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Lawyers without Rights: Jewish Lawyers in Germany under the Third Reich

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Lawyers without Rights: Jewish Lawyers in Germany under the Third Reich

Guide Information

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Description: A selection of resources complementing the traveling exhibition

appearing at C|M|Law April 18th through May 27th, 2012.

Tags: <u>jewish lawyers, legal history, nazi germany, nuremberg laws</u>

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About the Exhibition

From April 18th through May 27th, 2012, the <u>Cleveland Metropolitan Bar Association</u> and <u>C|M|Law</u> host the traveling exhibition **Lawyers without Rights:**Jewish Lawyers in Germany under the Third Reich, a commentary on what happened under the Third Reich when lawyers, the judicial system, and the just rule of law were undermined and abused, leading to great tragedy. The materials highlighted in this guide complement the exhibition's series of stories about the Nazi mistreatment of German Jewish lawyers. Please <u>contact a research services law librarian</u> for help with locating or using any of the resources discussed in this guide.

The <u>German Federal Bar</u> sponsored, researched, and underwrote the exhibition. It has presented the exhibition throughout Germany, Europe, Israel, and elsewhere. The exhibition presented in the US is supported by the <u>German Federal Foreign Office</u> and the <u>American Bar Association</u> and its <u>Section of International Law</u>.



[German Federal Bar]







Forward



After Hindenburg granted power to Adolf Hitler on 30 January 1933, Jews were excluded from all areas of social life, and a distinction was made between Jews and non-Jews in justice. As early as March 1933, a decree refused all Jewish judges, public prosecutors, and lawyers access to the courts. Many non-Jewish German lawyers kept silent, and most did not try to help their colleagues. Why? No one knows the answer, and the **Lawyers without Rights: Jewish Lawyers in Germany under the Third Reich** exhibition reminds us to raise this question again and again. The fate of the individual lawyers presented in the exhibition demonstrates how much intellectual power, linguistic brillance, and human diversity was lost through forced isolation, fragmentation, expulsion, and murder.

[Text and image excerpted from Lawyers without Rights brochure.]

Exhibition Events at C|M|Law

Friday, May 11th, 2012, *The Rule of Law* - Registration/Continental Breakfast 8:30am, Program 9am-12:15pm [C|M|Law & CMBA Program; 3 hours free CLE; register at CMBA program page or on-site; Continental Breakfast sponsored by the Jewish Federation of Cleveland]

Immigration Policy: Pragmatic or Punitive?

• Steven M. Dettelbach, U.S. Attorney, Northern District of Ohio; Moderator

- Michael M. Hethmon, General Counsel, Immigration Reform Law Institute
- B. Jessie Hill, Professor, Case Western Reserve School of Law
- Michael J. Rendón, Immigration Attorney

Judicial Review - Should Judges' Decisions Be Reviewed and/or Overruled by Elected Legislators?

- Bruce M. Hennes, Managing Partner, Hennes Paynter Communication; Moderator
- Curt Levey, Executive Director, <u>Committee for Justice</u>
- The Honorable <u>Dan A. Polster</u>, Judge, U.S. District Court, Northern District of Ohio

Judicial Elections - Time for Reconsideration?

- <u>Peggy Foley Jones</u>, Attorney, Giffen & Kaminski, LLC; Moderator
- Deborah A. Coleman, Partner, Hahn Loeser & Parks LLP; Chairperson, <u>Judge4Yourself</u>
- Brent Larkin, Retired Editorial Page Editor, Cleveland Plain Dealer
- The Honorable Marsha Ternus, Former Chief Justice, Supreme Court of Iowa

Wednesday, May 16th, 2012, *No Courts, No Justice, No Freedom: The Erosion of the Rule of Law in Today's World* - Registration 5pm, Program 5:30pm, Reception 6:30pm [CMBA Program & Reception; 1 hour free CLE; register at CMBA program page or on-site]

- The Honorable Yvette McGee Brown, Justice, Supreme Court of Ohio; Moderator
- Steven M. Dettelbach, U.S. Attorney, Northern District of Ohio
- <u>Timothy J. Downing</u>, Ulmer & Berne LLP
- Michael P. Scharf, John Deaver Drinko-Baker & Hostetler Professor of Law, Case Western Reserve University School of Law

