. I*, p. 744).

(39) *RGBl. I*, p. 569.

(40) Government Ordinance No. 301, August 22, 1942 (*S.d.G.u.V.*, p. 1473).

(41) *RGBl. I*, p. 43.

(42) Law of July 15, 1933 (*RGBl. I*, p. 488) and Executory Ordinance of October 6, 1933 (*RGBl. I*, p. 724).

(43) Ordinance of the Protectorate Government No. 168 of June 23, 1939 (*S.d.G.u.V.*, p. 487); Announcements No. 268 of the Minister for Commerce, Industry and Handicraft of November 4, 1939 and No. 75 of February 7, 1940; Executory Ordinances No. 37 of January 27, 1940 (*S.d.G.u.V.*, p. 58), No. 386 of September 9, 1940 (*S.d.G.u.V.*, p. 1142) and No. 451 of December 16, 1940 (*S.d.G.u.V.*, p. 319).

(44) Ordinance of the Protectorate Government No. 309 of September 19, 1940 (*S.d.G.u.V.*, p. 735).

(45) German Law for the preparation of reorganization of the German economy of February 27, 1934 (*RGBl. I*, p. 185) with many executory ordinances; cf. especially the First Executory Ordinance of November 27, 1934 (*RGBl. I*, p. 1194) and the Sixth Executory Ordinance of September 3, 1939 (*RGBl. I*, p. 1609).

(46) Ordinance of the Protectorate Government No. 309 of September 19, 1940 (*S.d.G.u.V.*, p. 735).

(47) The ordinances and announcements of the Minister for Economics and Labor, No. 103, dated March 9, 1942 (*S.d.G.u.V.*, p. 663); No. 117, dated March 30, 1942 (*S.d.G.u.V.*, p. 709); No. 248, dated June 28, 1942 (*S.d.G.u.V.*, p. 1139).

(48) Ordinance No. 206 (*S.d.G.u.V.*, p. 561).

(49) *VOBLR.Prot.*, p. 163.

(50) For all civil cases of the office, German jurisdiction was exclusively competent.

(51) Ordinance dated September 25, 1940 (*RGBl.*, p. 1279).

(52) *VOBLR.Prot.*, p. 149.

(53) *Der Neue Tag*, Prague, December 12, 1942 (quoted in *News Digest*, No. 1037, January 22, 1943, C. 65, p. 16).

(54) *RGBl. I*, p. 1609.

(55) *RGBl. I*, p. 199.

(56) Ordinance of March 25, 1942 (*RGBl. I*, p. 147) and Ordinance of the Reich Protector of June 3, 1942 (*VOBLR.Prot.* p. 145).

(57) Dated March 21, 1942 (*RGBl. I*, p. 165) and Executory Ordinance of the Reich Minister of Justice of April 25, 1942 (*RGBl. I*, p. 239).

(58) *VOBLR.Prot.*, p. 93 and p. 115.

(59) Dated April 13, 1942 (*RGBl. I*, p. 239).

(60) Dated May 26, 1942 (*VOBLR.Prot.*, p. 127).

(61) Government Ordinance No. 343 (*S.d.G.u.V.*, p. 1707).

(62) Government Ordinances Nos. 253 and 258 of December 21, 1937 and Nos. 148 and 149 of June 13, 1939 (*S.d.G.u.V.*, p. 440).

(63) Reich Law of March 25, 1939, concerning "Technische Nothilfe" (*RGBl. I*, p. 989) and ordinance of January 13, 1940 (*RGBl. I*, p. 208); for introduction in the Protectorate: *RGBl. I*, 1942, p. 466; *VOBLR.Prot.*, p. 218.

(64) Czechoslovak law of December 19, 1918.

(65) Government Ordinance No. 334 of October 1, 1940 (*S.d.G.u.V.*, p. 947).

(66) Protectorate Government Ordinance No. 287 (*News Flashes*, No. 170, February 1, 1943).

(67) See Chapter XII.

(68) Government Ordinance No. 133, March 25, 1942 (*S.d.G.u.V.*, p. 757).

(69) Government Ordinances No. 104 of March 23, 1942, No. 214 of June 8, 1942, and No. 267, published August 1, 1942.

(70) *Deutsche Wirtschaftsinformationen (Die Deutsche Stimme)* March-April 1943 (quoted in *News Digest*, No. 1152, June 5, 1943, C. 35, p. 17), and *Koelnische Zeitung*, March 30 1943 (quoted in *News Digest*, No. 1153, June 12, 1943, C. 66, p. 16).

(71) Ordinance No. 13/1942 (*S.d.G.u.V.*, p. 67).

(72) *News Flashes*, No. 205, October 4, 1943.

(73) Ordinance No. 127 regarding prolongation of existing collective labor agreements (*S.d.G.u.V.*, p. 743).

(74) See Chapter XI.

(75) *RGBl. I*, p. 1697; *VOBLR.Prot.*, p. 258.

(76) See Chapter VI.

CHAPTER XI

(1) *VOBLR.Prot.*, p. 496.

(2) *News Flashes*, No. 50, September 17, 1940.

(3) The new German manager was a Dr. Kislinger; cf. *Bulletin of the Czechoslovak Economic Council*, No. 4, London, May 1, 1940, and No. 21 of September 1, 1941.

(4) Berger, a National Socialist from Vienna; cf. *Bulletin of the Czechoslovak Economic Council* No. 4, May 1, 1940.

(5) Engelbert Heinrizi from Munich; cf. *Bulletin of the Czechoslovak Economic Council*, No. 5, May 16, 1940.

(6) A German from the Rhine; cf. *Bulletin of the Czechoslovak Economic Council*, No. 9, August 1, 1940.

- (7) Dr. Wilhelm Voss—a Reich German; cf. *Bulletin of the Czechoslovak Economic Council*, No. 19, July 3, 1941.
- (8) See Chapter X.
- (9) *Bulletin of the Czechoslovak Economic Council*, No. 4, May 1, 1940.
- (10) Ordinance No. 19 (*S.d.G.u.V.*, p. 88).
- (11) Ordinance No. 170 of May 9, 1942 (*S.d.G.u.V.*, p. 853).
- (12) Ordinance of the Protectorate Government No. 287 of November 23, 1939 regarding the emigration tax (*S.d.G.u.V.*, p. 853) and Executory Ordinance No. 33/1940 of December 12, 1939 (*S.d.G.u.V.*, p. 43).
- (13) Ordinance of March 5, 1940 (*VOBL.R.Prot.*, p. 77).
- (14) This definition is contained in the Ordinance of the Reich Protector of June 21, 1939 regarding the Jewish property (*VOBL.R.Prot.*, p. 45).
- (15) Ordinance of the Reich Protector of March 5, 1940 regarding the care of Jews and Jewish organizations (*VOBL.R.Prot.*, p. 77).
- (16) Both ordinances are mentioned in paragraph 11 of the Reich Protector's Property Ordinance of June 21, 1939 and were declared abrogated as of the date when this ordinance went into effect.
- (17) Ordinance of the Reich Protector of June 21, 1939 regarding Jewish property (*VOBL.R.Prot.*, p. 45).
- (18) An exception is the July 5, 1941 decree (Third Executory Ordinance under the law "for the protection of German blood and honor")—*VOBL.R.Prot.*, p. 403—which was issued under the powers granted to the Reich Minister of the Interior by Article 13 of the March 16, 1939 decree.
- (19) *News Flashes*, No. 21, November 16, 1939 and No. 36, April 5, 1940.
- (20) Third Executory Ordinance of January 26, 1940 (*VOBL.R.Prot.*, p. 40) to the Ordinance of June 21, 1939.
- (21) Announcement of the Protectorate Ministry of Finances of January 23, 1940, published January 27, 1940.
- (22) Fourth Executory Ordinance of February 7, 1940 (*VOBL.R.Prot.*, p. 45) to the Ordinance of June 21, 1939.
- (23) Second Executory Ordinance of December 8, 1939 (*VOBL.R.Prot.*, p. 318) to the Ordinance of June 21, 1939.
- (24) Paragraph 1, item 3 of the Ordinance of June 21, 1939.
- (25) Paragraph 7 of the Executory Ordinance of December 8, 1939.
- (26) Ordinance No. 263 regarding provisional restrictions in trade or other business activities (*S.d.G.u.V.* 1939, p. 796). The Ordinance replaced Government Ordinance No. 265 of the same title dated December 8, 1938 (*S.d.G.u.V.*, p. 1099).
- (27) Exceptions are listed in paragraph 9 of the Ordinance.
- (28) Regarding the treatment of property of citizens of the "former Polish State" (*RGBl.* I, p. 1270). The ordinance had reference also to the Protectorate.
- (29) Announcement of the Protectorate Ministry of Finances of November 10, 1939, published November 13, 1939 (Files of the World Jewish Congress, New York).
- (30) See above footnote 21.
- (31) Fifth Executory Ordinance of March 2, 1940 (*VOBL.R.Prot.*, p. 81) to the Ordinance of June 21, 1939.
- (32) Announcement of the Reich Protector of March 2, 1940 on the basis of the Fifth Executory Ordinance (*VOBL.R.Prot.*, p. 82).
- (33) Announcement of January 23, 1940 (see above footnote 21).
- (34) Announcement of the Protectorate Ministry of Finances of December 11, 1940, published December 16, 1940 (Files of the World Jewish Congress, New York).
- (35) Announcement of the Protectorate Ministry of Finances of February 8, 1941 (*Juedisches Nachrichtenblatt*, Prague, No. 7, February 14, 1941).

