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NO. 1196

AMERICAN CONSULATE GENERAL,

Berlin, Germany, March 21, 1933.

SUBJECT: With reference to the displacement from public office and disbarment from the professions of Jews, and of molestation of Jews in various ways.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to my despatches Nos. 1184 and 1187 of March 14, 1933, in which I reported on the molestation of American citizens domiciled or temporarily in Berlin, by persons wearing the uniform of the National Socialist Party.

As the Embassy has already informed the Department by telegraph, no more cases of attacks on, or molestation of American Jews in Germany have come to the attention of the Consulate General or of the consular officers in Germany since March 11. The orders of the Chancellor, Mr. Hitler, and the instructions of Mr. Goering, the Minister of the Interior for Prussia that these attacks on individuals and the interference with stores, business, theatres, etc. must cease, have been effective. The fears of a good many people in Germany and of certain foreign observers that the National Socialist movement might get out of control of its leaders have not been realized. There are at least two fundamental facts which have so far emerged out of the new situation

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and which must be recognized in dealing with Germany. The first of these is that the National Socialist Party is to all intents and purposes in complete and sole control in Germany not only of the Central Government, but also of the States, Municipalities and Communes. The second fact is that order has been completely reestablished in a comparatively short time; that the police authority has been restored and that the present Government has the situation completely in hand with no organized or unorganized minorities at present existing which in any way can dispute its authority.

The steps taken by the Embassy and by this Consulate General to protect the lives and property of American citizens in Germany and to a lesser extent those taken by the representatives of other countries, and the newspaper publicity in other countries given to the molestation of, and attacks on persons on the streets and in their homes in Germany in the days immediately following March 5, undoubtedly resulted in these energetic steps to reestablish order and particularly to stop the molestation of Jews and Communists so far as attacks on their persons were concerned. As indicated, however, in my despatch No. 1187, although the persons of Jews in Germany are comparatively safe from unprovoked attack, the anti-Jewish sentiment which has been built up during the last years has in no sense abated and cannot be

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expected to abate for some time. The present Minister for Public Enlightenment and Propaganda, Dr. Goebbels, has in his speeches and as the editor of the "Angriff" for some years been the leader in the anti-Jewish movement and in the various National Socialist groups throughout Germany the members had been told not only publicly, but in private assembly that when the Party came into power the members would have practically a free hand with the Jews. This meant that not only were they to be given an opportunity to harry the Jews and through fear to drive them out of the country, but also that the many places in the professions, business, the theatres and practically all walks of life occupied by Jews were to be cleared so as to make way for the adherents of the Party. It was not possible for the Party to permit the continued attacks on the persons of Jews which took place after March 5 and which undoubtedly were not altogether displeasing to many elements in the Party, on account of the publicity which these attacks received outside of Germany; so, as has already been brought out, physical persecution has ceased but a more serious and more significant phase has been definitely entered upon.

Reports from all over Germany indicate that Jews holding public office are being rapidly dismissed. This holds true in the Central Administration of the Reich as well as in the State and

Municipal

Municipal Governments. Practically all Jews in important positions in the Government have already been eliminated and this is rapidly going downwards into the smaller positions so that even the school physicians and similar minor office holders have been almost completely eliminated. Only a few occupying key positions whose technical skill is of very great value to the present Government, have been retained.

According to the "Berliner Tageblatt" of March 20, 1933 (night issue), in the Prussian courts practically all Jewish judges in the criminal courts have been displaced and certain ones of them are to be transferred to civil courts. All Jewish officials on the staff of the prosecuting attorneys are to be eliminated. As from April 1, 1933 no Jewish judges shall sit in the summary courts or in the juvenile courts. It is understood that similar steps are contemplated in the other German states.

