Berlin, Germany, May 5, 1935.

SUBJECT: With reference to Messrs. Adler and Sonders, two Americans arrested in Berlin and temporarily detained.

THE HONORABLE
THE SECRETARY OF STATE
WASHINGTON.

SIR:

I have the honor to acknowledge the receipt of the Department's memorandum instruction of April 21, 1935, (File No. 862.4016/372) transmitting a copy of a letter from the Honorable George Holden Tinkham, House of Representatives, as well as a copy of a communication addressed to him by Mr. David M. Brackman, a member of the Boston City Council, with reference to the alleged treatment accorded to two American citizens of the Jewish faith, Alexander Adler and Morris Sonders. The Department states that its files contain no record of reports regarding the alleged mistreatment of these two American citizens and it requests that an investigation be made and a report transmitted as soon as practicable.
In this connection I have to inform the Department that the cases of Messrs. Adler and Sonders are mentioned among others in my confidential despatch No. 1221 of April 6, 1933. In reply to the Department's telegram of April 20, 1 p.m. requesting a report on these cases I transmitted to the Department a report in my telegrams of April 21, 3 p.m. and April 22, 1 p.m. In view of the articles which have appeared in various newspapers in the United States, evidently at the instance of the American Jewish Congress, I transmitted to the Department a quite complete report on these cases in my despatch No. 1281 of May 3, 1933, which must already be in the Department. Copies of the original affidavits executed by Messrs. Adler and Sonders were transmitted to the Department with my despatch No. 1221 above mentioned.

As the information contained in the above mentioned telegrams and despatches is I am sure ample and covers the situation I am not transmitting a further report in response to the instruction now under acknowledgment.

I may inform the Department in this connection as of interest that when the article which appeared in the New York Times of April 20 headed "Two Nazi victims assail our Consul" came to the attention of the representative in Germany of the New York Times, he cabled a report to his paper after due investigation of which I send herewith a copy which he was good enough to furnish me. For the Department's confidential information

I am
I am also transmitting herewith a copy of a letter which Mr. F.F. Birchall, whose prominent connection with the New York Times needs no mention here, sent to Mr. James, the managing editor, under date of May 3. I think no one here knows more thoroughly how carefully the Consulate has been going into these cases of mistreatment of Americans in Berlin and in Germany.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosure:
Copy of cabled report,
By a letter.

[Please see next page]
IMPORTANT POSTSCRIPT: May 6, 1933

After writing the foregoing despatch there has come to my attention an article entitled "Two Americans Relate Gruesome Details of Torture in Berlin Prison - Declare American Consul Refused to Accept Affidavit; Assert His Attitude Unfriendly", which appeared in the "Jewish Daily Bulletin" of Thursday, April 6, 1933. It appears that this bulletin is published in New York City by the Jewish Daily Bulletin Co. at 122 East 42nd Street and is intended to serve newspapers in the United States with Jewish news from all over the world. The article is largely similar to those which appeared in the newspapers mentioned in the body of this despatch, but the next to the last paragraph read as follows:

"Both Americans, who were released on the following day, declare that they immediately called on the United States Consul in Berlin in order to make an affidavit describing their experiences and treatment. They assert that the Consul declined to accept their affidavit, although his assistant appeared willing to do so. They declare that the attitude of the Consul was unfriendly."

It is really quite extraordinary as to how much misinformation has appeared with regard to the cases of these two men. The statements in this article above quoted that "they assert that the Consul declined to accept their affidavit although his assistant appeared willing to do so" and "they declare that the attitude of the Consul was unfriendly" are absolute falsehoods and as direct misrepresentation of the facts as there could be. When they refer to the Consul they evidently
evidently refer to me and when they refer to the
assistant they mean Mr. Geist, as we were the only
officers on the staff to interview them. The fact is
that Mr. Geist was of the opinion that as there was so
much doubt concerning these men and as they made such a
poor impression, the affidavits, if taken, might be taken
the following Monday instead of at the time, and it was
I who asked him to take the affidavits instead of post-
poning it. As has already been brought out, the question
of this office declining to take their affidavits is
purely invention because the men when they came here had
no thought of an affidavit. They simply came in to
complain. That the attitude of either Mr. Geist or of
myself was unfriendly is the most deliberate and
absolute misunderstanding because both of them were
treated with extraordinary kindness and consideration.
One of them complained of feeling bad and disturbed
over his experience in the cell and suffering from
neuralgia, and Mr. Geist offered to get him some aspirin
which he knew I had in my desk.

I have gone into this detail in the despatch and in
this memorandum for it shows with what care the newspapers
and others at home must accept stories of the treatment
which people get in consular establishments or in the
offices of our Department abroad. I have been in the
Service for almost twenty years, and this is the most
extraordinary case of absolute and deliberate mis-
representation of treatment by a Consulate which has
come to my attention, and the circumstances are so flagrant

that
that I am of the opinion that the American Jewish Congress and some of those principally interested in it like Rabbi Wise, should have the circumstances brought to their attention in the most complete manner as I am confident from what I know of Rabbi Wise that he is one who would realize more than most people that such an incident as this can do the cause which he is interested in tremendously more harm than good.

George S. Messersmith,
American Consul General.