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NO. 1453

AMERICAN CONSULATE GENERAL,
Berlin, Germany, July 26, 1933.

SUBJECT: Report on the arrest of Walter Orloff, a
student in the University of Greifswald,
and the action taken by this Consulate General.

STRICTLY CONFIDENTIAL.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to make the following report with regard to the arrest of Walter Orloff, an American student in the University of Greifswald, and on the action which this Consulate General has taken up to this date on his behalf.

The arrest of Mr. Orloff first came to the attention of this Consulate General through a letter received from Mr. Simon Kaye, an American student in the University of Greifswald, who in an undated letter received at the Consulate General on July 1, 1933, informed the Consulate General that Mr. Orloff had been arrested.

I replied the same day to Mr. Kaye, asking him to send us any further information which he could give concerning the arrest and the whereabouts of Mr. Orloff. I also received a letter on July 3 from Mr. Bernard Goodman, an American student in the same University, to the effect that Mr. Orloff had been arrested, and I replied

to

to him on the same day, asking him to give further information. On July 3 I called on Staatsanwalt Dr. Volk of the State Secret Political Police, to bring the arrest of Mr. Orloff to their attention, and asking that I be given a report as soon as possible as to the reasons for his arrest and as to the place where he was detained. On July 5 I wrote to the State Secret Political Police (enclosure No. 1), requesting information concerning the arrest and expressing the hope that Mr. Orloff would be released immediately. On July 7 I received a letter from Mr. Orloff, dated July 4, of which a copy is enclosed herewith (enclosure No. 2). The Department will note that in this letter Orloff states that he was often in the "Gewerkschaftshaus", that is, in the trades union headquarters, and that he sympathized with the working classes but was not politically organized. He states further that he has known and has been on friendly terms with people "who were Communistically inclined or perhaps members of such organizations". He further states that he was several times in the course of the last few weeks in contact with a man who is said to be or to have been "politically organized", that is, who the police say is a Communist leader. Orloff states that the police arrested this latter Communist leader and that this person informed the police that he (Orloff) had repeatedly called upon him to reorganize the Communist Party. Mr. Orloff states that this is not correct. The Department will

further

further note that in his letter, Mr. Orloff states that he was arrested because of alleged communistic activity and that he is being well treated and is in good health.

I wrote to Mr. Orloff on July 8 acknowledging the receipt of his letter of July 4, and asked him to keep in touch with the Consulate General, assuring him that we would be glad to give him every assistance possible (enclosure N. 3).

On July 10 I received a letter from the State Secret Political Police dated July 7, a copy of which is enclosed herewith (enclosure No. 4), together with translation (enclosure No. 5), in which it will be noted that they state that Mr. Orloff was arrested on the basis of an accusation that he was preparing for the commission of a felony; that Orloff had for some time connected himself with communistic activities and especially had associated himself with the building up of the illegal organization of the Party; and that further he had called together secret conferences and had endeavored to win over members for the illegal work of the Communist Party in Germany.

On July 19 I wrote to Mr. Orloff stating that I had heard from the police as to the reasons for his arrest, and asking him to give me information as to when he might be brought to trial.

On July 21 I called at the Ministry of Justice of Prussia in order to endeavor to secure the immediate release of Mr. Orloff. I was informed at the Ministry of Justice of Prussia that the case had already been

referred

referred by the local court in Greifswald to the supreme court in Leipzig in view of the fact that Orloff had been committed for trial on a charge of what is equivalent to treason; and that the case had been referred to a Berlin court which was now going into it. I explained at the Ministry that Orloff was a young man and that probably he had been imprudent; but that it was hardly possible that his activities could have been dangerous to the state and that it was hardly conceivable that he had engaged in treasonable activities. I suggested that it would be better in every way if Orloff could be released and that I would guarantee that he would return immediately to the United States. I suggested as an alternative that Orloff might be deported not as one who had been found guilty of communist activities, but as one who had been associating with Communists and who under the existing conditions was not welcome in the country. Staatssecretar Schlegelberger whom I interviewed, stated that in his opinion it was impossible to stop the proceedings now that they had been started, as this was against the law; and that he was of the opinion that Orloff would have to stand trial. He stated, however, that he would go into the matter very carefully.