Wednesday, May 23rd, 2012, 5:30pm-6:30pm - Racial Profiling ... and Justice for All? [C|M|Law, CMBA, and CSU Diversity Management Program; 1 hour free CLE]

- Ronnie A. Dunn, Associate Professor of Urban Studies, Cleveland State University; Co-author of Racial Profiling: Causes & Consequences
- James Hardiman, Legal Director, American Civil Liberties Union of Ohio

Thursday, May 24th, 2012, 5pm-6pm - The Syrian Puppet Government: Can There Be a Democratic, Secular and Pluralistic State in Syria? [C|M|Law, CMBA, and CSU Diversity Management Program; 1 hour free CLE]

• Naser Danan, MD, University Hospitals of Cleveland Pediatric and Family Medicine; Clinical Instructor, Case Western Reserve University School of Medicine

Oubab Kahlil, Board Member, Syrian Expatriates Organization

Thursday, May 24th, 7pm-8pm - Prison for Profit: The Next Step in Mass Incarceration [C|M|Law, CMBA, and CSU Diversity Management Program; 1 hour free CLE]

- Mike Brickner, Communications and Public Policy Director, American Civil Liberties Union of Ohio
- Shakyra Diaz, Policy Director, American Civil Liberties Union of Ohio

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The Jewish German Legal Profession

Until the End of the Weimar Republic



For centuries, Jewish lawyers in Germany were subject to numerous laws and restrictions concerning the exercise of their profession. Jewish lawyers often worked independently, without depending on the benevolence of an employer, the courts, the administration, or universities. Many contributed to the development of renowned legal journals and the establishment of professional organizations.

Until the 1920s, the number of Jewish lawyers - including women Jewish lawyers - continuously increased, and was particularly higher in big cities. With the marked increase in the number of Jewish lawyers, income and class distinctions also grew. Some supported German national objectives, others took a more liberal stance, and others had a strong political commitment for the left. One thing they had in common was that they would never have called themselves "Jewish lawyers" - they were German, lawyers, and Jews. Many were soldiers during World War I. Some renounced their Jewish

faith and were baptized.

[Text and image excerpted from Lawyers without Rights brochure.]

Discrimination & General Prohibition 1933-1938



Soon after Hitler's appointment as *Reichskanzler* (Chancellor) in January 1933, the SA (*Sturmabteilung*, Storm Troooper) caused so much terror, the democratic State governed by the rule of law ceased to exist. Following the 27 February 1933 burning of the *Reichstag* building, strict sanctions were adopted, including "protective custody," by which undesirable political opponents were arbitrarily arrested and held for an indefinite period of time.



Jews were ostracized from all areas of social life. Coinciding with a organized boycott of Jewish shops, department stores, doctors, and lawyers, on 1 April 1933, the Kerri decree went into effect. This barred Jewish judges, public prosecutors, and lawyers access to Prussian courts.



Jewish lawyers who had been admitted to the bar before 1914, or had fought at the front lines in World War I, were permitted to re-apply for admission to the bar and continue to practise law. Jews were classified as "non-Aryan" within a confusing set of orders such as *Mischlinge* (hybrids), *Mischlinge ersten Grades* (1st-degree hybrids), *Mischlinge zweiten Grades* (2nd-degree hybrids), and *Geltungsjuden* (Jews by definition), each subject to a different layer of persecution. Professional partnerships between Jewish and non-Jewish lawyers were dissolved, Jewish lawyers were no longer given legal aid cases, and courts stopped consulting Jewish lawyers for legal opinions.

In September 1938, the decision was made to ban virtually all Jewish lawyers from practise, taking effect in Germany on 30 November 1938, and in Austria on 31 December 1938. A few Jewish lawyers were permitted to advise and represent Jewish clients.

[Text and image excerpted from Lawyers without Rights brochure.]

