

Lawyers Without Rights:

Jewish Lawyers In Germany Under the Third Reich

by Brett Alexander Zwerdling

Whenever Jay Ipson, a founder and president emeritus of the Virginia Holocaust Museum, asks me to lunch I know he has something big planned. One of those lunches in 2002 ended with me wearing a hardhat and helping to gut the massive building that is now the Virginia Holocaust Museum.

At this particular lunch in fall 2013, Jay and his wife, Ellie, told me they and the American Bar Association were collaborating to bring an exhibition to Richmond titled “Lawyers Without Rights: Jewish Lawyers in Germany under the Third Reich.” Jay’s grandson, Ben, saw the exhibit at Old Dominion University where he is a student and told his grandfather it should come to Richmond. They wanted the exhibit to be displayed in the art gallery of the Gay Community Center with various receptions and panels ensuing while it was there. I immediately signed on.

The exhibit portrays the collective fate of Jewish lawyers in Nazi Germany by focusing on the stories of twenty-one lawyers and judges. The exhibit was conceived in 1998 when an Israeli lawyer asked the regional bar of Berlin for a list of Jewish lawyers whose licenses had been revoked by the Nazi regime. “The regional bar decided not only to research a list of names but also to try to find out more about the fates behind all those names,” says Axel Filges, president of the German Federal Bar. “Some were able to leave the country after the Nazis came into power, but very many of them were incarcerated or murdered. The non-Jewish German lawyers of those days remained silent. They failed miserably, and so did the lawyers’ organizations. We do not know why.”¹

Jay Ipson believes one reason nothing was done was because it was going to make room for non-Jewish lawyers to take their place. With Germany being in the throes of a massive depression, he reasons, people simply did not care.

What brought this exhibition “home,” was that Jay Ipson’s father was an attorney in Lithuania who found himself without a law license and a profession in the course of one day. Jay therefore created his own panel for the exhibit telling the story of his father to stand side by side with the original panels.

Jay, now a Holocaust history lecturer, with the help of his wife, his daughter Esther, and his grandchildren, partnered with Dianna Gabay, former curator for the Virginia Holocaust Museum; Patty O’Connor, English teacher and Holocaust lecturer; Bill Choyke, senior strategist for the American Bar Association; and myself, a trustee of the Virginia Holocaust Museum.

Two successful programs were mounted during the exhibit’s tenure in Richmond. The first was a panel discussion on January 15, 2014, with Jay, constitutional law professor John Paul Jones of the University of Richmond’s T.C. Williams School of Law, and the Honorable Tracy W. Thorne-Begland, the first openly gay jurist elected by the Virginia General Assembly. The presentation reaffirmed the relevancy of the Holocaust’s lessons by exploring how today’s rule of law could be threatened. Some themes include: “Education cuts both ways,” “Stress and emergency challenges a society’s commitment to justice,” “The state must not only tolerate dissidence, it must foster it,” and “Society must know the difference between what is legal, and what is right.”

The second program was arranged by Matthew Zwerdling, program chair of the Lewis F. Powell Jr. American Inn of Court. Jay Ipson delivered a presentation to the Inn and invited

student guests of the T.C. Williams School of Law on January 29, 2014. Jay's presentation chronicled how his father lost his law license and saved his family by presenting himself as an auto mechanic, the family's escape from ghetto-turned-concentration camp, and how easily such conditions could repeat in contemporary American society. Jay noted that in America today, there are 1,028 hate groups. Of them, thirty-four are in Virginia.²

Among those who visited the exhibit were students from middle school through law school, professors, judges, attorneys, and interested citizens from across the country. This is another example of how untold stories of the Holocaust can still have such relevance in our world today. May we all learn from these and help us reaffirm our commitment to preserving the rule of law, even in the face of the gravest emergencies to society.



Brett Alexander Zwerdling is a partner with Zwerdling, Oppleman & Adams in Richmond. He is a Trustee of the Virginia Holocaust Museum and a volunteer with Jay Ipson's not-for-profit entity Holocaust History Lecturer. He was formerly the chair of the Emergency Legal Services committee of the Virginia State Bar, and authored the emergency procedures handbook governing terrorist attacks following 9/11.

Endnotes:

- 1 Filisko, G 2010, 'When Lawyers Disappeared' *ABA Journal*. Available from : www.abajournal.com. [March 2010].
- 2 Southern Poverty Law Center, 2014, 'Active U.S. Hate Groups.' Available from: www.splcenter.org. [February 2014].



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