



## **State Secretary Franz Schlegelberger at a conference of senior court presidents, April 23, 1941 – address introducing “Euthanasia experts” to the judges**

... Prejudices which the legal system still comes up against so frequently are associated with the often misunderstood concept of the independence of the judiciary. The nation is firmly convinced that independence from instructions is a self-evident and indispensable attribute of a judge. The Führer already emphasized in his first speech as Chancellor that the law can only be declared by judges who are independent in this sense. Judges must know that in preparation of their judgments they are free from any instructions. The judge must establish the law freely and independently and-that is the significance of the symbol of the sword-must commit himself to this right with courage. This freedom from instructions must be paired with true i.e. inward independence. That is a matter of character. The true judge must carry an immunity against outside influence within himself and must not wish, as a substitute for it, anxiously to shut himself off from the opinions of outsiders. The person who is totally independent is he who, in full awareness of all the available opinions about the case, decides with an inward freedom based on his expertise.

At the same time, the following is also true. The nation demands the exercise of justice by judges whom it trusts. It is well aware that the professional judiciary as an institution is only the consequence of the ever-increasing complexity of life and therefore of the legal system, but that the learned judge has to be a part of the national community just like the lay judges of past times. If a judge does not feel bound to his nation with all his heart then he cannot fulfil the task given to him by the nation, through the Führer, of establishing the law. The judge should declare the law in the name of the people. If the world view of his nation has changed so fundamentally and decisively, as in Germany after the victory of the Movement, then a judge can only be true to his office if he is thoroughly permeated with the new world view. There can be no doubt that from now onwards every norm of the law must be interpreted and applied with reference to the morality and world view reflected in the Party programme and, in addition, with reference to the decisive expressions of will of its creator and most qualified exponent. Anyone who wished to deny this by referring to his judicial independence would misjudge the extent of the limitation which the state imposes on him as well. It is the self-evident duty of every judge to keep within these limitations. He is responsible to the

Führer from whom he derives his authority to declare the law ...

Gentlemen, it is my most urgent task to ensure that all officials in the Reich judicial System increasingly fit into the National Socialist state along these lines. You, gentlemen, must be the means by which, or even better the source from which, a knowledge of this need to fit in flows directly and ruthlessly to your subordinates (*Gefolgschaft*) in every sphere. From this there derives for me the duty of making you aware of all the decisions of the Führer which are of importance for your official actions. You must not only be aware of rumours but also know the facts. If this does not occur then it is inevitable that judges and prosecutors will act against measures which they in good faith but erroneously consider to be illegal and so will innocently put themselves in conflict with the will of the Führer to the serious detriment of justice and of the state. Gentlemen, in your oral and written reports you continually express doubts concerning the question of the destruction of worthless life. You report about incredible rumours going round among the people and you complain that you are not in a position to enlighten people because you lack information about these matters. This complaint is justified. I have, therefore, soon after taking over the Ministry, sought an opportunity to clarify the matter for myself and, at this point, I would like to thank the chief of the Führer's Chancellery, *Reichsleiter* and Party Comrade Bouhler for the detailed explanation. I am even more grateful to him for agreeing to allow his leading experts to provide this conference with the information necessary for the Senior State Court Presidents [*Oberlandesgerichtspräsidenten*] and General State Prosecutors to carry out their duties. I would like to welcome Herr Brack and Herr Professor Heide [Heyde] and ask them to take the floor.

Source: Dokumente zur „Euthanasie“. Ed. Ernst Klee. Frankfurt a.M. 1985. pp. 216/218. Translation in: Nazism 1919-1945. A documentary reader. Ed. by J. Noakes and G. Pridham. - Repr. Exeter : Univ. of Exeter Pr. Vol. 03. Foreign Policy, War and Racial Extermination. – 1988, pp. 1032/1033.