

## The Road to Dictatorship: Hitler's Enabling Act

If the Federal legislature “voluntarily” gives up its rights, in violation of the Constitution, does that make it any more legal? Indeed, as the example of Adolf Hitler's 1933 *Ermächtigungsgesetz* (Enabling Law) shows, such a decision is a pathway to dictatorship.

The Hitler government, which, with the support of London and Wall Street financiers, had been appointed by the aging President Paul von Hindenburg in late January 1933, immediately found itself hamstrung by lack of a parliamentary majority for its fascist program. Yet, for Hitler to carry out the measures desired by his British masters, he had to get rid of parliamentary obstacles that might arise. Hitler's first step was to set national elections for March 5, in hopes of getting the two-thirds majority in the Reichstag which he needed to rubberstamp his dictates.

To get that outcome, however, it would be necessary to get the opposition parties, as well as the population, under control. Terror and imprisonment began immediately, and escalated following the Nazis' Reichstag Fire stunt on Feb. 27. The day after that event, the parliament easily passed an Emergency Law which permitted a massive crackdown on civil liberties, including authorizing surveillance, confiscations, and arrests. This suspension of constitutional provisions for individual and civil liberties in the Constitution was described as a “defensive measure against Communist acts of violence endangering the state.”

But when the election occurred on March 5, Hitler's Nazis had *still* not won a sufficient majority to “democratically” enact his dictatorship. The Nazis (National Socialists) were dependent upon the National People's Party for a majority, and faced opposition from the Catholic Center Party and the Social Democrats.

However, by March 23, Hitler got his dictatorial powers fully ratified, in a vote of 444 to 84. That was the day the Reichstag passed the Enabling Act, the “Law for Removing the Distress of People and Reich,” which gave Hitler the right to govern *on his own*, and in contravention of the Constitution, without consulting parliament, for a period of four years.

How was it done? The parliamentarians “made a deal.”

The crucial agreement with Hitler was concluded with the Center Party, headed by a Catholic priest named Ludwig Kaas. Kaas agreed to deliver votes for Hitler in exchange for assurances of protections for religious lib-


erties and the continued existence of the Center Party. Hitler acceded, promising to memorialize the guaranties in writing. The letter of guaranty wasn't forthcoming, but Kaas fulfilled his part of the bargain, on the promise that the letter was being drafted. Not surprisingly, it never came.

At that point, the vote was assured. Only 84 Social Democrats (their ranks diminished by arrests) opposed the Enabling Act. The Center Party and the National People's Party decided to take Hitler at his word, permitting him to act on behalf of the parliament, including passing laws that deviated from the Constitution, “as long as they do not affect the institutions of the Reichstag and Reichsrat,” and maintaining the rights of the President.

The guarantees were a farce. Within three months of the passage of the Enabling Act, all political parties but the Nazis had been banned. Hitler did not rule alongside the parliament, but superceded it. It only met 12 times over the next 12 years—including the two sessions when it renewed the Enabling Act.

The German politicians had “democratically” sealed their own doom, as well as that of millions of others, for more than a decade to come. Will the United States go down the same path today?

—Nancy Spannaus



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