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NO. 1610

AMERICAN CONSULATE GENERAL,
Berlin, Germany, September 25, 1933.

SUBJECT: With further reference to the attack on
Philip Zuckerman.

THE HONORABLE

THE SECRETARY OF STATE,
WASHINGTON.

SIR:

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I have the honor to refer to my strictly confidential despatch No. 1454 of July 26, reporting the attack on Philip Zuckerman, an American citizen in Leipzig, and also to my despatch No. 1496 of August 9 in which I reported further on the steps which the Consulate at Leipzig and this Consulate General were taking in the matter. In this latter despatch I indicated to the Department that in the opinion of this Consulate General it may be necessary for our Government to ask for pecuniary compensation for Mr. Zuckerman.

From the two despatches above mentioned it will be apparent that the Consulate General made every possible effort to bring to the attention of the appropriate German authorities in all the Ministries concerned, the seriousness of the attack on Mr. Zuckerman and the necessity for identifying, arresting and appropriately punishing the

S.A.

S.A. men who had attacked Mr. Zuckerman. No single step which the Consulate General could take to impress the seriousness of the case was neglected. As it was obvious from existing conditions in Germany that the police would not be able to take any action against the S.A. men without the active assistance and cooperation of the highest leadership of the S.A., I brought this to the attention of the Ministry of the Interior of the Reich which has the control of the police in its hands. When I discussed it in the Ministry, as will be noted from the information already transmitted to the Department, a high-ranking officer of the Ministry admitted to me that the cooperation of the highest leadership of the S.A. was essential if the police were to take action and he promised that this cooperation would be secured.

I now have to transmit herewith a copy of a letter dated September 5, 1933 from Consul Busser at Leipzig, with which he transmits a copy of a letter dated September 1 from the Police President at Leipzig, in which the Police President states that he carried on a further investigation with the assistance of the S.A. but that it has not been possible to locate the perpetrators of the attack. This letter of the Police President is evidently intended, from the point of view of the authorities, to close the investigation. In view of the fact that the S.A. men who attacked Mr. Zuckerman were part of a unit of several hundred whose position at a particular hour of the day we were able to indicate, I am convinced that if

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the highest Leadership of the S.A. really desires to determine who these men are who committed the attack on Mr. Zuckerman, it would be possible for them to do so. The press in Germany carried from time to time reports to the effect that Communists or other persons who "attacked" S.A. men, four and five months ago and even before March 5, have been identified and appropriately punished. The German police are efficient even if in certain respects they are now powerless, and the organization of the S.A. is such that I am confident that either the police or the S.A. acting separately or together, would have been able to determine who the men are who attacked Mr. Zuckerman. One cannot escape the impression that there has been no real desire to find these men and that the motions which have been gone through have been merely for the purpose of doing something to satisfy our Government.

I therefore replied to Mr. Basser's letter of September 5 on September 6, and am transmitting a copy of my reply herewith, in which I state that the Consulate General is still of the opinion that it would be possible to find these persons and suggest that no reply be made to the letter from the Police President except just a word of acknowledgment if Mr. Basser thinks this necessary. I emphasized in my letter to Mr. Basser that we are not yet in a position to state whether we will accept the report of the Police President as final.

I last saw Mr. Zuckerman several weeks ago before

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he went to Marienbad for the second time for treatment. He was still hardly able to walk. The attack took place on July 16 and over two months have now elapsed and his physical condition is still far from good. It is still too early to determine whether Mr. Zuckerman is permanently disabled; but so far there is a strong presumption that he may never fully recover from the results of the attack. Mr. Zuckerman will get in touch with this Consulate General immediately after he returns from Marienbad, when I shall ask the Public Health surgeon at this Consulate General to examine him and to give an opinion as to his physical condition. I shall also ask Mr. Zuckerman at that time to present reports from his physicians in Berlin and in Marienbad, on his condition. These I shall transmit to the Department with such recommendations which the Embassy and the Consulate General may think proper to make.

The Department will note from Mr. Basser's letter of September 5 that he also is of the opinion that a claim for pecuniary damages could be made against the German Government. In view of the failure of the German authorities to find the persons who attacked Mr. Zuckerman and the circumstances surrounding the entire case, my present opinion is that our Government shall have to ask for pecuniary compensation for Mr. Zuckerman; but I shall await making definite recommendations until, as before stated, I have again seen him on his return from Marienbad. I need not say to the Department that I have at no time

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raised with Mr. Zuckerman the question of pecuniary compensation for our assisting him in this connection.

There is transmitted herewith as of possible assistance to the Department, a copy of the letter which the Consulate General has received from the parents of Mr. Zuckerman in the United States.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosures:

With original, duplicate and triplicate
of despatch only:

Copy of letter of Sept. 5 with enclosures;
Copy of reply thereto;
Copy of letter from parents of Mr. Zuckerman.

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