I called also on the Acting Ministers of the Interior for the Reich and for Prussia and took up with them the case of Orloff. I brought out to them the reasons why in my opinion it would be desirable

that

that the proceedings against Orloff be stopped and that he be allowed to return to the United States voluntarily or that he be deported. I also called again the same day at the State Secret Political Police, to discuss the case. The memoranda covering my conversations with these officials will be found attached to my despatch No. 1454 of this same date, in which I report on the attack on Mr. Philip Zuckerman, as I discussed during these visits both the Orloff and Zuckerman cases. I would suggest that in connection with the consideration which the Department will give to the case of Mr. Orloff, these memoranda above referred to be carefully read.

The Department will note from the memoranda referred to that I went very thoroughly into the background which I believed it desirable that the German officials have in connection with this case. I pointed out particularly that both the Orloff and Zuckerman cases were known to the press and would undoubtedly receive considerable publicity in the United States. I said that it would be difficult for American public opinion to understand how the entire weight of the German judicial machinery could be brought against a young student in a German university suspected of Communist activity, when to our knowledge not a single S.A. man who had been guilty of an attack against an American citizen had as yet been brought before a judicial tribunal. I pointed out that public opinion in the United States could obviously

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Only be that Americans and other foreigners on the most trivial charges would be proceeded against with the whole weight of the German judicial machinery; but that an S.A. man who attacked an American citizen or a foreigner was above the law.

Just at the time that I was having these conversations above referred to, the higher officials of the German Government were much disturbed over disorders which have been taking place in the S.A. itself. It seems that the moderate measures which the Government has recently been taking and which have been referred to in other despatches, have not pleased more radical elements in the Party, particularly in the S.A. There have been clashes between S.A. men and the higher officials of the Party also realize that the immunity which has been enjoyed by S.A. men is extremely dangerous within the country and damaging to its reputation abroad. I therefore found among all of them a very understanding attitude with regard to the Orloff case and from every one of them got promises that they would do all personally in their power to bring about an arrangement. I emphasized particularly that in this case it would be desirable to find a way of stopping the proceedings against Orloff and to permit him to leave the country.

On July 20 I received a telegram from Henry Orloff, the father of Walter Orloff, residing at 1982 74th

Street,

Street, Brooklyn, New York, asking for information concerning the case, and I replied to him by telegraph informing him what steps the Consulate General had taken on behalf of his son. I also wrote to him on July 24 sending him a report on the case, and am transmitting herewith a copy of my letter (enclosure No. 6).

I also received the Department's telegram of July 21, 6 p.m., requesting information concerning the status of the case, to which I replied under date of July 22, 12 noon.

I shall keep in close touch with the appropriate German officials and shall endeavor to secure the release of Mr. Orloff so that he will be able to return to the United States. The charge against him is a very serious one and if he were to be found guilty, the penalty under the new laws which have been issued since the present Government came into power, would be a heavy one. It is impossible for me to state whether Orloff is guilty or not; but from the admissions which he has made in his letter, it looks as though he has at least been most indiscreet and it is not impossible that he has been engaged in activities to which the German Government can properly take exception under existing laws. I shall, however, endeavor to secure his release and return to the United States on the ground that it will be in the best interests of good relations not to have Orloff stand trial and to have him return to his home. It is evident, however, that

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he by his own actions has made our action on his behalf extremely difficult, and I am not certain that it will be possible to keep him from standing trial. If the German authorities insist on his going to trial, I do not believe that in view of the information which we have available we could offer any objection thereto. If he is brought to trial, the Consulate General will have an officer present. If he is not provided counsel by his family or friends, the German judicial procedure will provide that counsel be assigned to him and we shall see that this is done.

I shall follow the case of Mr. Orloff very closely and we shall render him all assistance in our power. I am in receipt of the Department's telegram of July 24, 6 p.m., asking that it be currently advised by telegraph of all significant developments in the case. I have again written to Mr. Orloff under date of July 22 (enclosure No. 7) asking him to keep me currently informed concerning the ways in which we can be of help to him.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosures:

1. Letter of July 5 to
State Secret Political Police;
3. Copy of letter to Mr. Orloff, of July 8;
2. Copy of letter from Mr. Orloff, dated July 4;
4. Copy of letter from Political Police, July 7;
5. Translation thereof;
6. Copy of letter to Mr. Henry Orloff, July 24.
7. " " " " " Walter Orloff, July 22.

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GSM:P

A true copy of
the signed orig-
inal. *[Signature]*