Gun Control in Germany
1928-1945

William L. Pierce

NATIONAL VANGUARD BOOKS
Gun Control in Germany, 1928-1945

by William L. Pierce

A common belief among defenders of the Second Amendment to the U.S. Constitution is that the National Socialist government of Germany under Adolf Hitler did not permit the private ownership of firearms. Totalitarian governments, they have been taught in their high school civics classes, do not trust their citizens and do not dare permit them to keep firearms. Thus, one often hears the statement, "You know, the first thing the Nazis did when they came to power was outlaw firearms," or "The first thing Hitler did in Germany was round up all the guns."

One can understand why many American gun owners want to believe this. They see in the current effort of their own government to take away their right to keep and bear arms a limitation of an essential element of their freedom and a move toward tyranny, and they want to characterize the gun-grabbers in the most negative way they can. Adolf Hitler has been vilified continuously for the past 60 years or so by the mass media in America, and certainly no politician or officeholder wants to be compared with him. If the gun-confiscation effort can be portrayed convincingly as something of which Hitler would have approved, it will have been effectually tarred.

This identification of the inclination to deny citizens the right to keep and bear arms with National Socialism and Adolf Hitler has been strengthened recently by clever magazine advertisements which show Hitler with his arm outstretched in a Roman salute under a heading: "All in favor of gun control raise your right hand." A Jewish group, Jews for the Preservation of Firearms Ownership (JPFO), quite noisy for its size, has been especially zealous in promoting the idea that the current gun-control effort in America has its roots in Germany during the Hitler period. This group has gone so far as to claim in several articles published in popular magazines read by firearms enthusiasts that the current restrictive legislation being proposed by the U.S. government is modeled on a gun-control statute enacted by Germany's National Socialist government: the German Weapons Law (Waffengesetz) of March 18, 1938.

Again, one can understand the motivation of the JPFO. Many non-Jewish firearms owners are well aware that the movement to restrict their rights is led and promoted primarily by Jews, and anti-Jewish feeling has been growing among them. They know that the controlled news media, which are almost unanimously in favor of abridging or abolishing the Second Amendment, are very much under the influence of Jews, and they know that the most vocal anti-gun legislators in the Congress also are Jews. It is natural for a group such as the JPFO to mount a damage-control effort and attempt to prevent anti-Jewish feeling from becoming even stronger among gun owners. Their strategy is to deflect the blame from their kinmen in the media and the government and direct it onto their most hated enemies, the National Socialists—or at least to create enough smoke to obscure the facts and keep the gun-owning public confused.

Unfortunately for those who would like to link Hitler and the National Socialists with gun control, the entire premise for such an effort is false. German firearms legislation under Hitler, far from banning private ownership, actually facilitated the keeping and bearing of arms by German citizens by eliminating or ameliorating restrictive laws which had been enacted by the government preceding his: a left-center government which had contained a number of Jews.

It is not just that the National Socialist firearms legislation was the opposite of what it has been claimed to have been by persons who want to tar modern gun-grabbers with the "Nazi" brush. The whole spirit of Hitler's government was starkly different from its portrayal by America's mass media. The facts, in brief, are these:

• The National Socialist government of Germany, unlike the government in Washington today, did not fear its citizens. Adolf Hitler was the most popular leader Germany has ever had. Unlike American presidents, he did not have to wear body armor and have shields of bulletproof glass in front of him whenever he spoke in public. At public celebrations he rode standing in an open car as it moved slowly through cheering crowds. Communists made several attempts to assassinate him, and his government stamped down on communism, virtually wiping it out in Germany. Between upright, law-abiding German citizens and Adolf Hitler, however, there was a real love affair, with mutual trust and respect.

• The spirit of National Socialism was one of manliness, and individual self-defense and self-reliance were central to the National Socialist view of the way a citizen should behave. The notion of banning firearms ownership was utterly alien to National Socialism. In the German universities, where National Socialism gained its earliest footholds and which later became its strongest bastions, dueling was an accepted practice. Although the liberal-Jewish movement in Germany after the First World War attempted to ban dueling, it persisted illegally until it was again legalized by the National Socialists. Fencing, target shooting, and other martial arts were immensely popular in Germany, and the National Socialists encouraged young Germans to become proficient in

ISBN 0-937944-07-6

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PUBLISHED BY NATIONAL VANGUARD BOOKS
POB 330 • HILLSBORO • WV 24946

PRINTED IN THE UNITED STATES OF AMERICA
these activities, believing they were important for the development of a man’s character.

- Gun registration and licensing (for long guns as well as for handguns) were legislated by an Anti-National Socialist government in Germany in 1928, five years before the National Socialists gained power. Hitler became Chancellor on January 30, 1933. Five years later his government, now convinced of the necessity of preventing law-abiding Germans from keeping or bearing arms, again, the firearms law enacted by Hitler’s government enhanced the rights of Germans to keep and bear arms; no new restrictions were added, and many pre-existing restrictions were relaxed or eliminated.

- At the end of the Second World War, American GIs in the occupying force were astonished to discover how many German civilians owned private firearms. Tens of thousands of pistols loaded from German homes by GIs were brought back to the United States after the war. In 1945 General Eisenhower ordered all privately owned firearms in the American occupation zone of Germany to be disassembled, and Germans were required to hand in their shotguns and rifles as well as other weapons, and in the single cartridge that held them.

- Jews, it should be noted, were not Germans, even if they had been born in Germany. The National Socialists defined citizenship in racist terms, and under Hitler Jews were not accorded full rights of citizenship. National Socialist legislation progressively excluded Jews from key professions: teaching, the media, the practice of law, etc. The aim was not only to force German life from an oppressive and degenerative Jewish influence, but to persuade Jews to emigrate. The German Wehrmacht Law of March 18, 1938, specifically excluded Jews from manufacturing or dealing in firearms or munitions, and it did not exempt them from owning or bearing personal firearms. The exclusion of Jews from the arms business ranked them as much as any other outgroup, and in their typical ethnocentric fashion they have misrepresented the law involved as an anti-Jewish law in an effort to cast their enemies in a bad light. It should be noted in passing that the restrictions placed on Jews by the National Socialists had the intended effect: between 1933 and 1939 two-thirds of the Jews residing in Germany emigrated, thus reducing the Jewish population of the country from 600,000 when Hitler became Chancellor in 1933 to 200,000 at the outbreak of the Second World War in 1939. Jews in the United States, looking at this period from their own narrowly focussed viewpoint, have described these peace-time years of the National Socialist government as a time of darkness, terror, and regression, whereas for the German people it was a time of hope, joy, and spiritual and material renewal.

Much the same type of distortion is seen in the portrayal of the United States in the early 1950s: the so-called "McCarthy Era." Senator Joseph McCarthyr (Republican) sought to drive the reds out of America. He attacked the communists, with such success that chairman of the Senate’s Government Operations Committee to expose the widespread communist infiltration of the United States government, in 1950, and other U.S. institutions which had taken place during the Second World War. A substantial number of the most high-level officials had been dragged reluctantly out into the light of day by his efforts. As a result, the controlled media always have portrayed the period as one of terror and repression, when everyone was frightened, accused, and suspected of being a "traitor." It was nothing of the sort to non-Jewish Americans, who were not inimical to the lead. Hitler viewed the Jews in a Jewish light—i.e., through media controlled by Jews—always distorted in a way corresponding to Jewish interests and concerns.

Both the German Wehrmacht Law of March 18, 1938, enacted by the National Socialists, and the Law on Firearms and Ammunition of April 12, 1928, which was enacted by the Anti-National Socialist government, and the law of April 12, 1928, which was enacted by an Anti-National Socialist government, among other things, barred full, first in facsimile and then in actual reproduction. A little background information first, however, may help the reader to understand the situation.

After Germany’s defeat in the First World War (a defeat in which Germany’s Jews played no small part, demonstrating the home front with demonstrations and other subversive activity much greater than that of any other group during the war), the Kaiser abdicated, and liberals and leftists seized control of the government in 1918. The new government, in its attempt to recover in a military hospital from a British poison-gas attack which had blinded him temporarily, made the decision to go into politics and fight against the traitors he felt were responsible for Germany’s distress. The tendency of Germany’s new rulers after the First World War was much the same as it is for liberals in America today: they promoted cosmopolitanism, internationalism, and egalitarianism. By 1923 economic conditions in Germany had become catastrophic. Hyperinflation gave way to hyperinflation, and the public unrest. The communists had made major inroads into the labor movement and were a growing threat to the country.

Hitler had indeed gone into politics, and his National Socialist party was the most vociferous of the opponents of the Weimar Republic. Hitler had become a political force to be reckoned with, and the Communist party, under party leader Ernst Thälmann, was the most vociferous of the opponents of the Weimar Republic. Hitler had become a political force to be reckoned with, and the Communist party, under party leader Ernst Thälmann, had become a force to be reckoned with.