In the legal profession a similar cleaning-out process is to be undertaken. In Breslau, of the seventy-two practicing Jewish lawyers only seventeen selected out of these seventy-two are to be hereafter permitted to appear before the Breslau courts. The others may continue their activities outside of the courts but it is obvious that in not being able to practice before the courts this decision is equivalent to eliminating them from the profession. Information

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from Leipzig this morning is to the effect that similar steps are being taken to eliminate practically all Jewish lawyers from activity before the courts. A letter from Consul Busser at Leipzig received this morning shows that the Supreme Court of Germany which has its seat at Leipzig, has been affected by the movement against the Jews. He states that the "Court of Honor" of German lawyers, which is a court of legal ethics handling all complaints and proceedings concerning the standing, honesty or negligence of attorneys, is presided over by Senatspraesident David who is a Jew of outstanding reputation. The meetings of this court have been summarily suspended, undoubtedly because its presiding officer, Mr. David, is a Jew, and will not be continued until some one else will take his place. In this connection it is interesting to note that a Senatspraesident is the chief of one of the sections of the Supreme Court which in Germany has thirteen sections. It is evident from the foregoing therefore, that this movement against judges and lawyers has reached the Supreme Court, as everything points to the fact that Senatspraesident David will be forced to resign or will be replaced.

As is well known, Jews have played a very prominent part in the literary, scientific, musical and general cultural life of Germany. In the opera in Berlin and throughout the leading cities of Germany

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the Jewish conductors who are as well known outside of Germany as in the country, have practically all been displaced. As these operas receive subsidies, the State or Municipality has control so that the displacement of these artists has been a simple matter. In the theatre a similar movement has taken place. Practically all the directors of the State and Municipal theatres who are Jews have been dismissed. No discrimination has been shown, as for example yesterday the director of the Mannheim National Theatre, Herbert Maisch, was relieved of all duty. He had just recently brought the Mannheim players to Berlin where they gave a play known as the "Marneschlacht" which is the story of the battle of the Marne. It is a highly nationalistic and patriotic play and both from the artistic and national point of view was for weeks a subject of general conversation in Berlin. The fact that he had just produced in a way the outstanding play of Germany from an artistic and cultural and patriotic point of view, has not, however, saved Director Maisch from dismissal. A similar incident interesting in this connection, is the displacing of Bruno Walter who is one of the best known conductors in the world and one who has added a great deal to German prestige. An equally interesting case is the displacement of the director of what was before the establishment of the present

Ministry

Ministry for Public Enlightenment and Propaganda, the most important propaganda instrument in Germany. This was the "Auslaender Institut" in Stuttgart. The director who is a Jew and who has rendered what were considered great services to German culture and propaganda throughout the world, was attacked by men in Nazi uniform and has been replaced.

As many of the leading physicians and scientists in Germany are Jews and hold responsible positions in scientific institutions or hospitals, it is generally believed that the movement will strike them in the near future.

In the universities there are already indications that difficulties will be laid in the way not only of Jewish students from foreign countries, but of Jewish students who are German citizens. In this connection the letter of Consul General Simmons of Cologne, dated March 17 and addressed to the Embassy, will be of interest as it contains details. A copy of this letter has been transmitted to the Commercial Office of the Department by the Cologne Consulate.

Intimidation of Jews engaged in business is becoming apparent. Night before last one of the directors of the Deutsche Bank, who is one of the best known bankers in Berlin, was taken from his home at 4:30 in the morning by uniformed policemen of the regular force and by Nazi "Hilfspolizei", handcuffed, not permitted to dress himself properly, and taken to the nearest police station where during the course of

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the next day he was released as the charges which had been made against him were not established; but what the nature of the charges were it seems he was not informed. The measures taken against the Jews in business will undoubtedly be in the form of suits for alleged evasion of taxes or evasion of technical requirements of the law. As many of the leading business men in all parts of Germany are Jews and as in the private and public banks they hold important key positions, it will be of interest to note what action is taken with respect to these. It is particularly interesting to note that three of the directors of the Reichsbank which is the bank of issue, are Jews, Dr. Warburg of Hamburg, Dr. Wassermann of the Deutsche Bank of Berlin, and the venerable Franz von Mendelssohn of the private banking firm of that name.

It has been deemed advisable to give to the Department the foregoing recital of facts without any comment. How far this anti-Jewish sentiment will be allowed to run and how long the steps now being daily taken will continue, it is impossible to forecast. What is taking place, however, is sufficient to indicate that although physical attacks have ceased on the persons of the Jews in Germany, more serious measures are daily undertaken to eliminate them from all positions of importance, influence, or profit in the country. Any further information of interest to the Department in this connection will be transmitted.

Respectfully yours,

George S. Messersmith,
American Consul General.

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the signed orig-
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