- (36) *RGBl.* 1941, I, p. 2.
- (37) *VOBL.R.Prot.* 1939, p. 35 and 36.
- (38) See above footnote 28.
- (39) Announcement of the Ministry of Finances of December 6, 1940, (*Juedisches Nachrichtenblatt*, Prague, December 13, 1940).
- (40) The power of appointment and dismissal within certain limits was transferred to the *Oberlandraete*. Second Executory Ordinance of December 8, 1939 to the Ordinance of June 21, 1939 (*VOBL.R.Prot.*, p. 318).
- (41) Announcement of the Ministry of Finances of October 9, 1940 (*Juedisches Nachrichtenblatt*, Prague, December 6, 1940).
- (42) Decree of the Protectorate Minister of the Interior of July 7, 1940, item 2 (*Juedisches Nachrichtenblatt*, Prague, August 2, 1940).
- (43) Decree of the Protectorate Minister of Interior of May 7, 1940 (*Der Neue Tag*, Prague, May 30, 1940).
- (44) *VOBL.R.Prot.*, p. 41.
- (45) The Reich Protector or the *Oberlandraete* decided where exceptions would be permitted.
- (46) Dated January 26, 1940 (*VOBL.R.Prot.* 1940, p. 43).
- (47) Dated March 19, 1940 (*VOBL.R. Prot.* 1940, p. 89).
- (48) Dated January 10, 1941 (*VOBL.R.Prot.*, p. 13).
- (49) Ordinance of the Reich Minister of Finances for the transfer of the liquor business of the Protectorate of Bohemia-Moravia to the liquor monopoly of the Reich, dated September 17, 1940 (*RGBl.* I, p. 1247).

CHAPTER XII

- (1) *Two Years of German Oppression in Czechoslovakia*, p. 58.
- (2) *VOBL.R.Prot.*, p. 333.
- (3) National Socialist Press Service of November 3, 1943, quoted in *News Digest*, No. 1287, November 10, 1943, B. 16, p. 8.
- (4) *Four Fighting Years*, p. 41, reports that the Society, according to its own statement in September 1940, had taken over 53,100 hectares (131,000 acres) in Southern Bohemia-Moravia alone, principally in border countries where the German element was threatened.
- (5) Regarding the promotion of housing construction for agricultural workers in the Protectorate of Bohemia-Moravia (*VOBL.R.Prot.*, p. 41).
- (6) *Der Neue Tag*, Prague, December 15, 1942, quoted in *News Digest*, No. 1026, January 9, 1943, p. 16.
- Der Neue Tag*, Prague, July 25, 1943, quoted in *News Digest*, No. 1201, August 2, 1943, p. 22.
- Der Neue Tag*, Prague, August 3, 1943, quoted in *News Digest*, No. 1208, August 10, 1943, p. 20.
- Aachener Anzeiger*, July 28, 1943, quoted in *News Digest*, No. 1211, August 13, 1943, p. 20.
- Der Neue Tag*, Prague, September 13, 1943, quoted in *News Digest*, No. 1242, September 18, 1943, p. 22.
- Der Neue Tag*, Prague, October 10, 1943, quoted in *News Digest*, No. 1277, October 29, 1943, p. 19.
- News Flashes*, No. 202, September 13, 1943.
- (7) *DNB*, November 20, 1943, quoted in *News Digest*, No. 1297, November 22, 1943, p. 27.
- (8) Czechoslovak Press Bureau, New York, June 8, 1942, Vol. 2, No. 64.
- (9) *News Flashes*, No. 175, March 8, 1943.
- (10) *Hamburger Fremdenblatt*, December 26, 1942, quoted in *News Digest*,

RACIAL STATE

- No. 1024, January 7, 1943, C. 64, p. 16 and *News Flashes*, No. 170, February 1, 1943.
- (11) *National Zeitung* of Essen, May 21, 1943, quoted in *News Digest*, No. 1148, June 1, 1943, C. 83, p. 17.
- (12) *National Zeitung* of Essen, October 3, 1943, quoted in *News Digest*, No. 1294, November 18, 1943, C. 59, p. 18 and *News Flashes*, No. 217, December 27, 1943.
- (13) *DNB*, July 15, 1943, quoted in *News Digest*, No. 1189, July 19, 1943, C. 64, p. 19.
- (14) Reich Labor Service Law, in the draft of September 9, 1939 (*RGBl. I*, p. 1747) and Ordinance regarding female youth, of September 4, 1939 (*RGBl. I*, p. 1693).
- (15) Ordinance of the Reich Government of December 22, 1939 (*RGBl. I*, p. 2465) and of November 30, 1940 (*RGBl. I*, p. 1544).
- (16) *VOBLR.Prot.*, p. 67.
- (17) Ordinance amending the Reich Labor Service Law dated January 30, 1941 (*RGBl. I*, p. 64, *VOBLR.Prot.*, p. 57); Ordinance of May 30, 1941 (*RGBl. I*, p. 299, *VOBLR.Prot.*, p. 332).
- (18) Ordinance of the Reich Minister of the Interior, dated February 9, 1942 (*RGBl. I*, p. 74, *VOBLR.Prot.*, p. 37).
- (19) Ordinance No. 149 (*S.d.G.u.V.*, p. 359).
- (20) Ordinance No. 190 and Executory Ordinance No. 195 of August 24, 1939 (*S.d.G.u.V.*, p. 533).
- (21) Ordinance for securing manpower for tasks of special state-political importance (*RGBl. I*, p. 1441); Executory Ordinances of September 15, 1939 (*RGBl. I*, p. 1775) and of October 14, 1939 (*RGBl. I*, p. 2049).
- (22) Fourth Executory Ordinance to the Emergency Service Ordinance (*RGBl. I*, p. 2301); further, the circular decrees of the Reich Minister of the Interior of August 15, 1939, *Ministerialblatt* 1939, p. 1771 and October 13, 1939, *Ministerialblatt* 1939, p. 2129.
- (23) Ordinance No. 46 (*S.d.G.u.V.*, p. 111).
- (24) Ordinance No. 154 (*S.d.G.u.V.*, p. 821).
- (25) *S.d.G.u.V.* 1942, p. 56.
- (26) A few exceptions are given in No. 24 of the Ordinance of May 4, 1942.
- (27) No. 30 of the Ordinance.
- (28) *RGBl. I*, p. 179; *VOBLR.Prot.*, p. 131; Executory Ordinance of March 27, 1942 (*RGBl. I*, p. 180, *VOBLR.Prot.*, p. 132).
- (29) *Svenska Dagbladet*, February 9, 1943, quoted in *News Digest*, No. 1054, February 11, 1943, C. 60, p. 15.
- (30) *News Flashes*, No. 173, February 22, 1943 and No. 205, October 4, 1943.
- (31) *Der Neue Tag*, Prague, July 11, 1943, quoted in *News Digest*, No. 1209, August 11, 1943, C. 78, p. 20.
- (32) Quoted in *News Digest*, No. 1299, November 24, 1943, C. 70, p. 21.
- (33) *Der Neue Tag*, Prague, May 9, 1943, quoted in *News Digest*, No. 1147, May 31, 1943, C. 57, p. 20.
- (34) Government Ordinance No. 333 of September 18, 1942 (*S.d.G.u.V.*, p. 1673).
- (35) *News Flashes*, No. 43, July 16, 1940.
- (36) *New York Times*, August 5, 1942.
- (37) February 14, 1943, quoted in *News Digest*, No. 1107, April 14, 1943, C. 66, p. 16.

CHAPTER XIII

- (1) *VOBLR.Prot.*, p. 77.

