

The Enabling Act (March 24, 1933)

Abstract

Hitler had decided to build his dictatorship through a largely legal process. His next important step along that road was to emasculate the Reichstag by transferring its legislative authority to the Reich government. Such a fundamental change to the Weimar Constitution required a two-thirds majority, however. When, after eliminating the Communists, Hitler was still 31 votes short, he persuaded the German Center Party to approve this measure. During the Reichstag session in Berlin's Kroll Opera House on March 23, 1933, Hitler falsely claimed that this new law was *not* tantamount to the abolition of the Reichstag, since he would use his new legislative authority over the next four years only in emergencies.

Source

Law to Remove the Distress of the People and the State (The Enabling Act)

The Reichstag has passed the following law, which is, with the approval of the Reichsrat, herewith promulgated, after it has been established that it meets the requirements for legislation altering the Constitution.

Article 1. National laws can be enacted by the Reich Cabinet as well as in accordance with the procedure established in the Constitution. This also applies to the laws referred to in Article 85, Paragraph 2, and in Article 87 of the Constitution.

Article 2. The national laws enacted by the Reich Cabinet may deviate from the Constitution as long as they do not affect the institution of the Reichstag and the Reichsrat. The powers of the President remain unaffected.

Article 3. The national laws enacted by the Reich Cabinet shall be prepared by the Chancellor and published in the *Reichsgesetzblatt*. They come into effect, unless otherwise specified, the day after their publication. Articles 68–77 of the Constitution do not apply to the laws enacted by the Reich Cabinet.

Article 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation. The Reich Cabinet establishes regulations for the implementation of these treaties.

Article 5. This law becomes effective on the day of its publication. It becomes invalid on April 1, 1937; it also becomes invalid if the present Reich Cabinet is replaced by another.

Berlin, March 24, 1933

Reich President von Hindenburg

Reich Chancellor Adolf Hitler

Reich Minister of the Interior Frick

Reich Minister for Foreign Affairs Baron von Neurath

Reich Minister of Finances Count Schwerin von Krosigk

Source of English translation: Law to Remove the Distress of the People and the State (Enabling Act); reprinted in U.S. Department of State, Division of European Affairs, *National Socialism. Basic Principles, their Application by the Nazi Party's Foreign Organizations, and the Use of Germans Abroad for Nazi Aims*. Washington, DC: United States Government Printing Office, 1943, Appendix, Document 11, pp. 217–18. Translation edited by GHI staff.

Source of original German text: Gesetz zur Behebung der Not von Volk und Reich (Ermächtigungsgesetz) (23. März 1933), *Reichsgesetzblatt*, 1933, Part I, no. 25, p. 141; also reprinted in Paul Meier-Benneckenstein, ed., *Dokumente der deutschen Politik*, volume 1: *Die Nationalsozialistische Revolution 1933*, edited by Axel Friedrichs. Berlin, 1935, pp. 42–43. Available online at: <https://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1933&page=266&size=45>

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