Finally, in 1938, the National Socialist government got around to enacting a new firearms law to replace the one enacted by their opponents ten years earlier. The highlights of the 1938 law, especially as applied to ordinary citizens rather than manufacturers or dealers, follow:

- Handguns may be purchased only on submission of a Weapons Acquisition Permit (Waffenbesitzkarte), which must be used within one year from the date of issue. Muzzle-loading handguns are exempted from the permit requirement. The 1928 law had required a permit for the purchase of long guns as well, but the National Socialists dropped this requirement.

- Holders of a permit to carry weapons (Waffenbesitzkarte) are if a hunting license does not have a Weapons Acquisition Permit in order to acquire a handgun.

- A hunting license authorizes the bearer to carry hunting weapons, as well as swords and knives, may be used to obtain permits under the age of 18 years. (The age limit had been 20 years in 1928.)

- Whoever carries a firearm outside of his dwelling, his place of employment, his place of residence, or his property must have in his possession a Waffenbesitzkarte Permit (Waffenbesitzkarte). A permit is not required, however, for carrying a firearm for use at a police-approved shooting range.

- A permit to acquire a handgun or to carry firearms may only be issued to persons whose trustworthiness is not in question and who can show a need for a permit. In particular, a permit may not be issued to...
1. persons under the age of 18 years;
2. legally incompetent or mentally retarded persons;
3. Gypsies or vagabonds;
4. persons under mandatory police supervision (i.e., on parole) or otherwise temporarily without civil rights;
5. persons convicted of treason or high treason or known to be engaged in activities hostile to the state;
6. persons who for assault, trespass, a breach of the peace, resistance to authority, a criminal offense or misdemeanor, or a hunting or fishing violation were legally sentenced to a term of imprisonment of more than two weeks, if three years have not passed since the term of imprisonment.

- The manufacture, sale, carrying, possession, and import of the following are prohibited:
  1. "trick" firearms, designed so as to conceal their function (e.g., cane guns and belt-buckle pistols);
  2. any firearm equipped with a silencer and any rifle equipped with a spotlight;
  3. cartridges with .22 caliber, low-point bullets.

That is the essence. Numerous other provisions of the law relate to firearms manufacturers, importers, and dealers; to acquisition and carrying of firearms by police, military, and other official personnel; to the maximum fees which can be charged for permits (3.Reichsmark); to tourists bringing firearms into Germany; and to the fines and other penalties to be levied for violations.

The requirements of "trustworthiness" and of proof of need when obtaining a permit are troubling, but it should be noted that they were simply carried over from the 1928 law: they were not formulated by the National Socialists. Under the National Socialists these requirements were interpreted liberally: a person who did not fall into one of the prohibited categories listed above was considered trustworthy, and a statement such as, "I often carry sums of money," was accepted as proof of need.

The prohibitions of spotlight-equipped rifles and hollow-point .22 caliber ammunition were based on considerations that the former were unsporting when used for hunting, and the latter were inhumane.

Now read the German firearms laws for yourself, either in the original German exactly as they were published by the German government in the Reichsgesetzblatt or in the complete English translations which are provided here. If you want to skip over most of the legal gobbledegook and go directly to the most pertinent part of the National Socialist Firearms Law—the part pertaining to the purchase, ownership, and carrying of firearms by private citizens—turn to page 35 (Part IV of the Law). Note, as already mentioned above, that two separate and distinct types of permits are referred to: a Weapons Acquisition Permit (Waffenverworbschein), required only for purchasing a handgun; and a Weapons Permit (Waffenbeschein), required for carrying any firearm in public. Interestingly enough, as also mentioned above, a hunting license could take the place of both these permits.

When you have read the two laws reproduced here, you will understand that it was Hitler’s enemies, not Hitler, who should be compared with the gun-control advocates in America today. Then as now it was the Jews, not the National Socialists, who wanted the people’s right of self-defense restricted. You will understand that those who continue to make the claim that Hitler was a gun-grabber are either ignorant or dishonest. And you will understand that it was not until 1945, when the communist and democratic victors of the Second World War had installed occupation governments to rule over the conquered Germans that German citizens were finally and completely denied the right to armed self-defense.
Reichsgesetzblatt, Jahr 1928, Heft 1

Reichsgesetzblatt, Jahrgang 1928, Teil I

§ 6 Die Genehmigung nach § 5 hat nicht erteilt werden.

§ 7 (1) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 8 (2) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 9 (3) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 10 (4) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 11 (5) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 12 (6) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 13 (7) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 14 (8) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 15 (9) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 16 (10) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 17 (11) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 18 (12) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 19 (13) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 20 (14) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 21 (15) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 22 (16) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

§ 23 (17) Verbot der Geschäfte mit Schiffsdothen oder Münzen.

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20. (a) Die Außenhandelspolitik Deutschland ist in drei Bereichen unterteilt: die Tarifpolitik, die Zollpolitik und die Währungspolitik.
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Part I

1928

Issued in Berlin, April 20, 1928

No. 18

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[...]

Firearms and Ammunition Act

April 12, 1928

The Reichstag has passed the following Act, herewith announced with the agreement of the Reich Council:

Part I

General

§ 1

(1) In the context of this Act, firearms are weapons which operate on the principle of a bullet or a load of shot being forced through a barrel by means of the generation of explosive gases or compressed air.

(2) In the context of this Act, ammunition includes ready-to-use ammunition for firearms as well as gunpowder of all kinds.

(3) Finished or prefabricated essential components of firearms or ammunition are considered to be equivalent to finished objects of this kind.

Part II

Manufacture of Firearms and Ammunition

§ 2

(1) Anyone who manufactures, modifies or repairs firearms or ammunition on a professional basis must obtain a permit. The relining of cartridges is considered to be equivalent to the manufacture of ammunition.

(2) The issuance as well as the revocation of a permit may not be made dependent on a determination of an applicant’s need for the permit.

(3) With respect to the construction of gunpowder factories or other facilities for the manufacture of ammunition, a permit in accordance with § 16 of the Trading Regulations for the German Reich remains mandatory.

§ 3

The order by means of which a manufacturer’s permit is denied or revoked may be appealed in accordance with the regulations governing protests against police orders, as these regulations are set out in the legal codes of the German Lands. In cases where these regulations do not provide for proceedings in Administrative Court, or do not admit such proceedings in...
the case in question, the regulations set out in §§20 and 21 of the Trading Regulations for the German Reich apply instead.

§4 If a permit has been conclusively denied or revoked, a new application for a permit may be filed only after at least three years have passed since the conclusive decision was made known.

Part III
Dealing in Firearms and Ammunition

§5 (1) Anyone who, on a professional basis, purchases, offers for sale, or otherwise provides to others, either firearms or ammunition, or acts as mediator in the purchase or provision of such items, or offers his services to effect their purchase or provision, requires a permit to do so.
(2) The regulations of § 2 Section 2 and §§ 3, 4 apply as appropriate.

§6 A permit in accordance with § 5 may not be issued to:
1. junk dealers,
2. persons specified in §16 Section 1 Clause 2; exceptions may be made in accordance with §16 Section 3.

§7 (1) Dealing in firearms is prohibited
1. to travelling vendors,
2. at festivals, events featuring shooting competitions, and fairs, with the exception of trade fairs.
(2) The selling and provision of ammunition required at shooting competitions is exempted from the regulations of Section 1 No. 2.

§8 Public and private pawn shops are not permitted to lend money on firearms and ammunition.

§9 (1) Beginning six months after this Act comes into force, only such firearms as bear the name or registered trademark of the manufacturing firm or the dealer (§5) and which bear a serial number may be professionally sold or provided to others within Germany.
(2) Firearms not identified by the name or registered trademark of a domestic manufacturer must be marked with a manufacturing number and the name or registered trademark of a domestic dealer.

Part IV
Purchase, Carrying, Importation and Ownership of Firearms and Ammunition

§10 (1) Firearms or ammunition may be provided or purchased only on submission of a Weapons or Ammunition Acquisition Permit issued by the appropriate authorities.
(2) The acquisition permit is valid for the period of one year from the date of issue, provided that a shorter period of validity has not been specified on it.
(3) Section 1 does not apply to:
1. the provision of firearms or ammunition at shooting booths or ranges licensed by the police, where the firearms and ammunition are to be used on-site only.
2. the export of firearms or ammunition directly out of the country. In the context of the present regulation, this includes the following:
a) the customs zones, with the exception of Heligoland and the customs zones of Baden,
b) the foreign trade zones,
c) the trade zone of Lübeck;
3. the conveyance of firearms and ammunition by persons who, as part of their profession, arrange for or conduct the transport of goods, particularly by haulers, carriers, ocean shipping agents, the Postal Service, or the Railway.