FOOTNOTES

- (2) Announcement of the Central Office for Jewish Emigration in *Juedisches Nachrichtenblatt*, Prague, of March 15, 1940.
- (3) Paragraph 1, item 2 of the Ordinance of March 5, 1940.
- (4) Ordinance of the Reich Protector of August 5, 1941 (*VOBLR.Prot.*, p. 469) and Ordinance No. 2 of the Protectorate Government of November 20, 1941 (*S.d.G.u.V.*, 1942, p. 3).
- (5) *Juedisches Nachrichtenblatt*, April 4, 1941, pp. 1 and 3.
- (6) Paragraph 5 of the Ordinance of March 5, 1940.
- (7) See Chapter XI.
- (8) Decree of the Protectorate Minister of Finance (F.M. 2468/40) of December 16, 1940 (*Juedisches Nachrichtenblatt*, Prague, January 3, 1941).
- (9) See Chapter XI.
- (10) *Juedisches Nachrichtenblatt*, Prague, September 1940.
- (11) Announcement of *Polizeidirektion*, Prague, September 10, 1940 (Files of the World Jewish Congress).
- (12) The "Fiser" and "Star" inns in Prague II, 3a Peter St., and Prague II, 6 Siebenbuergen St., respectively.
- (13) *VOBLR.Prot.*, p. 511.
- (14) *VOBLR.Prot.*, p. 239.
- (15) Announcement No. 24, 1942 of the Municipal Council of Prague, dated May 12, 1942 (*Juedisches Nachrichtenblatt*, Prague, June 5, 1942).
- (16) Ordinance No. 284 (*S.d.G.u.V.*, p. 1420).
- (17) See Chapter XII.
- (18) Ordinance No. 21/1942 concerning measures for the direction of manpower (*S.d.G.u.V.* 1942, p. 509), paragraphs 17-22.
- (19) Ordinance No. 260 (*S.d.G.u.V.*, p. 1257).
- (20) *JTA*, No. 267, October 31, 1941; No. 3, January 5, 1942; No. 22, January 27, 1942; No. 26, February 1, 1942.
- (21) *JTA*, No. 22, January 27, 1942.
- (22) Special report in the files of the World Jewish Congress, New York.
- (23) *JTA*, No. 261, October 24, 1941.
- (24) *JTA*, No. 275, November 10, 1941 and No. 292, December 21, 1941.
- (25) *JTA*, No. 280, November 17, 1941.
- (26) *JTA*, No. 45, February 24, 1942.
- (27) In the files of the World Jewish Congress, New York; without date.
- (28) *VOBLR.Prot.*, p. 38.
- (29) Except real estate belonging to the Reich, to the railroads of Bohemia-Moravia, to the administration of post and telegraphs, and real estate consecrated for the religious services of the publicly recognized religious congregations.
- (30) C. L. Sulzberger in the *New York Times*, February 25, 1943.
- (31) In the files of the World Jewish Congress, New York.
- (32) In the files of the World Jewish Congress, New York.
- (33) "Theresienstadt—a German Alibi," by Alfred Joachim Fischer, in *Free Europe*, London, of June 18, 1943.
- (34) According to a report by Mr. Arnost Frischer, Jewish member of the Czechoslovak State Council in London (Files of the World Jewish Congress).
- (35) *JTA*, January 26, 1944.
- (36) *JTA*, No. 141, June 20, 1944.
- (37) Dated October 12, 1941 (*VOBLR.Prot.*, p. 555).
- (38) Dated April 13, 1942 (*VOBLR.Prot.*, p. 91).
- (39) The same Ordinance and the third Ordinance "for the care of Jews and Jewish organizations" of November 19, 1941 (*VOBLR.Prot.*, p. 642) prescribed in which way the creditors of emigrating Jews and of dissolved Jewish organizations were to be satisfied.
- (40) See Chapter IV.

RACIAL STATE

(41) Public documents which were destroyed or lost—because they had gone abroad with the Jewish owner—could be restored by the courts or public notaries, according to the Ordinance of the Reich Minister of Justice of June 18, 1942 (RGBl. I, p. 176).

(42) RGBl. I, p. 372.

CHAPTER XIV

(1) *News Flashes*, No. 20, October 17, 1939; *News Flashes*, No. 228, March 13, 1944.

(2) RGBl. I, p. 591; *VOBLR.Prot.*, p. 535.

(3) *News Flashes*, No. 101, October 4, 1941.

(4) See Chapter VII.

(5) Ordinance of the Reich Protector proclaiming a civil state of emergency (*VOBLR.Prot.*, p. 527).

(6) Decree of the Reich Protector proclaiming a civil state of emergency in the districts of Prague, Brno, Moravska Ostrava, Olomouc, Hradec Kralove, Kladno.

(7) Second decree of the Reich Protector proclaiming a civil state of emergency in the districts of Hodonin, Uhersky Brod, Uherske Hradiste.

(8) *VOBLR.Prot.* No. 47, p. 527, published September 30, 1941 and *VOBLR.Prot.*, No. 50, p. 535, published October 11, 1941.

(9) Speech of Karl Stefan, Congressman from Nebraska, "Massacre of the Czech People," in the House of Representatives on June 11, 1942 (*United States of America Congressional Record*, Proceedings and Debates of the 77th Congress, Second Session).

(10) Statement of the Czechoslovak Government in London communicated to the Governments of the United States, Great Britain and the Soviet Union, in June 1943 (*Czechoslovak Press Bureau*, November 19, 1943, Vol. 3, No. 87).

(11) *News Flashes*, No. 102, October 13, 1941.

(12) *VOBLR.Prot.*, p. 653.

(13) *VOBLR.Prot.*, p. 23.

(14) See Chapter III.

(15) *New York Times*, June 5, 1943.

(16) Broadcast at 9:32 P.M.; *VOBLR.Prot.*, p. 123.

(17) *New York Times*, May 28, 1942.

(18) *New York Times*, May 29, 1942.

(19) *VOBLR.Prot.*, p. 124.

(20) *VOBLR.Prot.*, p. 163.

(21) List of May 30, 1942, *Der Neue Tag*, No. 148, May 31:

32 named persons, 12 unnamed persons; in most cases trades or professions were not given.

List of June 1, 1942, *Der Neue Tag*, No. 150, June 2:

18 named, 9 unnamed; among them 4 women; professions: physician, writer, retired university professor, retired mayor of the gendarmerie, two ministry councils in the ministry of agriculture, director of the firm "Kooperativa," director, professor of natural sciences, assistant actuary, civil service eligibles, official in a lawyer's office.

Reason: gave asylum, approved assassination, summoned help for perpetrators.

List of June 3, 1942, *Der Neue Tag*, No. 152, June 4:

15 named, 10 unnamed, among them 6 women; professions: director of the Czech Academy for Trade and Labor, 4 teachers, high school teacher, retired priest.

FOOTNOTES

List of June 5, 1942, *Der Neue Tag*, No. 154, June 6:

22 named, 8 unnamed, among them 2 women; professions: University professor, professor of technology, banker, president of the Bohemian-Moravian Association for potatoes, spirits and starch; ministry council, secretary of the Chamber of Trade in Prague, merchant, former mayor, Dr. Ing. and Director of factory, President of posts, tax secretary, teacher, editor, dechant, innkeeper, lieutenant colonel of the former Czechoslovak army.

Reason: approved assassination, had connections hostile to Reich.

List of June 8, 1942, *Der Neue Tag*, No. 157, June 9:

14 named, among them 2 women; professions: first director of Central Cooperative, lawyer, retired high school teacher, first council in Ministry of Agriculture, 3 secretaries, retired first sergeant of gendarmerie, owner of mills.

Reason: approved assassination, 2 gave asylum.

List of June 24, *Der Neue Tag*, No. 173, June 25:

18 named, 12 unnamed, among them 8 women; professions: university professor, retired first lieutenant of the former Czechoslovak army, two butchers, forest official, tax official, secretary.

Reason: connection with persons who acted in a way hostile to the Reich.

(22) *New York Times*, June 5, 1942.

(23) Cf. footnote 10.

(24) *News Flashes*, No. 135, June 1, 1942.

(25) *News Flashes*, No. 138, June 22, 1942.

(26) *Four Fighting Years*, p. 133.

(27) *Der Neue Tag*, Prague, No. 173, June 25, 1942.

(28) *News Flashes*, No. 144, August 3, 1942.

(29) *VOBLR.Prot.*, p. 181.

(30) "For the prevention of assistance in acts hostile to the Reich," *VOBLR.Prot.*, p. 182.

(31) *New York Sun*, August 24, 1943.

(32) See Chapter III.

(33) *Aftonbladet*, December 3, 1943, quoted in *News Digest*, No. 1310, December 7, 1943, C. 68, p. 16.

(34) DNB, quoted in *News Digest*, No. 1311, December 8, 1943, C. 56, p. 17.

(35) *News Digest*, No. 1301, November 26, 1943, C. 80, p. 19.

(36) *News Digest*, No. 1278, October 30, 1943, C. 65, p. 22.

(37) *New York Times*, January 26, 1944.

(38) *Der Neue Tag*, Prague, November 7, 1943, reported by *News Digest*, No. 1292, November 16, 1943, C. 78, p. 24; *News Flashes*, No. 214, December 6, 1943.

(39) *New York Sun*, July 24, 1943.

(40) *News Flashes*, No. 114, January 5, 1942.

(41) *News Flashes*, No. 174, March 1, 1943.

(42) *News Flashes*, No. 185, May 7, 1943.

