AMERICAN CONSULATE GENERAL,
Berlin, Germany, March 31, 1933.

REPORTING ATTACK ON JULIAN PUHS, AN AMERICAN CITIZEN RESIDING IN BERLIN.

SIR:

I have the honor to refer to my despatches Nos. 1194 and 1197 of March 14, 1933, in which were reported unprovoked attacks on Americans residing or temporarily in Berlin, all of whom were Jews with the exception of one. With these despatches were transmitted copies of the affidavits executed by these Americans at the Consulate General and a report made of the action taken by the Embassy and the Consulate General. As has been reported to the Department, copies of the affidavits covering these cases were brought to the attention of the Foreign Office by the Embassy and the cases were brought to the attention of the Police President in Berlin in person by me. Although expression of regret was made that these incidents had occurred and assurances given that the lives and property of Americans would be protected and that the individual cases presented to the authorities would be carefully investigated and the offenders duly punished, I am now able to report that due to the amnesty proclamation issued by the German Government, all action against...
the attackers of the Americans listed in the despatches under reference has stopped. The Department is aware that some ten days ago the German Government issued an amnesty proclamation under which all persons who had committed certain acts during the period covered by the proclamation, were pardoned, and those who were in custody were released and investigation and action on other cases was stopped. In spite of the fact that the authorities placed the responsibility for most of the attacks on Americans on persons not members of the National Socialist Party and considered them as non-political acts, we are now able to state that the authorities have no intention of proceeding further in their investigations or action on the cases reported in my despatches Nos. 1184 and 1187.

In a conversation which Consul Geist had with a member of the political section of the Polizei Praesidium he was informed that no further action could be taken on the cases reported to them as they were committed during the period included within the amnesty proclamation.

I now have to report a further attack against an American citizen. On the morning of March 29, Mrs. Julian Fuhs who is an Austrian citizen and who is the wife of Julian Fuhs, an American citizen, bearer of Service passport No. 35 issued by this Consulate General on January 6, 1931, telephoned the Consulate General and stated that her husband had been attacked that morning at 5 o'clock and was confined to his bed
as a result of the injuries received. I therefore sent a Vice Consul of the staff to the home of Mr. Fuhs where he was found in bed, evidently suffering from the severe physical injuries. Mr. Fuhs made a sworn statement, a copy of which is transmitted herewith.
The circumstances briefly are that on the morning of March 29 at 5 o'clock, two men in civilian clothes accompanied by four men in the uniform of the National Socialist Party, arrived before the night-club owned and run by Mrs. Fuhs in the Huernberger Strasse in Berlin, and forced their way by the porter into the club where they took a seat and asked that they be served with drinks. Mr. Fuhs is an orchestra leader and writes on musical subjects and aids his wife in the conduct of the night-club. He approached the table occupied by the six men and courteously asked them if they were members and would be good enough to show their cards as no drinks could be served to any one not a member, after 3 a.m.

According to the declaration of Mr. Fuhs, one of the men in civilian clothes rose and hit him in the face and knocked him down and beat him, while one of the men in S.A. uniform threatened him with a revolver and shot four shots into the ceiling. Two members of the personnel of the night-club succeeded in reaching the street and in calling the police who arrived upon the scene and took the six men to the police station. Shortly thereafter several officers of the police arrived
arrived at the club and made a preliminary investigation and suggested the name of a doctor to Mrs. Fuhs, who could be immediately called to look after her husband. After receiving attention from the doctor Mr. Fuhs was taken to his home where, as has already been stated, his declaration was taken.

In view of the fact that Mr. Fuhs had been the subject of a previous attack on March 11, 1933 in the same night-club, the circumstances surrounding which have been brought to the attention of the Department in my despatch No. 1184, and as the Polizei Praesidium had given us assurances that those persons who had been attacked would be given special protection, this second attack against Mr. Fuhs assumed in my opinion a peculiarly aggravated character. As the Department is aware also from the telegrams of the Embassy, an extraordinary situation of tension and uncertainty existed in Berlin on that day and has since. The declaration of the boycott by the National Socialist Party and the extreme measures contemplated and already in progress have inflamed public opinion to an extraordinary pitch here and there is an entirely unreasonable and un-understandable attitude towards everything that is passing outside of Germany. As the boycott of Jewish firms, lawyers and physicians is ostensibly undertaken because of the so-called "hostile" comment in the foreign press, I was of the opinion that although the
The strongest representations would have to be made to the German authorities in the case of the attack on Mr. Fuhs, at the same time it would be quieting to public opinion in the United States if the newspaper reports of the case would arrive in the United States accompanied by definite and satisfactory action on the part of the German authorities against Mr. Fuhs' attackers.