§11 The following do not require a Weapons or Ammunition Acquisition Permit:
1. authorities of the Reich or the Lands as well as the German Reich Railway Association;
2. community authorities whom the highest authority of their Land has granted the right of acquisition without an Acquisition Permit;
3. the professionals specified in §5 who are officially licensed.

§12 Holders of Weapons Permits do not require Weapons Acquisition Permits for weapons included in the scope of the Weapons Permits.

§13 Holders of Weapons Acquisition Permits or Weapons Permits do not require Ammunition Acquisition Permits to acquire the ammunition needed for the weapons in question.

§14 Anyone who acquires firearms or ammunition by inheritance must report this to the proper authorities within six weeks of the date of acquisition. This report must detail the kind and number of firearms and ammunition, and—in the case of gunpowder—the weight.

§15 (1) Anyone who carries a firearm outside his home, his place of business, or his fenced-in property must carry an official permit (Weapons Permit) on his person. “Carrying a firearm” does not include its use on shooting ranges officially licensed by the police.
(2) Provided that its validity is not expressly restricted to a smaller area, the Weapons Permit is valid throughout the Reich proper. Through an appropriate notation on the permit, the right to carry a firearm can be restricted to certain, clearly specified occasions and locations.
(3) A Weapons Permit is valid for a period of one year from the date of issue, provided that a shorter period is not specified.

§16 (1) Weapons (Ammunition) Acquisition Permits may only be issued to persons whose trustworthiness is not in question, further, Weapons Permits may only be issued on proven need. In particular, permits may not be issued to:
1. persons under the age of 20 years;
2. legally incapacitated or mentally inferior persons;
3. Gypsies or vagabond persons;
4. persons who have been legally sentenced to a term of imprisonment of more than two weeks for violations of §§81, 83 to 90, 105, 106, 107, 107a, 110 to 120, 122. 123 Section 2, §§124 to 130, 181a, 211 to 216, 223 to 228, 240, 241, 243, 244, 249 to 255, 292 to 294, 296, 340, 361 Nos. 3, 4, 5 and 10 of the Penal Code, of §148 of the Federal Customs Regulation of July 1, 1869 (Federal Law Gazette p. 317), of the law against the criminal and dangerous use of explosives, June 9, 1884 (Law Gazette of the Reich p. 51), of the Ordinance of the Council of People’s Representatives regarding the possession of weapons, January 13, 1919 (Law Gazette of the Reich p. 31, 122), of the law regarding the disarming of the people, August 7, 1920 (Law Gazette of the Reich p. 1553), of §§1, 2, 4 to 7, 8 No. 3, §19 of the Law
for the Protection of the Republic, July 21, 1922 (Law Gazette of the Reich I. p. 585), or of the stipulations of the present Act—provided that five years have not yet passed since the sentence was served, lapsed, or was remitted; if the sentence was remitted after a probationary period, the term of five years is calculated from the start of the probationary period;

5. persons under mandatory police supervision or who have been relieved of their civil rights—for as long as these remain under mandatory police supervision or remain stripped of their civil rights;

(2) The highest authorities of the Land may decree that violations of state [Land] penal codes are to be considered equivalent to violations against the federal [Reich] laws set out in Section 1 No. 4.

(3) Exceptions to Section 1 Nos. 1, 3 and 4 may be granted on request by the relevant authorities.

\( \text{§ 17} \)

(1) Persons to whom a Weapons (Ammunition) Acquisition Permit or a Weapons Permit may not be issued, in accordance with §16 Section 1 Nos. 1 to 5, are also not permitted to possess firearms or ammunition, unless an exception has been granted under §16 Section 3.

(2) Persons who are not entitled to the possession of firearms or ammunition shall without delay hand in any firearms or ammunition in their possession to the appropriate authorities for safekeeping; they shall be given a written acknowledgement of receipt. If a person to whom this regulation applies has a legal representative, the responsibility to comply rests with the representative. If this person or his legal representative does not ensure that the firearms and ammunition become available to a person entitled to their possession in the spirit of the present law by relinquishing to such a person the right to claim return of the items in question, the authorities responsible can require that ownership of the firearms and ammunition be transferred to themselves [the authorities] instead, in return for the payment of their market value. Transfer of ownership is effected by means of notice being given. An appeal against the determined market value may be addressed to the supervisory authority within two weeks; recourse to legal action is not an option.

(3) The authorities responsible may, in exceptional cases, permit persons obliged by law to hand in their firearms and ammunition to retain possession of these items if the facts of the individual case guarantee that the objects will not be misused; such permission can be withdrawn at any time.

\( \text{§ 18} \)

(1) The Weapons (Ammunition) Acquisition Permit is to be revoked and confiscated by the authorities responsible if the prerequisites for its issue are not met, or are no longer met.

(2) In the case of revocation of a permit, the authorities responsible may demand that the firearms and ammunition be turned in at the same time. The stipulations of §17 Section 2 apply as appropriate.

\( \text{§ 19} \)

(1) With respect to the firearms or ammunition provided to them in the line of duty, the following persons do not require a Weapons (Ammunition) Acquisition Permit:
   1. members of the German Wehrmacht, police officials in the service of the Reich or the Land, as well as border patrol and customs investigation officials employed with the Financial Administration of the Reich;
   2. government officials or employees whom the Reich or Land authorities responsible have granted the right to carry firearms at specifically defined instances in the line of duty, or to whom this right is granted by legal provisions. In such cases, the Weapons Permit is replaced by an appropriate license or certificate, issued by the superior or supervisory authority.

(2) If firearms or ammunition are not officially provided to persons specified in Section 1, or if firearms other than those officially supplied are required, the superior or supervisory departments are authorized to issue certificates entitling these persons to purchase or carry a firearm.

\( \text{§ 20} \)

(1) If the legal provisions of a Land admit the levying of fees for issuing Weapons Acquisition Permits or Weapons Permits, the amount of these fees will be determined by the guidelines set jointly by the government of the Reich and the Reich Council.

(2) No fees are to be levied for issuing an Ammunition Acquisition Permit.

\( \text{§ 21} \)

(1) An annual hunting license issued by a German Land authorizes its owner, throughout the German Reich and for the period of the permit's validity, to acquire hunting weapons and handguns to the number indicated on the license, as well as to acquire ammunition for these hunting weapons and handguns.

(2) A hunting license issued by a German Land authorizes its owner, throughout the German Reich and for the period of the permit's validity, to carry hunting weapons on occasions of hunting, game protection and shooting practice, as well as on the return trips involved in these activities. A hunting license authorizes the carrying of a handgun in the same scope and manner.

\( \text{§ 22} \)

(1) Importation of firearms or ammunition is permitted only with a Weapons (Ammunition) Acquisition Permit (§10), a Weapons Permit (§15) or a hunting license (§21), and only to the extent to which these permits authorize the acquisition of firearms or ammunition.

(2) This regulation does not apply to importation by the authorities and professionals specified in §11.

\( \text{§ 23} \)

(1) Official authorization is required for the possession of weapons or ammunition stores (Section 2) not belonging to a professional enterprise sanctioned by this Act (§2, 5) and not in the possession of one of the authorities set out in §11 Nos. 1 and 2. Only such persons whose trustworthiness is in no way in question may be authorized. §16 Section 1 Clause 2, Sections 2 and 3 apply as appropriate to the granting of such authorization; §§17, 18 apply as appropriate to its revocation.

(2) A Weapons store is defined as a stock of more than five firearms of one and the same kind, an ammunition store as a stock of more than one hundred cartridges. For hunting weapons, a weapons store is defined as a stock of more than ten hunting weapons, an ammunition store as a stock of more than one thousand hunting cartridges.

\( \text{§ 24} \)

(1) Manufacturing, dealing, importation, carrying, or possession of firearms which have been specially designed to be rapidly disassembled beyond the measure usual for hunting and sports purposes, or which are concealed in canes, umbrellas, piping or in similar ways (so-called poachers' guns) is prohibited.

(2) Further, manufacturing, dealing, importation, carrying, or possession of firearms equipped with a device to silence the report of a shot, or with flie spotlights, is prohibited. This ban also extends to these modifying devices in and of themselves. With respect to the manufacture of such weapons or devices for export purposes, exceptions may be granted upon request.

Part V
Penal Laws

\( \text{§ 25} \)

(1) Anyone who, in deliberate or negligent violation of the present law,
1. manufactures, modifies, repairs, lends money on, acquires, offers for sale, makes available to others, mediates in the acquisition or making available to others, imports or possesses weapons, ammunition or the devices described in §24 Section 2.

2. carries firearms, or

3. fails to file, or to file in time, the notice which it is incumbent upon him to file in accordance with §14, will be penalized with up to three years’ imprisonment and/or a monetary fine.

(2) Over and above this penalty, the weapons, ammunition or devices to which the punishable act in question relates may be confiscated regardless of whether they belong to the offender or not. If no specific individual is convicted of possessing the weapons, ammunition or devices may be carried out without these concomitants.