(43) *News Flashes*, No. 192, July 5, 1943.

(44) *News Digest*, No. 1257, October 6, 1943, C. 69, p. 20.

(45) *New York Times*, February 28, 1944.

(46) *News Flashes*, No. 232, April 10, 1944.

APPENDICES

APPENDIX I

STATISTICS OF NATIONALITIES

The following statistical survey of the nationality composition of Czechoslovakia at selected dates, and of the territorial and population changes resulting from Munich, illustrates how inadequately the principle of self-determination explains the cessions which took place.

APPENDICES

TABLE I
THE POPULATION IN THE TERRITORY OF THE
CZECHOSLOVAK REPUBLIC IN THE YEARS 1910, 1921, 1930

Nationality	1910 ⁽¹⁾ (by language)	1921 ⁽²⁾ (by mother tongue)	1930 ⁽³⁾ (by nationality)
Czechs and Slovaks.....	8,034,890	8,760,937	9,688,770
% of the population.....	59.48%	65.51%	66.91%
Germans	3,750,673	3,123,568	3,231,688
% of the population.....	27.76%	23.36%	22.32%
Magyars	1,070,873	745,431	691,923
% of the population.....	7.93%	5.57%	4.78%
Ruthenians	434,813	461,849	549,169
(Russians, Ukrainians)			
% of the population.....	3.21%	3.45%	3.79%
Poles	169,641	75,853	81,737
% of the population.....	1.26%	0.57%	0.57%
Jews	— ⁽⁴⁾	180,855 ⁽⁵⁾	186,642 ⁽⁵⁾
% of the population.....		1.35%	1.29%
Others	48,549	25,871	49,636
% of the population.....	0.36%	1.09%	0.34%
Aliens	87,162	238,808	249,971
Total	13,596,601	13,374,364	14,729,536

(1) Winkler, *Statistisches Handbuch der europaischen Nationalitaeten*, p. 97.

(2) Winkler, *loc. cit.*, p. 93; *Manual Statistique de la République tchecoslovaque*, Prague, 1925, II, p. 362-363.

(3) *Annuaire Statistique de la République tchecoslovaque*, Prague, 1937.

(4) In 1910 the Jews were included in the number of other nationalities (Czechoslovaks, Germans, Magyars), according to the linguistic group with which they were classified.

(5) In 1921 and 1930 those persons were counted as Jews who in the census declared their nationality as "Jewish." The number of Jews by religion was considerably different. For the year 1921, the number of Jewish faith was 79,777 for Bohemia, and 45,306 for Moravia and Silesia. See Table 2 for the figures about 1930.

RACIAL STATE

TABLE 2

SURVEY OF THE DISTRIBUTION OF NATIONALITIES IN THE PROVINCES OF CZECHOSLOVAKIA ACCORDING TO THE CENSUS OF 1930(6)

Nationality	In the entire Republic	Bohemia	Moravia and Silesia	Slovakia	Sub-Carpathian Ruthenia
Czechoslovakia	9,688,770	4,713,366	2,595,534	2,345,909	33,961
% of the population	66.91%	67.19%	74.12%	72.09%	4.79%
Germans	3,231,688	2,270,943	799,995	147,501	13,249
% of the population	22.32%	32.38%	22.85%	4.53%	1.87%
Magyars	691,923	7,603	2,860	571,988	109,472
% of the population	4.78%	0.11%	0.08%	17.58%	15.44%
Ruthenians (Russians, Ukrainians)	549,169	7,162	4,012	91,079	446,916
% of the population	3.79%	0.10%	0.11%	2.80%	63.02%
Poles	81,737	1,195	79,450	933	159
% of the population	0.57%	0.02%	2.27%	0.03%	0.02%
Jews(7) (by nationality)	186,642	12,735	17,267	65,385	91,255
% of the population	1.29%	0.18%	2.49%	2.01%	12.87%
Others	49,636	1,555	2,570	31,394	14,117
% of the population	0.34%	0.02%	0.8%	0.96%	1.09%
Aliens	249,971	94,817	63,322	75,604	16,228
Total	14,729,536	7,109,376	3,565,010	3,329,793	725,357

(6) *Annuaire Statistique de la République tchecoslovaque*, Prague, 1937.

(7) Jews (by religion)

356,830	117,551	136,737	105,542
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APPENDICES

TABLE 3

SURVEY OF THE NUMBER OF PERSONS OF VARIOUS NATIONALITIES TRANSFERRED TO GERMANY, POLAND AND HUNGARY THROUGH THE CZECHOSLOVAK CESSION IN OCTOBER—NOVEMBER, 1938(8)

Nationality	to Germany	to Poland	to Hungary	Total	Percentage of the Ceded Population
Czechs and Slovaks..	738,502	134,311	288,803	1,161,616	24.20
Ruthenians (Russians, Ukrainians)	1,495	124	35,261	36,880	0.77
Germans	2,822,899	17,351	13,608	2,853,858	59.46
Poles	1,076	76,303	201	77,580	1.62
Magyars	3,806	46	587,692	591,544	12.32
Jews	6,659	2,095	51,578	60,332	1.26
Others	2,282	52	15,353	17,687	0.37
Number of Czechoslovak citizens transferred	3,576,719	230,282	992,496	4,799,497	100%
	74.53%	4.80%	20.67%	100%	

(8) *Central European Observer*, XVI, December 16, 1938, p. 392.

RACIAL STATE

TABLE 4

NUMBER OF PERSONS OF VARIOUS NATIONALITIES REMAINING IN
THE SEVERAL PROVINCES OF THE SECOND CZECHOSLOVAK REPUBLIC
AFTER THE CESSIONS TO GERMANY, POLAND AND HUNGARY IN
OCTOBER-NOVEMBER, 1938⁽⁹⁾

Nationality	Entire Czecho- Slovakia	Bohemia	Moravia	Slovakia	Ruthenia
Czechs and Slovaks	8,527,154 88.09%	4,309,901 97.23%	2,143,956 93.18%	2,055,802 85.59%	17,495 3.21%
Ruthenians	512,289 5.29%	6,303 0.14%	3,318 0.15%	89,187 3.72%	413,481 75.90%
Germans	377,830 3.90%	99,256 2.24%	135,542 5.89%	134,317 5.59%	8,715 1.60%
Hungarians	100,379 1.04%	6,191 0.14%	2,514 0.11%	65,780 2.74%	25,894 4.75%
Poles	4,157 0.04%	920 0.02%	2,388 0.10%	771 0.03%	78 0.02%
Jews ⁽¹⁰⁾ (by nationality)	126,310 1.31%	8,844 0.20%	12,480 0.54%	39,158 1.63%	65,828 12.08%
Others	31,949 0.33%	1,241 0.03%	598 0.03%	16,842 0.70%	13,268 2.44%
Number of Czechoslovak citizens	9,680,068	4,432,656	2,300,797	2,401,857	544,759

⁽⁹⁾ *Central European Observer*, XVI, December 16, 1938, p. 392.

⁽¹⁰⁾ This figure for the Jews refers to those who stated their nationality as Jewish. According to statistics compiled by the Germans in the Protectorate on October 1, 1939, 90,147 persons were considered Jews in Bohemia and Moravia, of whom 80,139, were of Jewish religion and 9,828 of non-Jewish religion (according to an unpublished source in the World Jewish Congress files).

APPENDICES

TABLE 5

SURVEY OF THE CHANGES IN THE TERRITORIAL POSSESSIONS OF
CZECHOSLOVAKIA IN THE PERIOD FROM SEPTEMBER 29, 1938 TO
MARCH 31, 1939⁽¹¹⁾

- (a) On January 1, 1938, Czechoslovakia consisted of:
- | | | |
|------------------------------|--------|---------------------|
| Bohemia | 20,139 | square miles |
| Moravia | 8,616 | " " |
| Silesia | 1,708 | " " |
| Slovakia | 18,895 | " " |
| Sub-Carpathian Ruthenia | 4,886 | " " |
| Total | | 54,244 square miles |
- (b) During 1938 it lost to:
- | | | |
|---------------|--------|---------------------|
| Germany | 11,071 | square miles |
| Poland | 419 | " " |
| Hungary | 4,566 | " " |
| Total | | 16,056 square miles |
- On January 1, 1939, Czechoslovakia therefore possessed
- | | | |
|--|--|---------------------|
| | | 38,190 square miles |
|--|--|---------------------|
- (c) This area was then partitioned into:
- | | | |
|--|-----------|--------------|
| The Protectorate of Bohemia- | | |
| Moravia | 19,058 | square miles |
| The Slovak State | 14,848 | " " |
| Carpatho-Ruthenia which was transferred to Hungary | ca. 4,000 | " " |

⁽¹¹⁾ Council on Foreign Relations, New York, *Political Handbook of the World*, 1940, p. 42, 43.

