

* Distinguished Speaker Series Nov. 7, 2017

■ J. Richard Fybel - CA App. Ct. — 4th Div. 3
(as of 2002)

- Nazi Judicial System (1933 - 1945) + The
Nuremberg Trials

Introduction

- Rachel Sabrito (Prof. of Law McGeorge)
+ Dean

Bio

- born and raised Southern CA

- UCLA Law

- confirmed Cal. App. Ct. 2002

- advisory committee → CA Sup. Ct.

Germany

circa 1933 - 1945

⇒ society as organic whole failed to
protect human rights

⇒ including

- judiciary

- military

- political governing bodies

Ideal Qualities for a judge

- Impartiality "Fairness"
- Independence

Tutise on

CA Judicial

Ethics

(four authors)

- from outside sources (politics)

Ex Executive branch

Legislature

Bio

- J. Fybel's

parents both
refugees from

Nazi regime

(Eastern
Europe)

- Absence of bias/discrimination

as to

- any element extraneous

to the judicial decision

Two Qualities - absent in judiciary Germ.
c. 1930-1945

- Empathy

- Basic human decency

Discussion

- trial

in Nuremberg

of Nazi
judges

Rem Everything committed by

Nazi Regime was

"legal"

Ex Hitler was legally appointed

Chancellor

Von
Mar 1933 President Hindenburg

- appointed Hitler
- abrogated / suspended the German Constitution for
- 4 years

Later in 1933

- Jewish judges suspended
(excepting veterans WWI)
- Jewish attorneys boycotted

By July 1933

⇒ effectively all political influence
of Jews was removed

Portrait

Loyalty to the Führer: Fidelity to the Law

Aug. 1934

All rights & protected by German Constitution
suspended & replaced by new laws

⇒ discriminatory laws against Jews

Note: slides National Holocaust Museum

Local legislatures; Ministry of Justice

Official Persecution included:

- Jehovah's Witnesses
- Romani People
- Homosexuals
- Disabled

Special
Ct

New Court - National Socialist People's Ct.

Jurisdiction over all

- Germany +
- occupied territories

Reich Universities - silent

Courts - silent

Professional Associations

Clergy

Nuremberg Laws passed 1935

- deprived German Jews of citizenship

"Führer Principle"

/ ⇒ from this point

Parity of
German blood

|

"German honor"

- Courts became a branch
of Executive

- under control of
3rd Reich

Ex Forbid

- marital / extramarital
relationships between Jews
and non-Jews at penalty
of death for Jewish person.

WW II

begins 1939

Considered by German Supreme Court

"Decision on the Nuremberg
Race Laws (1936)"

Quest. What was the underlying rationale
of the courts?

- Führer Principle
- Party - Nazi
- Race principle



Judge — account found by J. Fyberg

- complained about treatment of mentally ill

⇒ allowed to retire

One report

- father was judge and resigned

One study (scholarly)

⇒ Not a single judge resigned

Generally agreed

- German judges cooperated

w/ Nazi regime

"with zeal"

Historian

"Road to Auschwitz was

paved with righteousness"

Nobel

Laureate

E. Weigel

German
judges



Lacked
courage

Nuremberg Trials 1945 - 1949

American + Britain

tried $\hat{=}$ 200 Nazi party members

Nov. 20, 1945 — Most well known

20 War Criminals

Dissent
on Korematsu
Decision



J. Jackson — U.S. Supreme Ct
J.

appointed by Pres. Truman

- chief prosecutor

- all but 3 convicted

- sentences ranging from

- death to

- prison

- also organizations convicted

Rest
Most military
leaders tried
&
convicted

12 subsequent trials — tried by
Americans alone
(absent British & French)

had legal
education

- doctors - experiments

- slaves

SS Einsatzatz
group
- executions