As I was unable to see Police resident von Levetzow himself, I finally saw the Police Vice President, Dr. Mosle, at 7 o'clock on the evening of March 29, accompanied by Consul Geist. Dr. Mosle who is an experienced police administrator, has been in the Berlin police Presidency for some years and is very understanding of the entire present situation. He called in one of the higher officers of the political division of the Police, who is quite young and a pronounced National Socialist. I brought to their attention the affidavit of Mr. Fuhs and stated that the publication of the news of the attack on Mr. Fuhs would cause considerable comment in the United States at this time in view of the repeated assurances of the German authorities and of all sorts of people that everything was quiet in Germany. I stated that the incident would create special attention in view of the fact that Mr. Fuhs had been subject to a previous attack and that I had been assured that he and there would be given special protection. In view of the foregoing and particularly
in view of the fact that the situation was so delicate and as the publication of unfavorable news might make it still more difficult for the National Socialist Party to recall its boycott proclamation scheduled to begin on Saturday, I indicated that it would be helpful to the maintenance of good understanding if the publication of the story of the attack on Mr. Fuhs were accompanied by a complete statement of energetic and thorough action on the part of the authorities, irrespective as to whether the attackers were members of the National Socialist Party or not.

The Police Vice President expressed very real, and I am sure sincere regret that this incident should have occurred; and expressed his understanding of the fact that the publication of the story at this time would cause considerable comment. He expressed his appreciation for our having kept the story from the press so far and of the motives which had impelled us to do so, and hoped that it might be held up until he could report action.

The young officer from the political division it was obvious was not only a National Socialist but more or less resentful of our presentation of the case. When given direct orders by the Police Vice President, while not indicating direct disagreement, he began to offer comment which in most cases was irrelevant, and brought out that the attack against Mr. Fuhs was actuated by private motives. I stated that while I had not investigated
investigated the attack myself as this was not my province but that of the police, there was reason to believe that it was a personal attack and a question of settling a personal grudge but that that did not change the fundamental and aggravated nature of the attack. I pointed out that it acquired a political aspect through the presence and activity of uniformed members of the National Socialist Party and that irrespective of any political aspect the treaty between the United States and Germany mutually guaranteed the safety and protection of the life and property of nationals. It was necessary that I should, in as tactful and yet at the same time as energetic a manner as possible, make it clear that action would have to be taken whether S.A. men were involved or not.

In this connection it is of primary importance and significance to point out that the interview with the Police Vice President brought out that the lack of discipline and control which has been referred to in my despatches and in the Embassy's telegrams, was evident from the manner in which the officer of the political section received the orders of his superior, the Police Vice President. It was not until I had by tactful interposition convinced the officer of the political division that it was in their own interest to take the proper steps against these people, that he assumed the energetic and favorable attitude of his chief, the Police Vice President. This incident was merely
merely a direct and personal proof of the substance of the stories which come to us increasingly every day, of lack of discipline in the National Socialist ranks themselves and in a lack of coordination between the storm troops of the National Socialist Party and the police and regularly constituted authorities.

On leaving, I informed the Police Vice President that I felt it of the greatest importance that I should be able, should the newspapers learn of the story, to ask them to delay publication until the action of the authorities was known, and it was therefore desirable that the police action be taken as rapidly as possible and should be as satisfactory and as complete as the importance of the case and the gravity of the circumstances required. I was assured that I would be given an answer by 3 o'clock the following afternoon.

At 3 o'clock on March 30, the political division of the Police Presidency informed us that the police had succeeded up to that time in arresting and arraigning four of the offenders. Of these, two are members of the S. A. who according to the police investigation, did not directly participate in the incident. These men were released under the condition that they are subject to developments in the criminal procedure which has been started. The S.A. man who had threatened Mr. Fuhs with a revolver and had fired shots into the ceiling, has been held in custody for trial before a summary court which is to be held in
The instigator of the incident who was in civilian clothes and who has been identified as a musician from the Hotel Eden, is, according to the police, neither an S.A. man nor a member of the National Socialist Party. He has been held in custody for trial before a summary court as early as possible. The two S.A. men who were set free were "sharply reproved by the S.A. Commander". The police further state that the S.A. man who participated in the attack and who is held in custody for trial, has been expelled from the S.A.

As it was not possible for me to reach the Police Vice President until 7 o'clock in the evening, the Department will note that the police were extraordinarily active, efficient and rapid in the action which they took, as by 3 o'clock of the following day a written report of the police was in our hands, indicating that four of the men had been arrested, a complete investigation made, two released temporarily and two held and committed for speedy trial. It is particularly significant that one of the men held is an S.A. man, as these have been more or less untouchable by law, in fact if not in theory. It is one of the few instances, in fact the only one that I know definitely, where a recognized member of the S.A. organization has been held and committed for trial for an attack of this kind.

The newspaper correspondents who had secured information with regard to the attack on Mr. Fuhs and were
were anxious to give it publicity, were all good enough to refrain from telegraphing anything until we could give them the report of the police action. It was deemed highly advisable at this particular time that the news of the attack if published, should contain also a statement of the specific and satisfactory action of the German authorities, which in this case it was happily possible to secure.

Respectfully yours,

George S. Messersmith,
American Consul General.