RACIAL STATE

APPENDIX II

STRUCTURE OF THE GERMAN MINISTRY OF STATE OF BOHEMIA-MORAVIA

(Source: *News Digest*, No. 1302, November 27, 1943, C84, p. 23, according to *Der Neue Tag*, Prague, November 6, 1943)

- (1) The Minister's Office.
- (2) Central Administration.
- (3) Supreme Comptroller's Office (*Oberste Rechnungskontrolle*).

Department I: General and Internal Administration:

- (1) Reich supervision of general and internal Protectorate Administration (including the *Reichsauftragsverwaltung*, but excluding the Health and Veterinary Services).

Matters concerning the State Sovereignty of the Reich.

Raumordnung, Archives and Sports.

- (2) Reich Defense.
Reich supervision of Protectorate health service and German health service.
- (3) Reich supervision of the Protectorate veterinary service.
German veterinary chamber.
- (4) Youth (*Staatsjugend*).
- (5) Universities.

Department II: Justice:

- (1) Reich supervision of Protectorate criminal procedure (*Strafjustiz*).
German criminal procedure (*Deutsche Strafjustiz*).
- (2) Reich supervision of Protectorate civil law procedure (*Ziviljustiz*); German civil law procedure.
- (3) Judiciary.

Department III: Schools:

- (1) Reich supervision of school administration and cultural matters of the Protectorate.

APPENDICES

The German Academy of Science.

- (2) Reich supervision of Protectorate Schools, including the teachers' colleges, popular education (*Volksbildung*) and science.

Department IV: Cultural Policy:

- (1) General cultural tasks, literature (*Schrifttum*), theatres, and films, music and plastic art; problems of the Reich Cultural Chamber.
- (2) Propaganda.
- (3) Press.
- (4) Radio.

Department V: Economics and Labor:

- (1) Reich supervision of economic administration of the Protectorate, including banking and issue of banknotes (*Emmissionswesen*).
- (2) Reich supervision of Protectorate labor administration.
- (3) Reich supervision of Protectorate price control.
- (4) Reich supervision of Protectorate forestry.

Department VI: Food and Agriculture:

- (1) Reich supervision of agriculture and agricultural production.
- (2) Reich supervision of food economy and public supplies.
- (3) Reich supervision of agricultural training, banking and co-operatives, and the Association of Agriculture and Forestry.

Department VII: Finance:

- (1) Reich supervision of Protectorate financial administration.
- (2) Administration of customs, taxes on consumption goods and Reich Monopolies.
- (3) Administration of Reich property.

Department VIII: Transport:

- (1) Reich supervision of Protectorate transport.
- (2) Reich supervision of Protectorate technical administration.

RACIAL STATE

- (3) Trustee for internal transport.
- (4) Trustee for waterways.
- (5) Surface building administration, and *Bauten des Reiches*.

Department IX: Telephone and Postal Services:

- (1) Reich supervision of Protectorate telephone services.
- (2) Reich supervision of Protectorate posts.
- (3) German posts (*Deutsche Dienstpost*).

The leading officials working in the various departments are called *Generalreferenten*.

Members of the German Ministry of State are the Commander of the Police (*Befehlshaber der Ordnungspolizei*) and the Commander of the Security Police and the SD,⁽¹⁾ who are responsible for the following tasks:

The Commander of the Police:

- (1) Reich control of the uniformed Protectorate Police and the Protectorate Administrative Police, as far as they do not come under the competence of the Security Police and the SD.
- (2) ARP⁽²⁾ and TN.⁽³⁾

The head of the Security Police and the SD:

- (1) Reich control of the non-uniformed Protectorate Police and the areas assigned to the Protectorate Administrative Police.
- (2) Matters of the Reich's own administrative police.

Members of the German Ministry of State are all *Oberlandraete* in their capacity of inspectors of the German Ministry for Bohemia-Moravia.

Attached officials are:

The liaison officer of the Gau labor leader: to the Minister's office.
The trustee for organizations: to Department I.
The central office for public orders (*Auftraege*): to Department V.

(1) *Sicherheits-Dienst* (Security Service)

(2) *Allgemeine Reichs Polizei* (Reich's own administrative police).

(3) *Technische Nothilfe* (see Chapter X, footnote 63).

APPENDICES

The head of the liaison office of the German Minister of State for Bohemia-Moravia and the trade unions: to Department V.

The trustee for the Reich aviation administration: to Department VIII.

The trustee for the Province (*Laenderbeauftragte*) of the central office for generators: to Department VIII.

Individual matters of the Reich's own administration which have not been specified in the above decree will be dealt with by the relevant departments until further notice. . . .

APPENDIX III

THE CZECHOSLOVAK SCHOOL SYSTEM, 1923-1934

(Source: Winkler: *Statistisches Handbuch des gesamten Deutschlands*, pp. 521-527)

Type of Schools	Number of schools		Number of students	
	Total	German	Total	German
Universities	4	1	12,998	3,883
Technical schools	4	2	10,385	2,202
Other advanced schools				
of technical nature	3	—	1,238	44
Academies of plastic arts..	1	—	239	37
Theological seminaries	22	Czech & German combined	641	127
Preparatory schools	359	104	109,062	24,278
Agricultural schools	234	51	9,457	1,948
Agricultural continuation schools	572	88	27,068	3,291
Commercial schools	93	25	23,729	6,819
Commercial continuation schools	64	26	4,795	1,508
Vocational and trade schools	237	86	52,917	13,606
Vocational continuation schools	1,618	353	114,339	33,428
Advanced grammar schools..	1,696	423	327,483	70,172
Elementary schools	14,017	3,339	1,446,563	312,946

DOCUMENT 1

THE HITLER-HACHA AGREEMENT OF MARCH 15, 1939

(Translation from *Hamburger Monatshefte*, April, 1939, p. 357)

The Fuehrer today, in the presence of Reich Minister of Foreign Affairs von Ribbentrop, received the Czecho-Slovak President, Dr. Hacha, and the Czecho-Slovak Foreign Minister, Dr. Chvalkovsky at their request. At the conference, the grave situation which had arisen for the former Czecho-Slovak State, through the events of past weeks, was subjected to a full and frank examination. Both sides agreed in expressing the conviction that the aim of all efforts must be to secure tranquillity, order, and peace in that part of Central Europe. The Czecho-Slovak President declared that in behalf of that aim and in order to achieve a definitive pacification, he laid the fate of the Czech people and land confidently in the hands of the Fuehrer of the German Reich. The Fuehrer accepted this declaration and expressed his resolve to take the Czech people into the protection of the German Reich and vouchsafe it the autonomous development, according to its distinctive nature, of its national life.

DOCUMENT 2

HITLER'S DECREE OF MARCH 16, 1939

(Translation from the German original)

(Source: *Czechoslovak Yearbook of International Law, Hlidka Mezinarodniho Prava*, London, March 1942)

Bohemia and Moravia have for thousands of years belonged to the Lebensraum of the German people. Force and unreason have arbitrarily torn them from their old historical setting. Above all their incorporation in the artificial structure of Czechoslovakia created a breeding ground of constant unrest.

Year by year there grew the danger that from this region there might emerge—as already once in the past—a terrible threat to European peace. For the Czechoslovak State and its rulers had failed to organize on a reasonable basis the communal life of the several nationality groups arbitrarily united within it. It had failed therefore to arouse and to preserve the interest of each group in the maintenance of the common State structure. It thus showed its innate incapacity to live and has now crumbled in actual fact.

In this region, which for its own peace and safety as well as for the common weal and for the general peace is of such decisive importance, the German Reich cannot tolerate continued disturbances. Sooner or later the Reich, as historically and geographically the Power most interested in that region, would have to bear the heaviest consequences. It is in accordance, therefore, with the principle of self-preservation that the Reich is resolved to intervene decisively, to reestablish the bases of a reasonable Central European order and to take all measures which in consequence arise. For in its long historical past it has shown itself, through the greatness and the

qualities of the German people, as being alone fitted to fulfil these tasks.

Imbued with the sincere wish to serve the interests of the peoples living in this Lebensraum, to secure the national individuality of the German and the Czech nations, and to further peace and social welfare, I therefore order, in the name of the German Reich, that the future communal life of these peoples be established on the following basis:—

ARTICLE I.

(1) The territories of the former Czechoslovak State occupied by the German troops in March, 1939, belong henceforth to the territory of the Great German Reich, and enter its protection as the "Protectorate of Bohemia and Moravia."

(2) In so far as the defence of the Reich demands it, the Fuehrer and Reich Chancellor makes arrangements which diverge from this rule for individual parts of these territories.

ARTICLE II.

(1) The German inhabitants of the Protectorate become German subjects (Staatsangehoerige) and, in accordance with the Reich Citizenship Law of September 15th, 1935, Reich citizens (Reichsbuerger). The regulations for the protection of German blood and German honour therefore hold valid for them. They are subject to German jurisdiction.

(2) The other inhabitants of Bohemia and Moravia become subjects (Staatsangehoerige) of the Protectorate of Bohemia and Moravia.

