

1 [Rehabilitation of Gay Victims Under the National Socialist Government]

2 **URGING THE FEDERAL REPUBLIC OF GERMANY TO ANNUL THE SENTENCES OF ALL**
3 **INDIVIDUALS, PARTICULARLY GAY AND LESBIAN INDIVIDUALS, WHO WERE**
4 **CONVICTED UNDER THE REICH PENAL CODE SECTION 175 AND 175A BY THE**
5 **NATIONAL SOCIALIST JUDICIARY BETWEEN 1935 AND 1945 AND FURTHER TO**
6 **INCLUDE GAY, LESBIAN, BISEXUAL AND TRANSGENDER COMMUNITIES AMONGST**
7 **THOSE GROUPS ENTITLED TO RECOGNITION AND FULL COMPENSATION AS VICTIMS**
8 **OF THE NATIONAL SOCIALIST GOVERNMENT AND FURTHER TO PUBLICLY**
9 **APOLOGIZE FOR ALLOWING THE 1935 VERSION OF THE REICH PENAL CODE**
10 **PARAGRAPH 175 TO REMAIN UNCHANGED UNTIL 1969 .**

11 WHEREAS, In 1935, the National Socialist Judicial System amended the provisions of
12 the criminal code to define any sexual conduct between men as a crime including covetous
13 looks; and

14 WHEREAS, From 1935 to 1945, the Nazi judiciary convicted over 50,000 people for the
15 "crime" of homosexuality and to this day those individuals who have survived the holocaust
16 have no received just compensation from the German government; and

17 WHEREAS, In June 1998, the German Bundestag passed legislation to annul unjust
18 sentences imposed during the National Socialist Administration of Criminal Justice; and

19 WHEREAS, However the legislation excluded two groups: homosexuals and deserters;
20 and

21 WHEREAS, The exclusion of gay victims from eligibility of annulment criminal
22 sentences imposed by the National Socialist Judiciary constitutes blatant discrimination of gay
23 and lesbian victims who suffered cruel injustices perpetrated by the Nazi regime; now
24 therefore be it

25
Supervisors Ammiano, Bierman

1 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
2 hereby urges the Federal Republic of Germany to annul the sentences of all individuals,
3 particularly gay and lesbian individuals, who were convicted under the Reich Penal Code
4 section 175 and 175A by the National Socialist Judiciary between 1935 through 1945; and be
5 it

6 FURTHER RESOVLED, That the Board of Supervisors urges the Federal Republic of
7 German to include gay, lesbian, bisexual and transgender communities amongst those entitled
8 to recognition and full compensation as victims of the National Socialist Government; and

9 FURTHER RESOVLED, That the Board of Supervisors urges the Federal Republic of
10 German to apologize for allowing the 1935 version of the Reich Penal Code Paragraph 175 to
11 remain unchanged until 1969; and

12 FURTHER RESOVLED, That the Board of Supervisors requests the Clerk of the Board,
13 upon passage of this resolution, send a copy of this resolution to the German Ministry of
14 Justice and the German Parliament Committee on Justice:

- 15 • Bundeministerin der Justiz
16 Frau Prof. Dr. herta Daebler-Gmelin
17 Jerusalemer Str. 24-28
18 11015 Berlin, Germany
- 19 • Vorsitzenden des Rechtsausschusses
20 Herrn Prof. Dr. Rupert Scholz
21 Deutscher Bundestag
22 11011 Berlin, Germany

23
24
25 **SUPERVISOR AMMIANO**



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 000400

Date Passed:

Resolution urging the Federal Republic of Germany to annul the sentences of all individuals, particularly gay and lesbian individuals, who were convicted under the Reich Penal Code Section 175 and 175A by the National Socialist Judiciary between 1935 and 1945 and further to include gay, lesbian, bisexual and transgender communities amongst those groups entitled to recognition and full compensation as victims of the National Socialist Government and further to publicly apologize for allowing the 1935 version of the Reich Penal Code Paragraph 175 to remain unchanged until 1969.

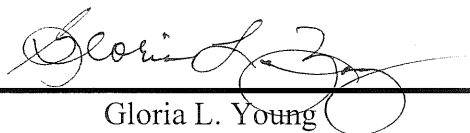
March 13, 2000 Board of Supervisors — ADOPTED

Ayes: 6 - Ammiano, Brown, Leno, Newsom, Teng, Yee

Absent: 5 - Becerril, Bierman, Katz, Kaufman, Yaki

File No. 000400

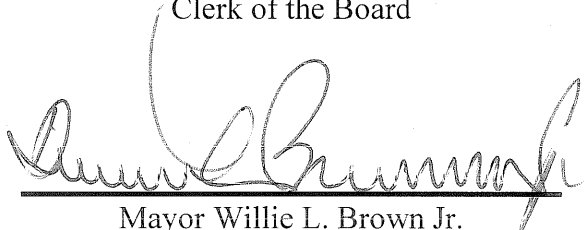
I hereby certify that the foregoing Resolution was ADOPTED on March 13, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAR 24 2000

Date Approved



Mayor Willie L. Brown Jr.