§26

Anyone who, deliberately or through negligence, fails to prevent a person under the age of twenty years, who is a member of his household and subject to his supervision, from violating the present Act by manufacturing, modifying, repairing, lending money on, acquiring, offering for sale, making available to others, mediating in the acquisition or making available to others, importing or possession of firearms, ammunition or the devices specified in §24 Section 2, or by carrying firearms, will be penalized in accordance with §25 of the present Act.

§27

(1) A monetary fine of up to one hundred and fifty Reichsmark or a term of imprisonment applies to anyone who deliberately or through negligence violates the judicial stipulations for the enforcement (§26) of the present Act.

(2) Anyone who deliberately violates the regulations set out in Section 1 after having been twice previously convicted for deliberate or negligent violation of the same will be penalized with a term of up to one year in prison and/or a monetary fine. This regulation does not apply if more than three years have passed since the last conviction prior to commission of the new offence.

Part VI

Final and Interim Regulations

§28

The regulations required for the enforcement of this Act will be issued by the government of the Reich, with the agreement of the Reich Council. In particular, the government of the Reich may issue regulations pertaining to the manufacture of firearms and ammunition, to dealing in such objects, and to the conduct of business, especially records-keeping, by such professionals as are set out in §§2, 5. Further, it may admit of exceptions to the regulations of the present Act which govern certain kinds of firearms or ammunition.

§29

(1) The individual Lands may not impose farther-reaching restrictions to the manufacture, dealing, acquisition, carrying and possession of firearms and ammunition. This also goes for such firearms and ammunition for which exceptions are permitted in accordance with §28 Clause 3.

(2) Any restrictions of the kind specified in Section 1 which are in effect at the present time will cease to be in force at most six months after the present law takes effect.

§30

(1) Anyone who, at the time this law takes effect, carries on business activities which require a permit in accordance with the present Act (§§2, 5), or who possesses a weapons or ammunition store requiring a permit in accordance with §23, must apply for a permit within one month from the date on which this law takes effect.
Waffengesetz.


Die Reichsregierung hat das folgende Gesetz beschlossen, das hiermit verbindlich wirkt:

Abchnitt I

§ 1
(1) Schusswaffen im Sinne dieses Gesetzes sind Waffen, bei denen ein oder mehrere Geschosse durch einen Rohr- oder Pistolenlauf aus einem Rohr oder Pistole geschossen werden kann.
(2) Waffen sind im Sinne dieses Gesetzes alles feuerfertigen Munitionen in Schusswaffen zu Schussweisen und Schussmehl jeder Art.
(3) Schusswaffen sind im Sinne dieses Gesetzes diejenigen Waffen, die ihrer Natur nach dazu bestimmt sind, durch Schuss von Geschossen oder Munition von derartigen Geschossen oder Munitionen zu schussfähigen Waffen.

§ 2

Abchnitt II

Herstellung von Schusswaffen und Munition

§ 3
(1) Der Gemeindeverband der Munition herstellen, bearbeiten, anfertigen oder herstellen, damit die Herstellung der Munition nur auf das Nötigste beschränkt ist und die Herstellung von Munition nur auf das Nötigste beschränkt ist.
(2) Die Munition darf nur verwandelt werden, wenn der Gemeindeverband die Tatsache bestätigt, dass die Herstellung der Munition nur auf das Nötigste beschränkt ist.

Reichsges. Lfg. 1938 1

18.3.38

Waffengesetz

10.3.38

Verordnung zur Durchführung des Waffengesetzes

21.3.38

Ausführungsbestimmungen des § 3 Abs. 2 Sog. 2 und § 3 Sog. 2 der Verordnung zur Durchführung des Waffengesetzes

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B Verordnung zur Durchführung des Waffengesetzes.


Auf Grund der §§ 1 bis 11 des Waffengesetzes vom 10. März 1938 (Reichsbl. I S. 205) wird folgendes verordnet:

§ 1 Abwehrwaffen mit einem Kaliber von 7 mm und darüber unterliegen den Bestimmungen des Gesetzes mit Ausnahme der §§ 21 und 25 nicht.

§ 2 Versorgungsdienste im Sinne dieser Verordnung ist in Gemeinden mit städtischer Polizeipräsidium mit städtischer Polizeipräsidium im übrigen in Anlehnung an der Organisation der Ortsverwaltungsstelle, in Landespolizeidienst in den anderen Ortsbehörden durchzuführen.


§ 4 Zu Einstellung und Wiedergabe der Waffenerklärung (§ 115 der Verordnung) die förmliche Verwaltungsbücherpflichtig, in denen die Verwaltungsbücher die gesamte Verwaltungsbücherpflicht haben oder begünstigt wird.

§ 5 Die Ausführung und Wiedergabe der Waffenerklärung (§ 117 der Verordnung) sind vorzunehmen im Sinne der Verwaltungsbücherpflichtigen, in denen Begünstigung der Verwaltungsbücherpflichtige angeordnet hat oder begünstigt wird.

§ 6 Die Verwaltungsbücherpflichtigen sind vorzunehmen im Sinne der Verwaltungsbücherpflichtigen, in denen Begünstigung der Verwaltungsbücherpflichtige angeordnet hat oder begünstigt wird.

§ 7 Die Ausführung und Wiedergabe der Waffenerklärung (§ 117 der Verordnung) sind vorzunehmen im Sinne der Verwaltungsbücherpflichtigen, in denen Begünstigung der Verwaltungsbücherpflichtige angeordnet hat oder begünstigt wird.

§ 8 (1) Ob die für den Betrieb der Waffensicherheit erforderlichen personellen Qualifikationen vorschreiben (§ 115 der Verordnung) sind vorzunehmen im Sinne der Verwaltungsbücherpflichtigen, in denen Begünstigung der Verwaltungsbücherpflichtige angeordnet hat oder begünstigt wird.

§ 9 (2) Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird. In denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.

§ 10 (3) Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.

§ 11 Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.

§ 12 (1) Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.

§ 13 (2) Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.

§ 14 (3) Die personell Qualifikationen berufstätige theologische Personen, in denen Begünstigung der Verwaltungsbücherpflichtigen angeordnet hat oder begünstigt wird.
Abgaben

§ 18

1. Das Abgabenrecht (§§ 15 bis 17) darf nicht außerhalb des Bezirks der Abgabenwerthe gelten.
2. Für die Abgabenwerthe gelten die Vorschriften des § 24.

Abschnitt III

§ 19

2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Fleisch oder Knochen.

§ 20

1. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Getreide oder Getreideprodukten.

§ 21

1. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Textilwaren oder Textilprodukten.

§ 22

1. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Uhren oder Uhrenprodukten.
2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Uhren oder Uhrenprodukten.

§ 23

1. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Schmuck oder Schmuckprodukten.
2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Schmuck oder Schmuckprodukten.

§ 24

2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Fleisch oder Knochen.

§ 25

2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Fleisch oder Knochen.

§ 26

2. Die Abgabenwerthe (§§ 15 bis 17) gelten nicht für den Verkauf oder Wechsel von Fleisch oder Knochen.
§ 34
(4) Die Erledigung der Anordnung gemäß § 24 des Gesetzes erfolgt durch die Berechtigten, die im Zeitpunkt der Vollzugnahme des vorliegenden Gesetzes als die Berechtigten angesehen werden, die in dem Verfahren bereits erschienen waren.

§ 35
(2) Der Nachweis der Empfangsrechte der Nachlasser und der Erben der im § 24 des Gesetzes genannten Schufmänner, die bei der Ausführung der vorliegenden Anordnung erforderlich sind, wird durch eine Verleihung des Nachlasses durch die Gesetzesvorschriften erbracht.

§ 36
(4) In der Vereinbarung über die Zusammenlegung der Verhältnisse der Schufmänner und der Erben der im Zeitpunkt der Vollzugnahme des vorliegenden Gesetzes als die Berechtigten angesehen werden, die in dem Verfahren bereits erschienen waren, wird der Nachweis der Empfangsrechte der Nachlasser und der Erben der im § 24 des Gesetzes genannten Schufmänner, die bei der Ausführung der vorliegenden Anordnung erforderlich sind, durch die Gesetzesvorschriften erbracht.

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Law Gazette of the Reich

Division I

1938 | Issued in Berlin, March 21, 1938 | No. 31

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Firearms Act

March 18, 1938

The government of the Reich has passed the following Act, announced herewith:

Part I

General

§1

(1) In the context of this Act, firearms are weapons which operate on the principle of a solid body being forced through a barrel by means of gas or air pressure.

(2) In the context of this Act, ammunition includes ready-to-use ammunition for firearms as well as gunpowder of all kinds.

(3) Finished or prefabricated essential components of firearms or ammunition are equivalent to finished firearms or finished ammunition.