ARTICLE III.

(1) The Protectorate of Bohemia and Moravia is autonomous and administers itself.

(2) It exercises the prerogatives which fall to it within the framework of the Protectorate in accordance with the political, military, and economic interests of the Reich.

(3) These prerogatives are exercised through its own organs and its own authorities, with its own officials.

RACIAL STATE

ARTICLE IV.

The Head of the autonomous administration of the Protectorate of Bohemia and Moravia enjoys the protection and the rights of the Head of the State. The Head of the Protectorate must have the confidence of the Fuehrer and the Reich Chancellor for the discharge of his office.

ARTICLE V.

(1) As the protector of Reich interests the Fuehrer and Chancellor appoints a "Reich Protector in Bohemia and Moravia." His seat of authority is Prague.

(2) As the representative of the Fuehrer and Reich Chancellor, and as the delegate of the Reich Government, the Reich Protector has the task of seeing that the lines of policy laid down by the Fuehrer and Reich Chancellor are observed.

(3) The members of the Government of the Protectorate are confirmed by the Reich Protector. This confirmation can be withdrawn.

(4) The Reich Protector is authorized to inform himself about all measures taken by the Government of the Protectorate and to give advice. He can object to measures which are calculated to injure the Reich, and when delay seems dangerous can himself take measures necessary in the common interest.

(5) The promulgation of laws, decrees, and other orders, as well as the execution of administrative measures and final judicial decisions, is to be stopped when the Reich Protector objects to them.

ARTICLE VI.

(1) The foreign affairs of the Protectorate, and in particular the protection of State subjects abroad, are managed by the Reich. The Reich will direct foreign affairs in such a way as to consort with the common interest.

(2) The Protectorate is to have a representative accredited to the Reich Government with the official title of "Minister" (Gesandter).

APPENDICES

ARTICLE VII.

(1) The Reich provides for the military defense of the Protectorate.

(2) In carrying out this protection the Reich keeps garrisons and military establishments in the Protectorate.

(3) For the maintenance of internal security and order the Protectorate can set up its own bodies. Their organization, strength, number, and armament are determined by the Reich Government.

ARTICLE VIII.

The Reich takes direct charge of communications, as well as of the post and telephone system.

ARTICLE IX.

The Protectorate belongs to the customs zone of the Reich and is under the jurisdiction of the Reich customs authorities.

ARTICLE X.

(1) Until further notice the crown will be legal tender along with the mark.

(2) The Reich Government fixes the ratio of each money to the other.

ARTICLE XI.

(1) In so far as the common interest demands it, the Reich can promulgate orders applicable to the Protectorate.

(2) In so far as there is a common need for it the Reich can take administrative branches into its own administration and set up the requisite Reich authorities.

(3) The Reich Government can take measures for the maintenance of law and order.

ARTICLE XII.

The law now in force in Bohemia and Moravia remains valid except

RACIAL STATE

in so far as it contradicts the spirit of the Protection undertaken by the German Reich.

ARTICLE XIII.

The Reich Minister of the Interior promulgates, in agreement with the other Ministers of the Reich, the legal and administrative rules necessary for the execution and amplification of this proclamation.

APPENDICES

DOCUMENT 3

THIRTEENTH ORDINANCE TO THE REICH CITIZEN'S LAW OF JULY FIRST, 1943

(Source: *Reichsgesetzblatt* I, 1943, p. 372)

By virtue of paragraph 3 of the Reich Citizen's Law of September 15, 1935, (RGBl. I, p. 1146) the following is decreed:

I.

- (1) Culpable actions committed by Jews will be punished by the Police.
- (2) The decree on penal law for Poles of September 4, 1941, no longer applies to Jews.

II.

- (1) After the death of a Jew his property goes to the Reich.
- (2) The Reich can grant compensation to non-Jewish persons who are the rightful inheritants of the deceased and who are entitled to be supported by him if they normally reside within the Reich.
- (3) Compensation can be paid in the form of a capital sum. This sum must not exceed the selling value of the property of which the German Reich has acquired the right of disposal.
- (4) Compensation may be granted by handing over material values or titles from the property. No court fees will be levied for the legal formalities which are necessary in this connection.

III.

The Reich Minister of the Interior, in agreement with the supreme Reich authorities concerned, will issue the legal and administrative regulations required for executing and supplementing this decree. He

RACIAL STATE

will also determine to what extent the decree is to apply to Jews of foreign nationality.

IV.

This decree comes into force on the seventh day after its promulgation. It is valid in the Protectorate of Bohemia and Moravia within the sphere of the German administration and jurisdiction.

Section II applies also to Jews who are citizens of the Protectorate:

Signed:

The Reich Minister of the Interior, Frick;
The Head of the Party Chancellery, M. Bormann;
The Reich Minister of Finance, Count Schwerin von Krosigk;
The Reich Minister of Justice, Dr. Thierack.

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INDEX

INDEX

- Administration 38, 41, 45, 48, 63, 68, 100, 108, 115, 119, 135, 150 ff., 172, 174, 177, 184, 185, 197, 206, 211, 212, 228, 249.
- Agreement of March 15, 1939 20, 27, 29, 31, 34.
- Aggression 45.
- Agriculture 65, 69, 133, 179, 186, 191, 192, 222-224, 229.
- Allegiance 84, 85, 167, 251, 261, 270, 271.
- Anglo-Japanese Alliance 44.
- Annexation 26, 32-35, 41, 48, 58, 250, 273.
- Anti-Jewish, *see*: Regulations, anti-Jewishish.
- Anti-Semitism 139, 142, 204, 246, 247.
- Army 25, 48, 82, 84, 104, 126, 163, 184, 211, 226.
- Aryan 77, 78, 80, 86, 90, 125, 142, 154, 212, 215, 235.
- Aryanization 219, 222, 234, 245.
- Associations 131, 186, 198, 210, 211.
- Austria 10, 17, 22, 23, 76, 109, 209.
- Austria-Hungary 44, 109, 114, 171, 199.
- Authority, derived 40, 53, 62, 97, 178.
- Autonomy 5, 13, 31, 36, 38, 40, 42, 51-54, 60, 64, 66, 68, 86, 95, 101, 111, 125, 133, 135, 177, 187, 191, 198, 213, 253.
- Balkans 26, 180, 269.
- Baltic Countries 26, 224, 269.
- Banking 177-183, 196, 205, 215, 219, 220, 224, 244.
- Bankruptcy 98, 119, 171, 174, 213, 219.
- Benes, Edvard 92, 134, 262.
- Beran, Rudolf 16, 134.
- Bertsch, Walther 66, 112, 150, 158, 171, 182, 183, 193-195, 229-231, 238.
- Best, Werner 4, 5.
- Blood and Honor 86, 140, 142, 158.
- Blut und Boden* 3.
- Bohemia, Kingdom of 23.
- Bohemia, Province of 15, 23, 24, 28, 56, 222 ff.
- Bonds 56, 216, 217.
- Cabinet 20, 29, 64, 137, 138, 142, 151, 153, 156, 158, 171, 253.
- Cartels *see* Corporations, compulsory.
- Censorship 144-149, 162.
- Central Office of Jewish Emigration 233, 234, 236, 240, 244.
- Chamberlain, Neville 10, 11, 12, 66, 139.
- China 43, 44, 48.
- Chvalkovsky, Frantisek 20, 21, 55.
- Cinema 120, 132, 147, 148, 220, 254.
- Citizenship 5, 93, 271.
- Czechoslovak 16 ff.
- Protectorate 31, 41, 54, 73, 82-84, 91, 92, 126, 153.
- German 16 ff., 35, 38, 60, 76-84, 88, 112, 169, 207, 226, 245.
- Civil service 108, 113, 115, 117, 119, 157, 168, 258.
- Collaborationism 85, 117, 136, 137, 156, 208, 246, 253, 258, 261, 263, 273.
- Colonies 33.
- Commerce 25, 183, 194, 210, 219, 222, 268.
- “Common Interest” 53, 60, 101-103, 166, 177, 190, 210, 212, 227, 250.
- Communications 24, 46, 53, 59, 110, 183.
- Communism 134, 136, 156, 259.
- Companies *see* Enterprises.
- Compensation 114, 175, 195, 215, 241.
- Concentration camps 59, 249, 253, 260.
- Confiscation 164, 207, 209, 214, 215, 224, 255.
- Constitutional law 27 ff., 34, 53, 63, 73.
- Corporations, compulsory 188-191.
- Courts 33, 85, 93-95, 99, 101, 107, 119, 121, 125, 150, 198, 218;
- Civil—97, 98, 169, 170;
- Criminal—54, 104-6, 166, 246, 259.
- Courts martial 104, 251-253, 255, 257, 259.

