Hitler’s Lawyer

Robert Aitken and Marilyn Aitken are the authors of Law Makers, Law Breakers and Uncommon Trials, published by the American Bar Association.

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I have no conscience; Adolf Hitler is my conscience. —Hans Frank, 1935

Hans Frank created the legal system for the Third Reich. Although Frank tried to protect procedural legal rights for ethnic Germans, he made Adolf Hitler’s will the ultimate source of German law. As Governor General of Poland during World War II, Frank supplied slave labor to Germany and collaborated in the extermination of Jews. Then, as a scholar, he returned to Germany and lectured about the importance of the rule of law. In 1946, Frank was found guilty of war crimes by the International Military Tribunal at Nürnberg.
Frank’s strange odyssey began in 1927 when he read an advertisement in the Nazi Party newspaper, *Volkischer Beobachter*. Storm troopers had been arrested after rampaging through a Berlin restaurant where a Jewish family was having dinner. The Nazi Party wanted an aggressive lawyer to represent these “poor party members without means.” Frank answered the advertisement, offering his services pro bono. He bought a third-class ticket to Berlin and was successful in obtaining lenient sentences for the Nazi defendants.

Frank’s next stop was Nazi Party headquarters, where he met Adolf Hitler. Hitler, impressed, invited him to “come and work for the party.” Frank’s career possibilities were now unlimited. Political turmoil was rife. The Nazis continually incited violence. The Nazi roar to power was fueled by street terror. Disregard for the Weimar legal system was routine. Legal cases piled up. The Weimar Republic was overwhelmed by 40,000 cases involving Nazis between 1927 and 1930. Frank, at the request of Hitler, was personally involved in 2,400 of them. In 1928, Frank formed the Union of Nazi Lawyers and became their leader. He became Hitler’s personal lawyer.

Then came Frank’s signature case. As leader of the Nazi Party’s Legal Division, he represented three German Army lieutenants, Hans Ludin, Richard Scheringer, and Hans Friedrich, all charged with “preparing to commit high treason.” Fired with Nazi propaganda, they tried to persuade their fellow officers not to combat the Nazis if they launched an armed revolt.

This landmark case became known as the Leipzig Reichswahr trial. It began in Germany’s Supreme Court in Leipzig on September 30, 1930. The Nazis had just made stunning gains in national elections. The Nazi Party was now Germany’s second largest political party.

Frank called Hitler, himself, to testify. As a witness for Frank’s clients, Hitler had an international forum. He reassured the world...
that the Nazis would never try to seize power by force. If the young officers thought otherwise, they were mistaken. Hitler assured the court: “Our movement has no need of force. The time will come when the German nation will get to know of our ideas; then 35 million Germans will stand behind me. . . . When we do possess constitutional rights, then we will form the State in the manner which we consider to be the right one.” The President of the Court asked, “This too, by constitutional means?” Hitler’s response, “Yes.”

When the trial ended on October 4, the defendants were found guilty. But they received mild sentences. Hitler’s testimony made world headlines. The Nazis were jubilant. Three years later, Hitler ruled Germany.

Frank regarded this case as his finest hour and his greatest service to the Nazi Party. Hitler encouraged him to enter politics. In 1930, he was elected to the Reichstag, one of its youngest members.

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