End of Persecution



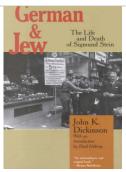
The ostracism and eviction of a large part of German lawyers left its mark during the National Socialist regime and the reshaping of the legal system from 1945 onward. Lost were the people as carriers of contents, values, and ideals. A few lawyers survived the camps or managed to "disappear." Almost all of them stayed in Germany and tried to start a new life after 1945. Some who had been able to emigrate returned. But the majority stayed in the countries that had offered them protection.

[Text and image excerpted from Lawyers without Rights brochure.]

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Books

Background & Third Reich



German & Jew: The Life and Death of Sigmund Stein / John K. Dickinson. I.R. Dee Publisher, c2001. <u>Law DS135 .G33 D45 2001</u> Biography of Sigmund Stein, a Jewish lawyer who refused to leave Germany in the 1930s, tried to mitigate his community's anti-Semitism, and died in a Nazi concentration camp.

Justice Imperiled: the Anti-Nazi Lawyer Max Hirschberg in Weimar Germany / Douglas G. Morris. University of Michigan Press, c2005. <u>Law KK185 .H57 M67 2005</u> Biography of Max Hirschberg, a Munich lawyer who argued numerous politically charged disputes, and fought to reverse criminal convictions of innocent defendants, before fleeing Germany in 1934.



on "Jewish criminality" from the 18th century, through the Weimar Republic, into the complex Nazi assault on the Jews, and extending into postwar Europe.

Hitler's Jewish Soldiers: The Untold Story of Nazi Racial Laws and Men of Jewish Descent in the German Military / Bryan Mark Rigg. University Press of Kansas, c2002. <u>Law DS135 .G3 R54 2002</u> Examines how many German soldiers with Jewish roots felt about Nazi laws and policies.

Hitler's Justice: The Courts of the Third Reich / Ingo Müller. Harvard University Press, c1991. <u>Law KK3655 .M8513 1991</u> Argues that German lawyers and jurists willingly cooperated with the draconian regime of the Nazis and leapt to the task of providing the regulations that spelled out Nazi policies.

Hitler's Prisons: Legal Terror in Nazi Germany / Nikolaus Wachsmann. Yale University Press, c2004. Law HV9677.W33 2004 Through deeply researched case studies of specific prisons, special courts, justice ministry officials, and analysis of politicized crime and punishment, shows that the judiciary welcomed and eagerly wielded the "legal terror" of the Nazi regime.

In the Name of the Volk: Political Justice in Hitler's Germany / H.W. Koch. St. Martin's Press, c1989. Schwartz KK9430 .A65 K63 1989 Examines the roots, establishment, and procedures of the "Volksgerichtshof" ("People's Court"), as well as the question of the German judiciary's complicity with the Nazi regime.

Law after Auschwitz: Towards a Jurisprudence of the Holocaust / David Fraser. Carolina Academic Press, c2005. <u>Law K5302 .F73 2005</u> Examines law and lawyers under Nazi rule, the jurisprudence of Nazi law, and the reception of Nazi law by contemporary legal scholarship, as well as analyzes the ways in which the Holocaust has been constructed in post-war trials.

The Law under the Swastika: Studies on Legal History in Nazi Germany / Michael Stolleis. University of Chicago Press, c1998. Law KK190 .S7613 1998 Examines the evolution of legal history, theory, and practice in Nazi Germany, with special attention to its impact on the Federal Republic and German legal profession.

The Nazi Conscience / Claudia Koonz. Belknap Press, c2003. <u>Law DD256.5 .K6185 2003</u> Reveals how racial popularizers developed the infrastructure and rationale for genocide before World War II.

Nazi Germany and the Jews / Saul Friedländer. HarperPerennial, c1998. <u>Law DS135.G3315</u> Examines the anti-Semitism that led to Nazi Germany's attempts to Europe's Jewish population, focusing on the people and events from the Nazi accession to power in 1933 to the final days of World War II.

Nazi Justiz: Law of the Holocaust / Richard Lawrence Miller. Praeger, c1995. <u>Law KK928 .M55 1995</u> Traces how the German legal system transformed itself into a criminal organization that oversaw the Holocaust.