§2

In the context of this Act, cutting or thrusting weapons are weapons which are by their nature intended to inflict injury through cutting, thrusting or stabbing.

Part II

Manufacture of Firearms and Ammunition

§3

(1) Anyone who manufactures, modifies or repairs firearms or ammunition on a professional basis must obtain a permit. The relining of cartridge cases is equivalent to the manufacture of ammunition.

(2) A permit may only be issued if the applicant is a German citizen with a fixed place of residence within the territory of the Reich.

(3) The Reich Minister of Domestic Affairs, in agreement with the Reich Ministers concerned, may admit of exceptions to the provisions of Section 2.

(4) Further, a permit may only be issued if the applicant and the persons participating in the technical direction of his business evidence the personal trustworthiness requisite for the conduct of such business, and if the applicant or the person participating in the technical direction of his trade possesses the requisite professional qualifications.
(5) A permit may not be issued if the applicant and the persons participating in the technical direction of his business, or one of the above, is a Jew.

§ 4

(1) On issuing a permit, a period of up to one year may be set within which operation must be begun, in default of which the permit expires. If no period is specified, the permit expires if operation is not begun within one year from the date of issue. Deadlines may be extended if good reason exists for doing so.

(2) Further, the permit expires if the manufacturer has not practised his craft for one year without having been granted an extension beyond that period, within which operations must be resumed. This period may be no more than one year; it may be extended if good reason exists for doing so.

(3) The manufacturer must file a written advisory notice within one week of commencing or ceasing operations.

§ 5

(1) The manufacturer's permit is to be revoked if the manufacturer or the business manager as a person no longer fulfills the requirements for the issuance of the permit.

(2) If a permit is to be revoked, the conduct of operations may be temporarily suspended with immediate effect. This measure ceases to be in force if a request for revocation is not submitted within one week to the proper authorities, which decide on the temporary suspension of the permit; this decision may not be appealed.

§ 6

If the permit has been denied or revoked, a new permit may be issued within the period of two years only if special circumstances justify such a measure.

Part III

Dealing in Weapons and Ammunition

§ 7

(1) Anyone who, on a professional basis, purchases, offers for sale, or otherwise provides to others, either firearms or ammunition, or who, on a professional basis, acts as mediator in the purchase or provision of such items, or who, on a professional basis, offers his services to effect their purchase or provision, requires a permit to do so.

(2) The regulations set out in § 3 Sections 2 to 5 and §§ 4 to 6 apply as appropriate.

(3) A permit issued in accordance with § 3 Section 1 also includes in its scope the professional purchasing, selling or provision to others, of firearms and ammunition.

§ 8

A permit in accordance with § 7 may not be issued to junk dealers.

§ 9

(1) Dealing in firearms, ammunition, and cutting and thrusting weapons is prohibited:
   1. to travellers and traders;
   2. at festivals, events featuring shooting competitions, and fairs, with the exception of trade fairs.

(2) The selling and provision of ammunition required at shooting booths or ranges at shooting competitions is exempted from the regulation of Section 1 Clause 2.

§ 10

(1) Firearms which are sold or provided to others on a professional basis must be identified by the manufacturer's company name and with a production serial number.

(2) Firearms not identified by the name of a domestic manufacturer must be marked with the registered trademark of a domestic dealer, in addition to being identified with the data specified in Section 1.

Part IV

Purchase, Carrying, Ownership and Import of Weapons and Ammunition

§ 11

(1) Handguns may be provided or purchased only on submission of a Weapons Acquisition Permit.

(2) The Weapons Acquisition Permit is valid for one year from the date of issue.

(3) Section 1 does not apply to:
   a) the provision of handguns at shooting booths or ranges licensed by the police, where the handguns are to be used on-site only;
   b) the direct export of handguns out of the country;
   c) the conveyance of handguns by persons who on a professional basis arrange or conduct the transport of goods, particularly by haulers, carriers, ocean shipping agents, the German Reich Postal Service, or the German Reich Railway;
   d) acquisition by inheritance.

§ 12

A Weapons Acquisition Permit is not required for:
1. authorities of the Reich or the Land states, the Reich Railway, and Operation "Reichsbahnen" [federal railways];
2. communities (community associations) whom the highest authorities of their Land have given permission to obtain weapons without a Weapons Acquisition Permit;
3. the departments of the National Socialist German Workers' Party and its subdivisions, as determined by the Führer's Second-in-Command;
4. the departments of the Anti-Aircraft Defense and the National Socialist Fliers' Corps, as determined by the Reich Minister of Aviation;
5. the departments of Technical Emergency Assistance, as determined by the Reich Minister of Domestic Affairs;
6. the manufacturers and dealers set out in §§ 3. 7 who are officially licensed;
7. holders of weapons permits and annual hunting licenses.

§ 13

(1) Firearms and ammunition as well as cutting and thrusting weapons may not be sold to minors under the age of 18.

(2) An appropriate government authority may admit of exceptions.

§ 14

(1) Anyone who carries a firearm on his person outside his place of residence, service, or business, or his fenced-in property must carry a Weapons Permit on his person. "Carrying a firearm" does not apply to firing ranges authorized by the police.

(2) Provided that its validity is not expressly restricted to a smaller area, the Weapons Permit is valid throughout the Reich proper. Its validity can be restricted to specify clearly defined occasions or areas.

(3) A Weapons Permit is valid for a period of three years from the date of issue, provided that a shorter period is not specified.

§ 15

(1) Weapons Acquisition Permits or Weapons Permits may only be issued to persons whose trustworthiness is not in question and who can prove a need for a permit.

(2) In particular, permits may not be issued to:
   1. persons under the age of 18 years;
   2. legally incapacitated or mentally inferior persons;
   3. Gypsies or vagabond persons;
4. persons under mandatory police supervision or who have been relieved of their civil rights—for as long as these remain under mandatory police supervision or remain stripped of their civil rights;
5. persons convicted of treason or high treason, or with respect to whom known facts justify the assumption that they are engaged in activities hostile to the state;
6. persons who, for a deliberate assault on the life or well-being of others, for breach of the peace or for trespass, for resistance to the authority of the state, for a criminal offense or misdemeanor, for a criminal offence against property, for a hunting violation, or for a fishing violation, were legally sentenced to a term of imprisonment of more than two weeks, if three years have not yet passed since the term of imprisonment. Serving the sentence is equivalent to its lapse, its remission, or its commutation to a monetary fine; in this case, the three-year-period begins on the date of the sentence's lapse, remission, or commutation to a monetary fine. If the penalty is entirely or partially remitted after a period of probation, the probationary period is credited towards the three-year period.
(3) Exceptions to Section 2 Clauses 1 and 6 may be granted upon application.

§ 16
The issue of Weapons Acquisition Permits or Weapons Permits entails fees to be levied in accordance with specifics to be set out by the Enforcement Ordinance.

§ 17
The Weapons Acquisition Permit or Weapons Permit is to be revoked and confiscated if the prerequisites for its issue are not met, or are no longer met.

§ 18
With respect to the firearms provided to them in the line of duty, the following persons do not require Weapons Acquisition Permits or Weapons Permits:
1. members of the Wehrmacht;
2. police officers, including railway police officers, members of the railway security service, and members of the postal service security;
3. members of the SS Task Force and the SS Death’s-Head Corps;
4. officials of the penal institutions of the Reich Department of Justice;
5. those officials of the Reich Department of Revenue who are employed in border supervision, border clearance, and customs investigation services;
6. those officials of Operation “Reichsautobahnen” whose duties include the monitoring of roads and highways.
7. those officials and employees serving in forest, field and game protection who have either sworn an oath of service or who, due to juridical stipulations, are bound by oath or are officially certified as authorities of forest, field and game protection, as well as fishery officials and the officially certified Supervisor of Fisheries.

§ 19
(1) Further, with respect to the firearms provided to them in the line of duty, the following persons do not require Weapons Acquisition Permits or Weapons Permits:
1. those persons in the service of the Reich, the Lands, the Bank of the Reich, and Operation “Reichsautobahnen,” to whom the appropriate Reich or Land authorities, the Bank of the Reich, or the “Reichsautobahnen” have granted the right to bear firearms;
2. Unterführer of the National Socialist Workers’ Party from the rank of Ortsgruppenleiter up to the SA, the SS, the National Socialist Motorized Corps from the rank of Sturmführer up, as well as the Hitler Youth from the rank of Bannführer up, to whom the Führer’s Second-in-Command or an authority appointed by him have granted the right to bear firearms; also, the members of the SA guard field headquarters, in such cases as the Führer decrees;
3. Führer of Technical Emergency Assistance to whom the Reich Minister of Domestic Affairs has granted the right to carry firearms;
4. members of the Anti-Aircraft Defense Service to whom the Reich Minister of Aviation or the agency determined by him has granted the right to carry firearms. The Reich Minister of Aviation and the Reich Minister of Domestic Affairs together decide to which groups of persons this right applies;
5. Führer of the National Socialist Fliegers’ Corps, from the ranks of Sturmführer and independent Truppführer up, as well as independent heads of schools to whom the Reich Minister of Aviation or the agency determined by him has granted the right to carry firearms.
(2) In these cases, the Weapons Permit is replaced by an appropriate certificate, to be issued to persons coming under Section 1 Nos. 1, 3 to 5 by their superior or supervisory department and to persons coming under Section 1 No. 2 by the Führer’s Second-in-Command or by the agency determined by him.