INDEX

- Culture 52, 80, 119, 138, 150, 156, 158, 197-199, 267, 268, 270, 271.
 Currency 53, 177-181, 193.
 Czechoslovak Government in London 164, 166.
 Czechoslovak Republic 21, 22, 27, 101, 106, 109, 110, 113, 117, 167, 230.
 Czecho-Slovak Republic 13, 25, 29, 46, 48, 58, 63, 115, 116, 130, 167, 174.
 Czech books 147.
 Czech boy scout organizations 109.
 Czech Frontier Fighters Association 111.
 Czech industry 192 ff.
 Czech Legionaries 109, 116.
 Czech National Socialist Group 136.
 Czech workers 231.
 Czechs 10-13, 18, 23, 31, 51, 74, 75, 79, 82, 86, 107, 108, 118, 122, 129, 132, 140, 148, 153, 159, 162, 196, 198, 208-210, 221, 223, 230, 231, 262.
 Daladier, Edouard 11, 66, 139.
 Daluge, Kurt 62, 138, 254, 257, 258, 261.
 Damages 168, 174, 175, 270.
 Death Penalty 162, 165, 166, 225, 249, 251, 255, 257, 259, 260.
 Dentists 122, 132.
 Deportation 92, 221, 233-236, 239, 242, 245.
 District attorneys 99, 100, 106, 107.
 District governors (*Oberlandraete*) 61, 163, 197, 227, 236, 237.
 Economic legislation see: Banking, Commerce, Currency, Enterprises, Industry.
 Education 38, 65, 66, 69, 108, 124, 126, 130, 152, 153, 157.
 Elias, General Alois 65, 119, 252.
 Emigration 164, 207, 234, 235, 244, 245.
 Emigration Fund of Bohemia-Moravia 234, 241, 245.
 Employees 133, 165, 172, 184, 195, 230, 231, 237, 238.
 Enterprises 56, 119, 186, 188, 189, 196-198, 205, 211, 212, 218, 220, 226, 236, 240.
 Evacuees 225.
 Expatriation 91 ff., 164 ff., 244 ff.
 Export 192, 235.
 Extermination 74 ff., 244 ff.
 Family 96, 198, 230, 232, 238, 254, 255, 261.
 Farmers 77, 130, 135, 136, 222-224, 252, 261, 268.
 Feder, Gottfried 76.
 Flight-tax 207, 235.
 Forced labor 221, 226, 230, 233, 236-238, 240-243, 245, 260, 261.
 France 11, 13, 14, 22, 26, 29, 44, 57, 66, 76, 232, 269.
 Frank, Karl Hermann 61, 62, 68, 69, 117, 123, 124, 138, 153, 164, 257, 261.
 Frick, Wilhelm 62, 68, 77, 250, 257.
 Germanization 5, 222, 223, 232, 249.
 German Minister of State for Bohemia-Moravia 69, 258.
 German People's Court 249.
 German Red Cross 243.
 Germans 10, 12, 13, 15, 16, 18, 31, 38, 41, 53, 75, 76, 80, 95, 97, 108, 112, 118, 125, 130, 148, 150, 170, 171, 196, 218, 219, 223, 226, 245, 246, 254 ff., 259, 260; see *Volksdeutsche*:
 Gestapo 55, 59, 61, 62, 92, 109, 111, 117, 122, 123, 131, 186, 209, 224, 234, 236, 239, 241, 244-246, 249, 251, 252, 256, 258,, 259, 263.
 Ghettos 240.
 "Gleichschaltung" 129, 204.
 Goering, Hermann 20, 159, 193, 229, 262.
 Great Britain 11, 13, 14, 44, 48, 57, 66.
Grossraum 4, 5.
 Guarantee 10, 11, 13, 14, 40, 41, 48, 51-54, 73, 126, 246, 272, 274.
 Guenther, Hans F. K. 78.
 Hacha, Emil 20, 21, 27-29, 31, 56, 58, 65, 111, 136-138, 157, 238, 253, 262.
 Hadega (*Handelsgesellschaft m.b.H.*) 213.
 Hapsburgs 111, 199.
 Haushofer, Karl 3.
 Heydrich, Reinhard 62, 65-67, 90, 109, 111, 116, 137, 142, 153, 156, 157, 165, 195, 241, 244, 250, 253, 254, 257, 258, 261.
 Himmler, Heinrich 59, 61, 62, 250, 258.
 Hitler, Adolf 10, 14, 18-21, 24, 27, 28, 31, 52, 69, 67, 73, 99, 137-139, 167, 229, 249, 251, 256-258, 269.
 Hitler Jugend 77, 89, 158, 224, 225.
 Hostages 253.
 Hungarians 10-14, 17-19, 84, 134.
 Huss, Jan 146.
 Hussite Wars 23.

INDEX

- Immigrants 222.
 Import 192.
 Independence 14, 20, 40, 41, 44-46.
 Industry 179, 183, 192, 194, 195, 211, 219, 222, 229, 252, 256, 258, 268.
 Inheritance 96, 245.
 Institutions 56, 197, 205, 226.
 Insurance 121, 169, 170, 173, 215, 220.
 Intelligentsia 124, 249.
 International Law 34, 39, 267, 270, 273.
 Italy 11, 13, 44, 57, 262, 263.
 Japan 43-49, 74, 273.
 Jew (definition) 214.
 Jewish associations 212.
 Jewish communities 233, 234, 236, 239.
 Jewish counsellors 120.
 Jewish employees 173, 174.
 Jewish enterprises 175, 204, 210, 212.
 Jewish faith 78.
 Jewish Nationality 18.
 Jewish organizations 208.
 Jewish property 207, 244.
 Jewish Protectorate subject 245.
 Jewish subjects 86, 88, 92.
 Jewish workers 173.
 Jews 18, 19, 75-80, 85, 88, 89, 118, 119, 125, 129, 139, 140, 156-158, 167, 170, 173, 198, 204, 240, 244, 252, 260, 263.
 Jews of foreign citizenship 216.
 Jews of "non-Mosaic faith" 234.
 Jews of Polish citizenship 217.
 Judges 100, 112, 113, 116, 124, 169, 170, 259.
 Jurisdiction 16, 53, 54, 59, 93, 97-99, 103-105, 107, 125, 162, 176, 184, 196, 197, 211, 223, 234.
 Korea 43, 46, 273.
 Krejci, Jaroslav 66, 138, 158, 238.
 Labor 65, 69, 194, 195, 203, 227, 252, 270.
 —Camps 232, 239, 240.
 —Office 228-230, 237.
 —Service 227, 229.
 —Unions 132, 133.
 Language 66, 80, 114, 124, 147, 149, 150-154, 160, 197, 198, 271, 272.
 Lawyers 99, 101, 113, 120, 121, 124.
 Leases 170, 236.
Lebensraum 6, 19-26, 31, 42, 51, 251, 267.
 Legislation 30, 38, 60, 63, 65, 93, 101, 102, 108, 119, 177, 178, 203, 245, 268, 272.
 Lezaki 256.
 Libraries 123, 141, 153, 205.
 Lidice 255, 256.
 Loyalty 22, 76, 85, 91, 138, 155, 167, 259, 262, 263, 272.
 Manpower 193-195, 226, 227, 231, 232.
 Marriage 86, 87, 89, 98.
 Martial Law 104, 251-253, 257.
 Masaryk, Jan 92.
 Military 24, 59, 109, 111, 125, 126, 129, 133, 159, 177, 183, 222.
 Military Administration 150.
 —Courts 249.
 —Defense 53.
 —Service 67, 104, 108, 195, 226, 227.
 Minister (*Gesandter*) 55.
 Minister of Agriculture 191.
 Minister of Economics and Labor 150, 166, 171, 187, 193, 195, 206, 228, 230, 238.
 Minister of Education 153.
 Minister of Finance 56, 206, 213, 215, 235.
 Minister of Industry, Commerce and Handicrafts 190.
 Minister of the Interior 101, 238, 250.
 Minister of Justice 120, 238.
 Minister of Public Enlightenment 156.
 Ministerial Council for Reich Defense 193, 217.
 Minorities 11, 12, 15, 16, 18, 21, 51, 52, 145, 150, 151, 249, 269 ff.
 Minors 81, 82, 88, 98, 152, 155, 184, 199, 225, 230, 240, 255.
 Monopolies, state 59, 65, 220.
 Moravec, Emanuel 66, 138, 139, 153, 155, 156, 158, 159, 231, 258, 263.
 Moravia, province of 15, 23, 24, 28, 56, 222 ff.
 Mortgages 170, 215, 218, 220.
 Motor Highway 15.
 Munich Agreement 10-14, 25, 44, 48, 66, 122, 134, 139, 168.
 Museums 205.
 Murder 45, 96.
 Murderer 96.
 Mussolini, Benito 161.
 National Socialism 100, 129, 130, 162, 163, 196.
 National Socialist Party 76, 89, 104, 130, 163, 167, 184.
 —Program 94.
 National Solidarity Party 134, 136, 137, 139.