The Origins of Nazi Genocide: From Euthanasia to the Final Solution / Henry Friedlander. University of North Carolina Press, c1995. <u>Law DD256.5</u> .F739 1995 Describes how the "euthanasia" of the handicapped provided a practical model for mass murder, as well as analyzes the involvement of the German bureaucracy and judiciary, the participation of physicians and scientists, and the nature of popular opposition.

The Plunder of Jewish Property during the Holocaust / Avi Beker, ed. New York University Press, c2001. Law D810 .C8 P58 2001 An introduction and guide to the complexities arising from the theft of Jewish property during World War II and the difficulties in gaining restitution. Particularly important are Irwin Cotler's discussion of international and national laws governing restitution claims, Sidney Zabludoff's attempt to establish a baseline by estimating prewar Jewish wealth, and Hector Feliciano's survey of the pillaging of Jewish-owned art.

The Racial State: Germany, 1933-1945 / Michael Burleigh and Wolfgang Wippermann. Cambridge University Press, c1991. Schwartz DD256.5 .B93 1991 Examines the ideas and institutions that underpinned the Nazi mission to restructure a "class" society along racial lines.

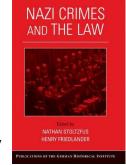
Studying the Jew: Scholarly Antisemitism in Nazi Germany / Alan E. Steinweis. Harvard University Press, c2006. Schwartz DS146 .G4 S73 2006 and Web-based. Investigates the careers of many German scholars who forged an interdisciplinary field to create a comprehensive portrait of the Jew as racially alien, morally corrupt, and inherently criminal.

Post Third Reich

Nazi Crimes and the Law / Nathan Stoltzfus and Henry Friedlander, eds. German Historical Institute and Cambridge University Press, c2008. Law KZ1176.5 .N39 2008 Reconstructs the historical setting of the crimes committed under the aegis of the Nazi regime, and examines why postwar adjudication took place only within the national and international judicial forums responsible for prosecuting perpetrators.

Crimes of the Holocaust: The Law Confronts Hard Cases / Stephan Landsman. University of Pennsylvania Press, c2005. Law KZ1176.5 .L36 2005 A detailed analysis of the 1945 International Military Tribunal prosecution at Nuremberg, the 1961 Eichmann trial in Israel, the 1986 Demanjuk trial in Israel, and the 1990 Imre Finta prosecution in Canada.

Holocaust Restitution: Perspectives on the Litigation and Its Legacy / Michael J. Bazyler and Roger P. Alford. New York University Press, c2006. <u>Law KF6075 .H65 2006</u> Examines the claims against European banks, as well as Germany and Austria, relating to forced labor, insurance claims, and looted art claims.



Justice at Dachau: The Trials of an American Prosecutor / Joshua M. Greene. Broadway Books, c2003. <u>Law KK73.5 .D33 G74 2003</u> Profiles William Denson, a US Army attorney assigned to prosecute Nazi war criminals, who won more than 177 convictions and risked his Army career to prevent the clandestine reversal of Nazi sentences due to the Soviet threat.

The Nuremberg Military Tribunals and the Origins of International Criminal Law / Kevin Jon Heller. Oxford University Press, c2011. Law KZ1176.5 .H45 2011 Analyses the law, procedure, and jurisprudence of the 12 Nuremberg Military Tribunals, which prosecuted lower-level functionaries - lawyers, judges, doctors, industrialists, bankers - who willingly took part in "the banality of evil." [Note: The International Military Tribunal at Nuremberg focused on major war criminals, such as Goering and Hesse.]

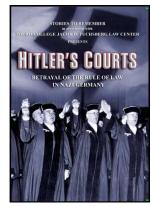
The Nuremberg Trials: International Criminal Law Since 1945 / Herbert R. Reginbogin, Christoph J.M. Safferling, and Walter R. Hippel, eds. K.G. Saur, c2006. Law KZ1176.5 .N877 2006 Presentations from the 2005 international conference "Judging Nuremberg: The Laws, the Rallies, the Trials."

Perspectives on the Nuremberg Trial / Guénaël Mettraux. Oxford University Press, c2008. <u>Law KA1176.5 .P47 2008</u> A collection of essays - many written by those intimately involved in the proceedings - that review the historical, legal, political, and philosophical ramifications of the Nuremberg trial.