§ 20
If firearms are not officially provided to persons coming under §§18, 19, or if weapons other than those officially supplied are required, the superior or supervisory department or, for persons coming under §18 Section 1 No. 2, the Führer’s Second-in-Command or the agency determined by him, are authorized to issue certificates entitled these persons to purchase or carry a firearm.

§ 21
A hunting license authorizes its bearer to carry hunting weapons and handgrips.

§ 22
(1) The acquisition of weapons of war is permitted only with the authorization of the Wehrmacht Supreme Command or the agencies determined by it.
(2) The term "weapons of war" refers to all equipment as defined by the regulations of November 6, 1935, governing the export and import of weapons of war (Law Gazette of the Reich I, p. 1337).

§ 23
(1) In individual cases, a person who has engaged in activities hostile to the state, or who may be expected to pose a danger to public safety, may be prohibited from acquiring, possessing and carrying firearms and ammunition as well as cutting and thrusting weapons.
(2) Weapons and ammunition in the possession of persons to whom this prohibition has been applied are to be confiscated without compensation.

§ 24
(1) Importing firearms and ammunition through customs requires a permit. This permit is to be denied if there are doubts as to the trustworthiness of the importer. The regulations of §15 Section 2, 3 and §17 apply analogously to the issuance and revocation of this permit.
(2) Section 1 does not apply to import by authorities of the Reich or the Lands, nor does it apply to manufacturers and dealers in accordance with §§3, 7, who are officially licensed.
(3) The regulations of November 6, 1935, regarding the export and import of weapons of war (Law Gazette of the Reich I, p. 1337) are not affected.

§ 25
(1) Manufacture, trade, carrying, possession and import of the following are prohibited:
1. firearms specially designed to be folded, collapsed, shortened, or rapidly disassembled to the measure usual for hunting and sports purposes, or which are concealed in cases, umbrellas, piping or in similar ways;
2. firearms equipped with a device to silence the report of a shot, or with rifle spotlight; this ban also extends to these modifying devices in and of themselves;
3. cartridges of caliber .22, short, long, or long rifle (small caliber cartridges) with hollow-point bullets (bullets with pierced or notched tips).

(2) For export purposes, the manufacture, trade and possession of the firearms, devices and cartridges specified in Section 1 may be permitted.

Part V
Penal Laws
§26

(1) Anyone who
1. manufactures, modifies, repairs, acquires, offers for sale, makes available to others, possesses or imports weapons, ammunition or the devices described in §25 Section 1 No. 2, mediates in the acquisition or making available of such objects, or offers his services towards the end of their acquisition or making available, or who
2. carries firearms
in deliberate or negligent violation of the present law, will be penalized with up to three years’ imprisonment and/or a monetary fine.

(2) Over and above this penalty, the weapons, ammunition or devices to which the punishable act in question relates may be confiscated regardless of whether they belong to the offender or not. If no specific individual/s can be prosecuted or convicted, confiscation may be carried out without these concomitants if the prerequisites for such a measure exist.

§27

(1) A monetary fine of up to one hundred and fifty Reichsmark or a term of imprisonment applies to anyone who
1. deliberately or through negligence fails to file, or to file in time, the written advisory notice required under §4 Section 3,
2. deliberately or through negligence violates the juridical stipulations for the enforcement or supplementation (§24 Section 4, §31) of the present Act.

(2) Anyone who deliberately violates the regulations set out in Section 1 No. 2 after having been twice previously convicted for deliberate or negligent violation of the same will be punished with a term of up to one year in prison and/or a monetary fine. This regulation does not apply if more than three years have passed since the last conviction prior to commission of the new offence.

Part VI
Final and Interim Regulations
§28

The manufacturing and trading enterprises specified in §§3, 7 are subject to the usual trading regulations asfar as no special regulations have been set out in the present Act.

§29

(1) Anyone who is already licensed to carry on any of the endeavors specified in §§ 3, 7 when the present law comes into force does not need to obtain a new permit. However, the prior license, issued in accordance with the Firearms and Ammunitions Act of April 12, 1928 (Law Gazette of the Reich I, p. 143) is to be revoked by March 31, 1939 if the prerequisites set out in §§3 Sections 2 to 5 are not met at this time. Weapons manufacturers are not required to provide proof of their professional qualifications if, at the time the present law comes into force, they have practiced their craft for five years without interruption. Further, licenses for the trade in firearms and ammunition issued in accordance with §5 of the Firearms and Ammunitions Act may be revoked if there is no local requirement for maintaining this license.

(2) If a manufacturer or dealer has not required a permit to date because the firearms or ammunition in question did not come under the Firearms and Ammunitions Act of April 12, 1928, (Law Gazette of the Reich I, p. 143), then, if these firearms or ammunition are subject to the present Act, a permit such as required by §§3, 7 must be applied for within a period of one month after this law comes into force.

(3) If Section 2 applies, a criminal offence as detailed in §26 Section 1 No. 1 occurs if one month lapses following the coming into force of the present law, or, if a permit was applied for within this period, at the end of one month after this permit was definitely refused.

§30

(1) Firearms which do not bear the identifying markings stipulated in §10 may still be professionally sold or made available to others for the period of one year after this law comes into force, provided that their identifying markings meet the requirements set out in §9 of the Firearms and Ammunitions Act of April 12, 1928, (Law Gazette of the Reich I, p. 143) or if they were not addressed by these regulations.

(2) For firearms which were not addressed by the Firearms and Ammunitions Act of April 12, 1928, (Law Gazette of the Reich I, p. 143) and whose manufacturer can no longer be determined, has ceased to exist, or ceases to exist within one year after the present law comes into force, the identifying markings stipulated by §10 of the present Act may be substituted with identification consisting of the business name or registered trademark of a domestic dealer, inscribed on the firearm.

§31
The Reich Minister of Domestic Affairs will enact the juridical and administrative regulations required for the enforcement and supplementation of the present Act. He has the power to admit of exceptions to the present Act for certain kinds of weapons or ammunition.

Farther-reaching restrictions issued by individual Lands to govern the manufacture, trading, acquisition, carrying or possession of cutting and thrusting weapons will cease to be in effect at most six months after the present law comes into force, except insofar as they pertain to Gypsies or vagabond persons.

§33

(1) The present law will come into force on April 1, 1938.

(2) At the same time, the following cease to be in force:
1. the Firearms and Ammunitions Act of April 12, 1928, (Law Gazette of the Reich I, p. 143);
2. the regulations for the implementation of the Firearms and Ammunitions Act, of July 13, 1928, (Law Gazette of the Reich I, p. 199), version of the decree of June 2, 1932, (Law Gazette of the Reich I, p. 253);
3. the Weapons Abuse Act of March 28, 1931, (Law Gazette of the Reich I, p. 77), version of §10 of the Reich President’s decree regarding the Preservation of Domestic Order, December 19, 1932, (Law Gazette of the Reich I, p. 548);
4. Chapter 1 (Measures against Weapons Abuse) of Part 8 of the Reich President’s Fourth Decree regarding the Safeguarding of the Economy and Finances and the Preservation of Domestic Order, December 8, 1931, (Law Gazette of the Reich I, pp. 699, 742);
5. §56 Section 2 Clause 8 of the Trading Regulations.

(3) The right to introduce this Act in Austria is reserved.

Berlin, March 18, 1938

Führer and Chancellor of the Reich
Adolf Hitler
Reich Minister of Domestic Affairs
Frick
Ordinance for the Enforcement of the Firearms Act

March 19, 1938

In accordance with §31 of the Firearms Act of March 18, 1938, (Law Gazette of the Reich I, p. 266), the following is decreed:

Part I
General

§1

(1) In the context of this Ordinance, the “higher administrative authorities” are: in Prussia and Bavaria, the Chairman of the Regional Council (in Berlin, the Chief of Police); in Saxony, the District Captain; in the Saarland, the Reich Commissioner for the Saarland; and otherwise, the highest authority of a Land.

(2) In the context of this Ordinance, the district police authorities are: the state police in communities under state police administration; elsewhere, in city districts: the Mayor; in county districts: in Prussia, the District Councillor; in the other Lands, the corresponding authorities.

