

Transcript

National Socialist League for the Defense of the Law

Court of Honor

—
Berlin W 35, February 10, 1943
Tiergartenstraße 20/21
Telephone: 22 8961

Attorney Dr. Heinz Meilicke

Berlin-Charlottenburg

—
Schiller Str. 12

Our reference / KU 216/43

Re: Court of Honor proceedings KOH. 1/42

I hereby enclose a certified copy of the judgment of the Court of Honor of the NSRB dated November 12, 1943¹, as confirmed by the head of the NSRB on February 8, 1943.

Heil Hitler!

National Socialist Legal Defenders' League

Court of Honor
of the German Legal Front

Signed: Dr. Gardiewski

1 copy

1 case file

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¹ This date must be a typo and should probably read 1942

J U D G M E N T

In the Court of Honor case against the member
of the National Socialist Legal Defenders' League

Attorney Dr. Heinz M e i l i c k e,
Berlin-Charlottenburg, Grolman Str. 1-2,
Federal Member No. B 93 479,

THE COURT OF HONOR

of the National Socialist Legal Defenders' League, upon the defendant's appeal of December 8, 1941, against the judgment of the Berlin Gau Honor Court of November 5, 1941, in a session held on November 12, 1942, with the participation of

Pg. Ministerialrat Singer
as presiding judge and
Pg. Ministerialrat Sibeth,
Pg. Attorney and Notary Koch,
Pg. Ministerialrat Wenzlau,
Pg. Attorney and Notary Dittmar (?)
as assessors

H A S R U L E D A S F O L L O W S :

The judgment of the Berlin Gau Honor Court dated November 5, 1941, is set aside.
A motion for expulsion is filed against the defendant.

R e a s o n s :

The defendant appealed the judgment of the Berlin Gau Honor Court dated November 5, 1941, by which he was punished with a reprimand for impermissible representation of Jews and which was served upon him on November 26, 1941, by filing an appeal on December 8, 1941, via a written submission received by the Gau Honor Court on December 10, 1941. The statement of grounds for the appeal was received by the District Honor Court on December 23, 1941. Consequently, the appeal was filed in due form and within the prescribed time limit; it resulted in the amendment of the contested judgment to the detriment of the appellant.

The defendant was born in 1904 and is currently indispensable (UK) as legal counsel or in-house counsel for Kontinentale Oel-Akt.-Ges. in Berlin. He has made no effort to have his indispensable status revoked.

The defendant, who had passed the bar exam in 1930, subsequently went to England to work for two years at a large law firm there. Allegedly at the instigation of his employers, he applied for membership in an English lodge in the fall of 1931 in order, as he stated during

the current oral hearing, to establish social connections, whereas in the first instance he had justified joining the lodge on the grounds of professional necessity. The English lodge is said to have included many Germans as fellow lodge members, though, according to his account, no Jews. The lodge was affiliated with the English Grand Lodge. In the spring of 1932, the defendant returned to Germany and immediately sought to join the lodge here as well. He was required to resign from the English lodge first. He resigned on March 11, 1932. In the same year, the defendant joined the Grand Provincial Lodge of Prussia and attained the 3rd degree there, allegedly without holding any office. He remained a member until after the Nazi takeover, namely until 1935.

According to his own account, the defendant was never politically active and apparently did not concern himself with political issues. Beginning around 1924, he devoted himself to sports in student organizations; he was a member of the Academic Gymnastics Club in Graz and later also of the Academic Gymnastics Club in Berlin, where he is still listed as an alumnus.

The defendant's father owned a small dyeing business in Berlin. The defendant partially funded his studies by working as a student employee and made efforts from an early age to support himself. Since 1933, he has worked in the office of attorney and notary Dr. Böttcher and has been his partner for several years. There, the defendant represented Jewish clients on several occasions, continuing to do so at least into 1939.

The defendant did not voluntarily resign from the lodge in 1935; rather, the end of his membership coincided with the dissolution of the three Old Prussian lodges.

He stated that he could and would join the NSRB only after his membership in the lodge had expired. He claimed that joining earlier had not been possible because he wanted to wait for the lodge issue to be resolved.

The defendant was acquitted by the Gau Honorary Court on two counts of the indictment. The appeal relates only to the two remaining counts, in which a conviction was handed down.

Case 1: The defendant's client was a Jew named Oppenheimer, who had emigrated to London. The power of attorney issued by the Jew in favor of the defendant had been notarized by Dr. Böttcher. Because of the order of the Führer's Deputy dated December 19, 1938, the defendant had to decide whether he wished to continue representing the Jew Oppenheimer or to relinquish that representation. He decided on the latter and informed his client of this decision. In a letter dated March 25, 1939, the Jew Oppenheimer confirmed that the power of attorney had been settled and had expired.

The defendant's brother, Egon Meilicke, is a property manager and, in that capacity, also managed a property belonging to the Jew Oppenheimer. The prospective buyer was the Prussian State, represented by the Prussian Construction and Finance Directorate. The purchase negotiations took place between April and June 1939. The defendant's brother did not have sufficient power of attorney to act on behalf of the Jew Oppenheimer during the notarization of the purchase agreement. He recalled the actions of his brother, the defendant, who, for his part, had no qualms about instructing his business partner, Dr.