INDEX

- Nomenclature 151, 163, 164.
 "National Court" 166.
 "National Individuality" 50, 51, 73.
 National symbols 163.
 Nationality 78, 81, 85, 198.
 Naturalization 82, 83.
 Neurath, Konstantin von 52, 61, 62, 65, 176, 186, 212, 250, 258.
 New Order 6, 19, 25, 27, 50, 74, 130, 165, 199, 261, 270.
 Newspapers 144, 145, 263.
 "Non-Aryans" 80.
 Non-Citizens 55.
 Non-Germans 16, 18, 22, 41, 167, 251, 254, 260.
 Non-Jewish spouses 213, 216.
 Notaries 100, 113, 119, 121, 132, 150.
 Nuremberg Laws 90.
 see: Reich Citizens' Law, Blood and Honor.
 Occupied countries 21, 26, 33, 229, 232, 251, 257, 260.
 Official Gazettes 102, 103, 239, 251.
 Officials 38, 40, 47, 67, 68, 112, 115, 116, 126, 184, 205, 207, 226.
 see Civil Service.
 Officers 109, 185, 186, 205.
 Option, right of 271.
 Organizations 131, 211, 240.
 "Other inhabitants" 31, 64, 79, 83, 86, 92, 95, 108, 129, 167, 223, 237.
 Palacky, Frantisek 159.
 Pan-Germanism 24.
 Parliament 28, 38, 40, 41, 134, 135, 252.
 Parties 132, 134, 135.
 Part-Jews 87, 88, 90, 142, 157, 158.
 Partnerships 56, 58, 204, 206.
 Party of National Labor 134, 135.
 Passports 55, 84.
 Patent Rights 149.
 Penalties 94, 161, 162, 193, 207.
 see Death penalties.
 Pensions 114, 116, 165, 173.
 People's Court 259.
 Personal status 86, 96.
 Physicians 121, 123, 132, 141, 242.
 Plebiscite 12, 15.
 Poland 11-14, 17, 26, 76, 109, 134, 229, 240, 244, 269, 270.
 Poles 10, 12, 76, 79, 217, 230.
 Police 33, 38, 54, 59, 61, 69, 104, 113, 122, 125, 141, 142, 151, 219, 246, 252, 254, 259.
 Population 35, 250, 261.
 —Exchange 15-18, 271.
 Postal Service 46, 59, 69, 141, 183.
 President of the Republic 21, 27-29.
 —Of the Protectorate 38, 40, 64, 117, 157.
 Press 132, 133, 144-146.
 Price control 184, 186-188.
 Professions 108, 117-122, 124, 126, 132, 138, 146, 150, 176, 220, 249, 252, 255, 256.
 Propaganda 21, 156, 209, 246, 263.
 Property 56-58, 98, 110, 111, 119, 131, 152, 164, 168, 174, 175, 184, 192, 203-220, 234, 235, 240, 245, 246, 255, 272.
 "Protected Areas" (*Schutzgebiete*) 33, 83.
 Protection 31, 32, 35, 48, 54, 60, 84, 85, 96, 103, 270, 271, 273.
 Protectorate 19, 20, 22, 27, 28, 31-42, 48, 52, 54, 61, 69, 93, 97, 103, 155, 207.
 Protectorate Area 28, 39, 41.
 Protectorate Foreign Relations 32-34, 38, 39, 45, 46, 53-56, 239, 270.
 Protectorate Government 40, 54, 90, 102, 148, 178, 185, 195, 204, 228.
 Protectorate of Bohemia and Moravia 21, 22, 31, 34, 35, 36, 267, 269, 270, 272.
 Protectorate subject 55, 80, 88, 101, 104, 112, 126, 158, 170, 171, 206, 210, 227, 228, 231, 245.
 Public Enlightenment 65, 66, 138, 156.
 "Racial principles" 76-82, 85-87, 91, 100, 268, 271.
 Radio 110, 132, 141, 183, 251.
 Railroads 59, 183, 184.
 Real estate 99, 119, 211-213, 215, 220, 236, 241.
 Records, public, 98, 100.
 Registration 100, 140, 207, 213, 236, 254.
 Reich Administrative Court 99.
 Reich Citizens' Law 78, 79, 245.
 Reich Minister of Economy 216.
 Reich Minister of Finance 56, 184.
 Reich Minister of the Interior 36, 60, 99, 100, 258.
 Reich Minister of Justice 99, 112, 121.
 Reich Protector 38, 40, 52, 55, 60-62, 67, 89, 92, 101, 102, 107, 111, 115, 124, 131, 148, 156, 164, 172, 184-186, 189, 198, 205, 211, 218, 258.

INDEX

- Acting 62, 138, 142, 165, 241, 244, 251, 253, 254.
 Regulations, anti-Jewish 140, 142, 208, 216-218, 220, 225, 233, 235-237, 241, 243, 251.
Reichsauftragsverwaltung 67 ff.
 Reichstag 130.
 Reich territory 35, 216.
 Religion 76, 77, 119, 140, 234, 272.
 Reparations 168, 271.
 Reprisals 256.
 Resettlement 17, 24, 155, 203, 220, 221-225, 246, 268.
 Residence 47, 82, 91, 162, 164, 171, 206, 220, 227, 236, 241.
 Review, judicial 106-107.
 Ribbentrop, Joachim von 20.
 Ripka, Hubert 260.
 Roman Law 94.
 Rumania 17, 224.
 Runciman, Lord 12.
 Russia 43-45, 48, 136, 269.
 Saar Plebiscite 9, 22.
 Sabotage 162, 249, 250, 252, 260.
 Salaries 172, 195, 226, 238.
 Sauckel, Fritz 229.
 Schmitt, Carl 3, 6.
 Schools 15, 110, 119, 122, 124, 151-154, 157, 198.
 Securities 56, 206, 212, 216, 217.
 Self determination 3, 9-13, 18, 22, 267.
 Shares 58, 183, 204, 206, 210, 212, 216, 217.
 Skoda plants 206, 256.
 Slovakia 11-13, 18-20, 28, 37, 51, 81, 83, 84, 86, 115, 183.
 Smetana, Bedrich 159, 160.
 Socialists 134, 249.
 Sokols 110, 111, 132, 156.
 Sovereignty 5, 20, 28, 32, 35, 38-41, 43, 44, 52, 53, 56-59, 63, 68, 97, 129, 270, 271, 273.
 Soviet Union 11, 14, 29, 240.
 see Russia.
 Sphere of Interest 13, 14, 22.
 SS Corps 59, 62, 104, 123, 125.
 Starvation 237, 241.
 Stateless persons 230.
 Stuckart, Wilhelm 36, 40, 41, 52, 57, 85, 93.
 Students 122, 123, 153, 198, 224, 249.
 Sub-Carpathian Ruthenia 11, 15, 18, 19, 28, 81, 83, 84, 115.
 Succession 58.
 Sudeten Areas 10-12, 56, 83, 115, 125, 167, 179.
 Supreme Price Authority 187, 190.
 Switzerland 243, 255.
 Taxes 56, 59, 65, 152, 155, 183-185, 192, 203, 207, 215, 216, 218, 235.
 —Customs 16, 53, 59, 183, 184.
 Teachers 119, 146, 153-155, 226.
 Telephone 46, 69, 141, 151.
 Terezin 241-244.
 Territory 5, 28, 30, 33, 35, 39, 45, 52, 56, 73, 174, 188, 221.
 Tesin 11.
 Theater 120, 132, 254.
 Tiso, Josef 18.
 Todt Organization 232.
 Traffic 65, 184.
 Treaties 16, 32, 39, 44, 47, 48,
 —between Germany and the Protectorate 37.
 —of annexation 48.
 —of Protectorate 46.
 Versailles Peace Treaty 33.
 Trustees 119, 187, 208, 217-220.
 United States 29, 43.
 Universities 122, 224, 249.
 Veto 53, 102, 135.
 Vienna Arbitration 11, 13, 15.
 Visas 54.
 "Vlajka" 136, 145.
Volksdeutsche 80, 81, 86, 98, 112, 130, 132, 144, 152, 168, 197, 220.
Volksgerichtshof see People's Court.
Volksgruppe 52.
Volkstum 169.
 Wages 172-174, 195, 229, 238, 242.
 War 61, 74, 75, 100, 105, 169-171, 178, 185, 187, 190, 191, 193-195, 226, 227, 250, 258, 270.
 War economy 229.
 War Effort 133, 138, 194, 227, 229, 258, 261, 268.
 War Industries 257.
 Wives 98, 184, 240.
 Women 81, 88, 90, 116, 158, 166, 221, 226, 230, 260.
 Workers 130, 132, 133, 136, 171, 172, 195, 224, 229, 231, 232, 238, 250, 256, 257, 261, 268.
 Working hours 229-231.
 Youths 230, 238, 264.
 Youth Service 157.
 Yugoslavia 17, 137, 183, 224.

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