§2

(1) Decisions made by the administrative authorities on the basis of the Firearms Act may be appealed within two weeks. Appeals may be addressed only to the immediately superior administrative authorities, whose decision is then final.

(2) Objections to decisions made by the Berlin Chief of Police in his capacity as local or district police authority may be registered as formal protest, not as appeal. The Chief of Police himself, his general representative, or a department chief of the police headquarters in Berlin may decide on the protest.

§3

(1) In the context of §1 Section 3 of the Act, the following are deemed to be essential components:

a) for firearms—barrel, lock, revolving breach;
b) for ammunition—case, bullet.

(2) In the context of §1 Section 3 of the Act, prefabricated essential components are only such objects, described in Section 1, which are in a sufficiently advanced state of manufacture that they can be finished, and used in the assembly of ready-to-use firearms or ready-to-use ammunition, without any special tools or machinery.

§4

Weapons operating on the principle of compressed air, and with a caliber of 7 mm and less, are not subject to the regulations of the Act, with the exception of §§9, 24 and 25.

Part II
Manufacture of Firearms and Ammunition, and Dealing in Such Objects

§5

Issuing and revoking a manufacturer’s permit (§3 of the Act) is the responsibility of the higher administrative authorities in whose district the manufacturer has established his facilities.

§6

Issuing and revoking a dealership permit (§7 of the Act) is the responsibility of the district police authorities in whose district the dealer has established his facilities.

§7

Manufacturing and dealership permits may be restricted to specific kinds of firearms and ammunition.

§8

(1) The personal trustworthiness required for persons engaging in manufacture or dealing (§3 Section 4, §7 Section 2 of the Act) is to be ascertained through an examination with attention paid to the applicant’s and the business managers’ entire past histories.

(2) The mandatory personal trustworthiness is lacking particularly in persons who:

1. are not legally capable of contracting or whose capability to contract is restricted;
2. are under mandatory police supervision or who have been relieved of their civil rights—or as long as they remain under mandatory police supervision or remain stripped of their civil rights;
3. have been convicted of treason or high treason, or with respect to whom known facts justify the assumption that they are engaged in activities hostile to the state;
4. for a deliberate assault on the life or well-being of others, for breach of the peace or for trespass, for resistance to the authority of the state, for a criminal offence or misdemeanor, for a criminal offence motivated by a desire for material gain or directed against property, or for a hunting violation, were legally sentenced to a term of imprisonment of at least three months, if three years have not yet passed since the term of imprisonment. Serving the sentence is equivalent to its lapse, its remission, or its commutation to a monetary fine; in this case, the three-year period begins on the date of the sentence’s lapse, remission, or commutation to a monetary fine. If the penalty is entirely or partially remitted after a period of probation, the probationary period is credited towards the three-year period.

§9

(1) Professional qualifications for manufacture (§3 Section 4 of the Act) are held only by such persons who either have passed the examination for master craftsman’s diploma for the craft practised, or for a related craft, or who are authorized to instruct apprentices in one of these crafts. Examinations recognized under §133 Section 10 of the Trading Regulations are equivalent to the examination for master craftsman’s diploma. The German Chamber of Crafts and Trade Convention decides which crafts are considered to be related in the context of this Ordinance.

(2) Professional qualifications for manufacture are further held by such persons who can prove professionally qualified status through the completion of relevant studies at a post-secondary institution or a state-accredited technical college, or in person before an authority to be determined by the Chamber of Commerce. The Reich Minister of Economic Affairs and the Reich Minister of Domestic Affairs will jointly decide on details of the professional requirements and the examination procedure.

§10

Foreign legal entities (corporate bodies) and legal entities whose capital is largely in foreign hands may not receive permission to engage in manufacture or dealership.

§11

Professional qualifications for dealership (§7 Section 2 of the Act) are held only by such persons who have either, for a period of at least three years, been the proprietor of a place of business where firearms and ammunition were sold, or who were employed as salesperson, assistant or apprentice for a period of at least three years, or who can prove professional qualifications before an authority to be determined by the Chamber of Commerce. The Reich
Minister of Economic Affairs and the Reich Minister of Domestic Affairs will jointly decide on
details of the professional requirements and the examination procedure.

§12

Commencement or conclusion of business (§4 Section 3 of the Act) must be reported by a
manufacturing firm to the higher administrative authorities and by a dealership to the district
police authorities in whose district the manufacturer’s or dealer’s facilities are established.

§13

Permission to conduct manufacturing or trading activities is to be revoked (§§ 5, 7 Section
2 of the Act) if, at the time of issuing the permit, the issuing authorities were not aware that
one of the reasons for denial set out in §3 Section 2 to 5 of the Act or in §8 Section 2 of this
Ordinance existed, or if one of these reasons for denial occurred subsequently. In the case of
loss or diminution of the capability to contract (§8 Section 2 No. 1 of this Ordinance), the permit
is to be revoked only if no acting representative is brought in, in accordance with §45 of the
Trading Regulations.

§14

Temporary denial of permission to carry on the business in question (§5 Section 2 of the
Act) falls within the jurisdiction of the district police authorities in the case of manufacturing
firms, the local police authorities in the case of dealerships; these authorities are those in
whose district the manufacturer’s or dealer’s facilities are established.

§15

(1) Anyone who manufactures firearms on a professional basis must keep a Weapons
Register showing the whereabouts of the firearms. The Weapons Register is to be set up as
follows:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date</th>
<th>Number</th>
<th>Make, Model</th>
<th>Name of Firm</th>
<th>Manufacturing No.</th>
<th>Name, Address of Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

(2) Weapons of war are to be registered in a separate Weapons Register.

§16

(1) Anyone who, on a professional basis, purchases handguns, offers such for sale or
otherwise provides such to others, or who, on a professional basis, acts as mediator in
the purchase or provision of such items, must keep a Weapons Dealership Register showing the
origins and whereabouts of the handguns. The Weapons Dealership Register is to be set up as
follows:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date</th>
<th>Number</th>
<th>Make, Model</th>
<th>Name of Firm or Trademark</th>
<th>Manufacturing No.</th>
<th>Name and Address of Supplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

(Left Side) Incoming

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date</th>
<th>Number</th>
<th>Make, Model</th>
<th>Name of Firm or Trademark</th>
<th>Manufacturing No.</th>
<th>Dealer’s Name, Address</th>
<th>Proof of Right to Purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
</tr>
</tbody>
</table>

(Right Side) Outgoing

(2) It is the seller’s responsibility to make sure that the purchaser is authorized to acquire
handguns. For this purpose, he must request the presentation of a Weapons Acquisition
Permit, Weapons Permit or annual hunting license and record the kind, date and number of
the permit in column 15 of the Weapons Dealership Register. If the purchaser is authorized
to acquire handguns without a Weapons Acquisition Permit, then this must also be recorded
in column 15 (e.g., Reich authority, weapons dealer).

§17

In cases of professional mediation of purchase or the provision of handguns, the Weapons
Dealership Register (§16) is to be set up as follows:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date</th>
<th>Number</th>
<th>Make, Model</th>
<th>Name and Address of Supplier</th>
<th>Name and Address of Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

(1) Weapons Registers and Weapons Dealership Registers (§§15 to 17) must be perma-

ently bound and marked with consecutive page numbers. Prior to being used, the local
police authorities must certify the number of pages contained in it. Entries in the register, once
made, may neither be erased nor rendered illegible. All entries must be made in German, and
written in ink or ink pencil. On December 31st of each year, as well as on transfer or closing
of the business, the register must be dated and signed in such a way that later and additional
entries cannot be made. Within one month after the start of the new calendar year or after
transfer of the business, the book must be presented to the local police authorities for
verification of closure. Stock remaining at the date of closure must be carried forward before
new entries are made. The book is to be kept up-to-date at all times and to be made available,
together with all required documentation, for inspection by the police or its representatives
upon request.

(2) The dealer must retain the book for a period of ten years from the date of the last entry
made therein. If the dealer closes his business, he must submit his registers to the local police
authorities for safekeeping.

(3) The regulations set out in Sections 1 and 2 also go for the Weapons Register for weapons
of war, with the proviso that the function of the local police authorities is carried out by a Section
of the Wehrmacht, to be specified by the Wehrmacht Supreme Command.

§18

(1) In the context of §10 of the Act, “manufacturer” also includes anyone in Germany who
professionally assembles firearms from parts manufactured by other domestic facilities.

(2) If firearms are assembled in Germany proper from parts produced by foreign
manufacturers, the weapons must bear the company name and manufacturing number of the foreign
manufacturer who manufactured the gun barrel.