Böttcher, to issue a new copy of the notarized power of attorney and make it available to him. In this regard, the actual principal, the Jew Oppenheimer, was not heard or asked whether the power of attorney in effect at the time—which had since expired—should be “revived” for the sale of the property in question. This led to the notarial proceedings of June 21, 1939, during which the defendant, by unilaterally presenting a power of attorney that had in fact expired, represented the Jew Oppenheimer without having obtained—let alone been granted—authorization from the NSDAP’s Gau Legal Office to act on behalf of a Jew. The defendant admits to all these facts and offers as his only defense the claim that the Prussian state was in an extraordinary hurry to purchase the property in question, and that he therefore, through his immediate cooperation, had promoted Prussian state interests “against a Jew.” The defendant still believes today that it would have served no purpose to draw the attention of the Prussian Construction and Finance Directorate to the necessity of obtaining the Gau Legal Office’s approval or to ask it to facilitate the expedited issuance of this approval.

The Court of Honor finds that the defendant thus deliberately disregarded the order issued by the Führer’s Deputy on December 19, 1938—not to serve state interests, but to secure the notarial transaction for himself. As a member of the NSRB—and thus a member of an association affiliated with the NSDAP—he should instead have ensured unconditionally to fully comply with his personal legal obligations and not to disregard them for any reason, particularly not for financial considerations. The defendant’s reprehensible conduct is further highlighted by the fact that he believed he could reconcile with his conscience the unauthorized “revival” of an expired power of attorney in order to secure a business deal for himself and his brother—that is, purely out of self-serving motives.

Case 2: The accused held the office of chairman of the supervisory board of Villen-Parzellen-Akt.-Ges. Even according to the accused’s own statement, it is clearly established that the shareholders of this company were full-blooded Jews who had emigrated abroad. These Jews pledged their shares to two merchants named Zinn and Tzyn, who are creditors of the corporation and whose racial affiliation cannot be determined with certainty. Given the different spellings of the names, it is reasonable to suspect that these, too, are Jews who immigrated from the East. The company is in liquidation. The defendant was therefore required to determine whether, as chairman of the supervisory board, he was representing Jews—within the meaning of the order issued by the Deputy Führer on December 19, 1938—if he served as chairman of the supervisory board of this Jewish corporation. As the defendant’s hearing revealed, he gave this matter no thought whatsoever. For the purposes of his appearance in the court of honor, he offers as an excuse that he was merely exercising the rights of the Aryan creditors of the stock corporation, which was in Jewish hands.

The defendant’s statement cannot be accepted. A chairman of the supervisory board—even if he merely reviews liquidation balance sheets once a year and thereby directly serves the creditors of his company—ultimately represents the company and its shareholders. He must issue directives and, in many cases, also represent the company externally in matters that ultimately always have an impact for or against the entire company as such. Consequently, in the opinion of the Court of Honor, the defendant undoubtedly exercised a position of representation of the Jewish community in this case, for the assumption or retention of which he would have required authorization from the NSDAP District Legal Office as of April 1, 1939. It is admitted that such authorization was neither applied for nor considered. Even

if, as the defendant argues, among other things, he had doubts as to whether a position representing the Jewish community existed, it would have been his duty not to devise an interpretation favorable to himself at his own discretion, but rather to seek a decision from the NSDAP Gau Legal Office with jurisdiction over him. However, for financial reasons the defendant had *absolutely* no interest in doing so.

In this second case as well, the Court of Honor draws the same conclusions from the facts of the case and the defendant's own statements as in the first case.

The facts thus established—which had already been recorded by the Berlin Gau Court of Honor—prompted the latter to issue a reprimand pursuant to § 29 of the Code of Honor. For its part, the Gau Court of Honor assumed that the individual incidents represented only a snapshot of the defendant's attitude toward National Socialism and toward the duties of a guardian of the law.

His personal demeanor, even before the Court of Honor, made it clear that the accused neither makes an effort nor is willing to engage with National Socialist ideas or to emerge from his political reserve. Given that he made it unequivocally clear before the District Court of Honor that, as late as 1935, he was still guided by the desire to wait and see whether National Socialism would prevail, and given that he further stated before the District Court of Honor and also before the Court of Honor that he did not resign from the Masonic lodge of his own volition, this constitutes clear proof that the defendant, even today—nearly 10 years after the upheaval—has still not made up his mind regarding his inner stance and refuses to acknowledge his special obligation as a guardian of the law. Thus, it is not surprising in itself that in 1939 he believed he could safely disregard orders from the Führer's deputy or fail to verify whether a traditional form of representation amounted to a Jewish representation requiring approval. The Court of Honor considers the defendant's general attitude, as revealed in writing and orally, to be even more serious than the Berlin Regional Court of Honor did. In this context, the Court of Honor views the actions set forth in the statement of facts as gross violations of National Socialist principles. It is also beyond dispute that the accused has shown himself to be incorrigibly indifferent. Consequently, a motion for expulsion from the NSRB was to be filed against the accused pursuant to §§ 40 (1) (3) and (2) (3) <???.>.

Signed: Singer

Certified as correct:

Kümmel

LS: National Socialist

Legal Defenders' League
Court of Honor
of the German
Legal Front

Notes

Josef Singer (Senior Government Councilor, Head of the Reich Legal Office of the NSDAP, Reich Group Administrator, Judicial Officer in the National Socialist Legal Defenders' Association (NSRB))

Karl Dittmar, attorney and notary; in 1940, office at Potsdamer Str. 177