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AV Materials

Videos & DVSx



Hitler's Courts: Betrayal of the Rule Law in Nazi Germany. Touro College Jacob Fuchsberg Law Center, c2006. <u>Law KK9400</u>
<u>.H58 2006</u> Features archival footage from the Nazi era, rarely seen photographs, and interviews with leading voices in international law.

Nuremberg: Reflection and Resonance. Yeshiva University, c2006. <u>Law KZ1176 .N86 2006</u> A Benjamin N. Cardozo School of Law Program in Holocaust and Human Rights Studies documentary. Presents first-hand recollections of prosecutors, translators, and investigators at Nuremberg, then moves to The Hague, where contemporary jurists and prosecutors explore the Nuremberg Trial's influence upon the international courts currently hearing cases against individuals accused of grave human rights abuses. Trailer and additional information here.

Nuremberg: Tyranny on Trial. A&E Home Video, c2005. <u>Law D803 .N87 2005</u> A documentary examining the Nuremberg trials, from accusations through executions, and their legacy.

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Articles

Articles



Hammerstein, Notker. "National Socialism and the German Universities," *History of Universities* 18, no. 1 (2003): 170-188.

Grady, Tim. "Academic Antisemitism," History Today 52, no. 7 (July 2002): 48-53.

Bodó, Béla. "The Role of Antisemitism in the Expulsion of Non-Aryan Students, 1933-1945," <u>Yad Vashem Studies</u> 30 (2002): 189-227.

Nathans, Eli. "Legal Order as Motive and Mask: Franz Schlegelberger and the Nazi Administration of Justice," <u>Law & History Review</u> 18, no 2 (Summer 2000): 281-304.



Lippman, Matthew. "The White Rose: Judges and Justice in the Third Reich," <u>Connecticut Journal of International Law</u> 15, no. 1-2 (Winter-Spring 2000): 95-206.

Iggers, Georg G. "Academic Anti-Semitism in Germany 1870-1933: A Comparative International Perspective," <u>Tel Aviver Jahrbuch fur Deutsche Geschichte</u> 27 (1998): 473-489.

Lippman, Matthew. "The Prosecution of Josef Altstoetter et al.: Law, Lawyers and Justice in the Third Reich," <u>Dickinson Journal of International Law</u> 16, no. 2 (Winter 1998): 343-433.

Weinke, Wilfried and A.J. Wells. "The Persecution of Jewish Lawyers in Hamburg. A Case Study: Max Eichholz and Herbert Michaelis," <u>Leo Baeck Institute</u> <u>Year Book</u> 42 (1997): 221-237.

Ledford, Kenneth F. "German Lawyers and the State in the Weimar Republic," Law & History Review 13, no. 2 (Summer 1995): 317-349.

"Symposium: Nazis in the Courtroom: Lessons from the Conduct of Lawyers and Judges under the Laws of the Third Reich and Vichy, France" [panel discussion, <u>Brooklyn Law Review</u> 61, no. 4 (Winter 1995): 1121-1164.

Noakes, Jeremy. "The Ivory Tower under Siege: German Universities in the Third Reich," <u>Journal of European Studies</u> 23, no. 4 (December 1993): 371-407.

Lippman, Matthew, "They Shoot Lawyers Don't They? Law in the Third Reich and the Global Threat to the Independence of the Judiciary," <u>California Western International Law Journal</u> 23, no. 2 (Spring 1993): 257-318.

Jarausch, Konrad H. and Fritz Stern. "Jewish Lawyers in Germany, 1848-1938. The Disintegration of a Profession, "Leo Baeck Institute Year Book 36 (1991): 171-190.

Ringer, Fritz K. and Fritz Stern. "Academics in Germany: German and Jew. Some Preliminary Remarks," <u>Leo Baeck Institute Year Book</u> 36 (1991): 207-212.

Niederland, Doron. "The Emigration of Jewish Academics and Professionals from Germany in the First Years of Nazi Rule," <u>Leo Baeck Institute Year Book</u> 33 (1988): 285-300.

Jarausch, Konrad H. "The Perils of Professionalism: Lawyers, Teachers, and Engineers in Nazi Germany," <u>German Studies Review</u> 9, no. 1 (February 1986): 107-137.