(3) The following are exempted from §10 of the Act:
1. muzzle-loading guns;
2. rifles manufactured prior to and including the year 1870;
3. blank guns (weapons which cannot fire anything other than blank cartridges);
4. gas, sedation and stun weapons (weapons intended for use with gas, sedation and
stun cartridges), with a caliber of 12 mm or less, if they have been specially designed to make
the effective firing of bullet or shot cartridges impossible;
5. set-gun or spring-gun devices;
6. devices with which to sedate livestock.
Part III
Purchase, Carrying, Ownership and Import of Weapons and Ammunition

§20
Weapons Acquisition Permits are not required for providing or for acquiring the following handguns:
1. muzzle-loading pistols or revolvers;
2. blank guns (weapons which cannot fire anything other than blank cartridges);
3. gas, sedation and stun weapons (weapons intended for use with gas, sedation and stun cartridges), with a caliber of 12 mm or less, if they have been specially designed to make the effective firing of bullet or shot cartridges impossible.

§21
In accordance with §11 Section 3 Part b of the Act, a Weapons Acquisition Permit need not be submitted for the direct export of handguns out of the country. In the context of this regulation, the following are also considered to be "out of the country":
1. the customs zones, with the exception of Helgoland and the customs zones of Baden;
2. the foreign trade zones.

§22
(1) No Weapons Permit is required to carry the following firearms:
1. muzzle-loading weapons;
2. the following breech-loading weapons:
   a) rifles manufactured prior to and including the year 1870;
   b) saloon rifles;
   c) Flintlock rifles (i.e., low-power, "indoor" target guns) with rifled barrels of 6 mm caliber and less, as well as those with non-rifled barrels of 9 mm caliber and less;
   d) weapons of the kinds specified in §20 No. 2 and 3 of this Ordinance.

(2) Further, no Weapons Permit is required to carry set-gun or spring-gun devices and devices for sedating livestock.

§23
(1) Weapons Acquisition Permits and Weapons Permits are issued by the district police authorities in whose district the applicant permanently resides. In urgent cases, the district police authorities in whose district the applicant is only temporarily resident may also issue permits; these police authorities must inform the district police authorities in whose district the applicant permanently resides that the permit has been issued.

(2) If the applicant's residence or fixed address is not located within the German Reich, issuing the permit is the responsibility of the district police authorities in whose district the applicant's place of residence or entry is located.

(3) In the cases outlined in Section 1 Clause 2 and Section 2, the permit is to be validated for a maximum duration of three months.

§24
The Weapons Acquisition Permits and the Weapons Permits are to be set up as shown in Endlosures I and II, attached.

§25
(1) Anybody, on the authority of a Weapons Acquisition Permit, hands a handgun over to another person, must record on the permit, in ink or ink pencil, the number, make/model, manufacturer's firm or trademark, and manufacturing number of the handguns, as well as the date on which the handguns were transferred.

(2) The Acquisitions Permit is to be returned to the purchaser if the number of weapons for which it is valid has not yet been reached. Otherwise, the seller must, within two weeks, hand

the Acquisitions Permit in to the district police authorities in whose district he resides. If the seller is among the professionals specified in §53. 7 of the Act, then he is to collect and retain all Acquisitions Permits and hand them in at the end of each calendar month to the district police authorities in whose district his place of business is located.

(3) The same process of permit collection and surrender applies to permits issued in accordance with §20 of the Act, which authorize the acquisition of a handgun.

§26
Licenses in accordance with §12 No. 6 and §24 Section 2 of the Act are issued by: for professionals specified in §3 of the Act, the higher administrative authorities (§5 of this Ordinance); for professionals specified in §7 of the Act, the district police authorities (§6 of this Ordinance).

§27
Exceptions as specified in §13 Section 2 of the Act are authorized by the district police authorities in whose district the minor is permanently resident. If he is only temporarily resident in the German Reich, the exception is authorized by the district police authorities in whose district he is resident.

§28
Exceptions as specified in §15 Section 3 of the Act are authorized by the higher administrative authorities in whose district the applicant is permanently resident. If he is only temporarily resident in the German Reich, the exception is authorized by the higher administrative authorities in whose district he is resident.

§29
(1) The fees levied by a Land for the issuing of Weapons Acquisition Permits and Weapons Permits may not exceed 3 Reichsmark.

(2) For duplicates, only writing fees may be levied.

§30
Revocation and confiscation of Weapons Acquisition Permits and Weapons Permits is the responsibility of the district police authorities in whose district the holder of the permit is permanently resident. If he is only temporarily resident in the German Reich, this is the responsibility of the district police authorities in whose district he is resident.

§31
Licenses as specified in §20 of the Act are to be issued separately for:
1. possession of a single firearm;
2. acquisition of a single handgun.

§32
Hunting weapons as specified in §21 of the Act are firearms intended for use, and commonly used, in hunting animals which may legally be hunted.

§33
Enacting a prohibition in accordance with §23 Section 1 of the Act, as well as the confiscation of weapons and ammunition in accordance with §23 Section 2 of the Act, is the responsibility of the district police authorities in whose district the person to whom this prohibition has been applied permanently resides.

§34
(1) A license to import in accordance with §24 of the Act is issued by the district police authorities in whose district the importer is permanently resident or in whose district his place of entry is located.

(2) The customs authorities record the importation on the license authorizing such import and return the license to the police authorities who issued it.
(3) Except in the cases specified in §24 Section 2 of the Act, the following do not require a license to import in accordance with §24 of the Act:

1. German citizens—with respect to firearms and ammunition with which they are re-entering Germany proper from a foreign country;
2. members of foreign rifle clubs who are entering Germany to participate in shooting events held by the German Reich Association for Physical Education or the German Rifle Club—with respect to the firearms and ammunition brought with them for purposes of participation in these events;
3. persons who are not permanently resident in the German Reich—with respect to hunting weapons and ammunition whose importation has been sanctioned by a foreign representative of Germany (embassy, legation, or consulate).

§35

(1) Exceptions pertaining to the export-bound manufacture, trading and possession of the firearms, devices or cartridges specified in §25 of the Act are granted by the higher administrative authorities in whose district the applicant's business is located.
(2) Firearms, devices and cartridges required in the line of duty by authorities of the Reich or the Lands or by the Reichsbank are exempted from the ban placed on them by §25 Section 1 of the Act.

§36

The Ordinance of June 12, 1933, regarding a temporary ban on the importation of handguns (Law Gazette of the Reich I, p. 367), Section 2, is amended as follows:
"Individual exceptions may be permitted in accordance with §24 Section 1 of the Firearms Act of March 18, 1938, (Law Gazette of the Reich I, p. 265)."

Berlin, March 19, 1938

Reich Minister of Domestic Affairs
Frick

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Enclosure I
(cf. §24 of the Enforcement Ordinance)

Front Side

Weapons Acquisition Permit No._____

Valid for one year

_________________________

resident in_____________________

is hereby authorized to acquire_____________________

__________ (City or town)___________, (date)_________ 19______

_________________________

Stamp

(Branch Office)

Back Side

Firearms Acquired

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date</th>
<th>Number</th>
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46

47
Enclosure II
(cf. §24 of the Enforcement Ordinance)

Weapons Permit No. __________
Valid for three years

resident in ________________________
born on ___________ in ____________
is hereby authorized to carry ________________________
within the boundaries of the German Reich.
(City or town) ________________________ (date) 19 __________

(Signature of Seizer)

Stamp

(Branch Office)

Regulations for the Implementation of §9 Section 2 Clause 2 and §11 Clause 2 of the Ordinance for the Enforcement of the Firearms Act
March 21, 1938

On the basis of §9 Section 2 Clause 2 and §11 Clause 2 of the Ordinance for the Enforcement of the Firearms Act of March 19, 1938, (Law Gazette of the Reich, I, p. 270), the following is decreted jointly with the Reich Minister of Domestic Affairs:

§1

(1) The authority before whom professional qualifications for engaging in manufacture or dealership are to be proven in accordance with §9 Section 2 and §11 of the Ordinance for the Enforcement of the Firearms Act of March 19, 1938, (cf. also §3 Section 2 to 5 and §7 of the Act) is a subject expert to be appointed by the Chamber of Commerce who must be familiar with the manufacture of weapons and ammunition through many years' experience. This subject expert need not be a member of the Chamber of Commerce. The appointment of this subject expert will be publicized in an appropriate manner by the Chamber of Commerce.

(2) Professional qualifications for the manufacture of gunpowder of all kinds are to be proven at an examination held by the appropriate Factory Inspectorate.

§2

The examination will be verbal only. The applicant must prove sufficient knowledge of the kinds, construction and use of the most common firearms and of the handling and use of the most commonly used ammunition.

§3

The subject expert will issue a certificate reflecting the results of the examination ($2). To recover the costs involved, the Chamber of Commerce may levy a fee of up to 5 Reichsmark, payable by the applicant.

Berlin, March 21, 1938

Reich Minister of Economic Affairs
(on behalf of)
Brinkmann

Published by the Reich Ministry of Domestic Affairs. — Printed in the Reich Printing Office, Berlin.