

Law Amending Criminal Law and Criminal Procedure (April 24, 1934)

Abstract

The Third Reich, like every state, had laws pertaining to treasonous acts, such as conveying state secrets to a foreign power or conspiring against the state directly. Unlike many other states, however, the Nazi legal definition of treason, codified on April 24, 1934, was deliberately broad. Minimum punishments for activities such as falsifying documents ranged from five years of hard labor, up to and including death. The law included preparation for treason, which could involve the mere possession of anti-NSDAP pamphlets, if one did not immediately turn such materials over to authorities. The law even specified that sharing state secrets already known to the public, despite the widespread knowledge of these secrets, also constituted treason and was subject to the same punishments. These deliberately vague legal tenets had serious implications for freedom of the press and for individual citizens' rights to free speech and civil liberties, as such a vague definition could in theory include almost any action deemed unsavory to the state.

Source

Article I

The first section (§§ 80 to 93) of the Second Part of the Penal Code is replaced by the following provisions:

1. High treason (*Hochverrat*)

§80

[1] Whoever undertakes, with force or the threat of force, to bring about the incorporation of the territory of the Reich or any part thereof into a foreign state or the severance from the Reich of any territory belonging thereto, shall be punished with death.

[2] Whoever undertakes with force or the threat of force to alter the Constitution of the Reich shall also be punished with death.

§81

Whoever undertakes with force or the threat of force to deprive the President of the Reich or Chancellor of the Reich or another member of the Reich Government of his constitutional power, or who by a crime or offence endangers or interferes with the general or particular exercise of his constitutional authority shall be imprisoned for not less than five years.

§82

[1] Whoever plans a high treasonable enterprise with another shall be punished with death, with life imprisonment, or with imprisonment for not less than five years.

[2] Whoever, in preparation of a high treasonable enterprise into a relationship with a foreign government, abuses public power entrusted to him, enlists troops, or engages in weapons training, shall be similarly punished. Written approach to a foreign government suffices to constitute the act, if the writing was dispatched.

[...]

§ 87

“Undertaking” within the meaning of the Penal Code comprises both the completion and the attempt.

1 a. Treason

(*Landesverrat*)

§88

[1] State secrets within the meaning of [§§ 88-93a.) are writings, notes, other subjects, facts or information about them, whose secrecy from a foreign government is necessary for the welfare of the Reich, in particular the interest of national defense.

[2] Whoever, with the intention of endangering the Reich, allows a state secret to be conveyed to another, in particular to a foreign government or to anyone who is active on its behalf or openly communicates with it, commits treason within the meaning of [§§ 88-93a.].

§89

[1] Whoever undertakes to betray a state secret shall be punished with death.

[...]

§ 90f.

A German in a foreign country who creates a serious danger to the reputation of the German people by producing false or grossly distorted reports of a factual nature is punishable by imprisonment.

[...]

§ 91b.

A German, within or outside Germany, who, during a war or threatened war against the Reich, undertakes to give an advantage to an enemy power or a disadvantage to the Reich or its allies shall be punished by death or life imprisonment.

[...]

Article III

People’s Court (Volksgesichtshof)

§1.

[1] The People’s Court is established for the severe punishment of high treason and treason.

[2] Trials in the People’s Court shall be adjudicated by a panel of five members, or by a panel of three members, including the President. The President and one other member must be professionally qualified as judges. There can be multiple Senates.

[3] Authority to bring complaints is in the High Reich Prosecutor.

§2.

Members of the People’s Court and their deputies shall be appointed by the Chancellor for a term of five years upon the recommendation of the Minister of Justice.

§ 3.

[1] The People’s Court is competent to investigate and decide cases, in the first and last instance, cases of high treason [...], treason [...], attacks against the Reich President [...], and the crime specified [...] by provision 5, section 2, number 1 of the [Reichstag Fire Decree of February 28, 1933]. [...]

[...]

§5.

[...]

[2] There is no appeal from the decisions of the People's Court.

Article IV

[...]

§ 3. The choice of defense counsel is subject to the approval of the court President. Approval of defense counsel can be withdrawn. [...]

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