Stokes, Lawrence D. "Professionals and National Socialism: The Case Histories of a Small-Town Lawyer and Physician, 1918-1945," *German Studies Review* 8, no. 3 (October 1985): 449-480.

Kelly, Reece C. "German Professoriate under Nazism: A Failure of Totalitarian Aspirations," <u>History of Education Quarterly</u> 25, no. 3 (Summer 1985): 261-280.

Jarausch, Konrad H. "The Crisis of German Professions 1918-33," <u>Journal of Contemporary History</u> 20, no. 3 (July 1985): 379-398.

Moose, George L. "Bookburning and the Betrayal of German Intellectuals," New German Critique no. 31 (Winter 1984): 143-155.

Weingartner, James J. "Law and Justice in the Nazi SS: The Case of Konrad Morgen," Central European History 16, no. 3 (September 1983): 276-294.

Richards, David A.J. "Terror and the Law," Human Rights Quarterly 5, no. 2 (May 1983): 171-185.

Anderson, Dennis L. "Historians and Lawyers: On Writing the History of Law in the Third Reich," Washington State University. Research Studies 50, no. 3/4

(1982): 119-132.

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Web Resources

Web Resources



U.S. Holocaust Memorial Museum

<u>Museum Encyclopedia</u>. Searchable and browsable <u>A-Z Index</u>. Here you will find brief articles such as <u>Anti-Jewish Legislation in Prewar Germany</u>, <u>Antisemitic Legislation</u>, <u>1933-1939</u>, <u>Boycott of Jewish Businesses</u>, <u>Law and Justice in the Third Reich</u>, <u>and Nuremberg Race Laws (Translation)</u>.

<u>Museum Research page</u>. Key links: <u>Center for Advanced Holocaust Studies</u> (includes audio <u>Symposia</u> proceedings); <u>Museum Library</u> (includes searchable Library <u>Catalog</u>, <u>Bibliographies</u>, searchable <u>Archival Guide</u>, and <u>Web Links</u>); <u>Collections and Archives</u>.

U.S. National Archives and Records Administration. <u>Holocaust-Era Assets</u>. Includes links to collection <u>Finding Aid</u>, <u>Bibliographies</u> (such as <u>Legal Issues</u>), <u>Records and Research tips</u>, and <u>Related</u> Web Sites.

German Historical Institute. German History in Documents and Images. Nazi Germany (1933-1945). The Introduction section is divided into 12 substantive topical articles, such as Building the Nazi Regime. The Documents are divided into the same 12 topical areas. The Regime Hacial Politics documents include the Law for the Restoration of the Professional Civil Service (April 7, 1933) and Reich Citizenship Law (September 15, 1935).

<u>Jewish Virtual Library</u>. Key <u>Holocaust links</u>: <u>Bibliography</u>; <u>The Nazis and the Jews</u> (with brief articles such as <u>Boycott of Jewish Businesses</u>, <u>The Jews in Germany</u>, the 7 April 1933 <u>Law for the Restoration of the Professional Civil Service</u>, and the 11 April 1933 <u>Regulation Concerning the Requirement that Civil Servants Be Aryans</u>); the <u>Nuremburg Laws</u> (such as the 15 September 1935 <u>Reich Citizenship Law</u>).

Harvard Law School Library. Nuremberg Trials Project. Ongoing project to digitize materials from the International Military Tribunal (IMT) and Nuremberg Military Tribunals (NMT). Currently provides access to the NMT Case 1 (The Medical Case or Doctors' Trial, U.S.A. v. Karl Brandt et al.), NMT Case 2 (U.S.A. v. Erhard Milch), and NMT Case 4 (U.S.A. v. Pohl et al).

Yale Law School Lillian Goldman Law Library. The Avalon Project. The International Military Tribunal for Germany. Includes trial motions, orders, testimony, documents, and rules of procedure.

[Above photograph is of an American soldier inspecting German loot stored in a church at Elligen, Germany, April 24, 1945; from the U.S. National Archives and Records Administration Holocaust-Era Assets Finding Aid.]

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