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AMERICAN CONSULATE GENERAL

Berlin, Germany, May 4, 1933.

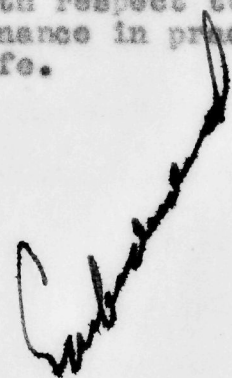
SUBJECT:

With further reference to the displacement of Jews and other persons from public office and the professions, and with respect to the establishment of party dominance in practically all aspects of German life.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.



SIR:

I have the honor to refer to my despatches No. 1196 of March 21, 1933, and Nos. 1205, 1210, 1214, 1216, 1222, and 1234 of varying dates from March 25 to April 11, and particularly to my despatch No. 1244 of April 19, all having reference to the displacement of Jews and other persons from public office and from the professions and with respect to the establishment of party dominance in practically all aspects of German life, and to transmit the following further information which may be of interest.

Although the conversations which I have had recently with outstanding persons in the Government and in the party indicate that there is now a better understanding of the effects both within and without Germany of the anti-Jewish movement, this in many cases changed attitude in the top has not yet had very much effect on the masses nor on these secondary leaders of the party who are in

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more intimate contact with the masses. There is reason to believe that the Chancellor, Mr. Hitler, and Minister Goering realize that the program of complete exclusion of the Jews from the Government and all forms of professional life in Germany cannot be carried through, but the Minister of Propaganda, Dr. Goebbels, who has been the original preacher of the anti-Jewish movement, still remains its consistent preacher and apostle. In a recent speech in Cologne he stated: "We recognize the Jew as our enemy." The secondary leaders of the party who do not realize the effects of the anti-Jewish movement in other countries and who believe it is only the Jews in other countries who view with alarm what is taking place in this respect in Germany, are as anti-Jewish and arbitrary as ever. As already reported in the above mentioned series of despatches, the Ministers of Justice in Bavaria and Prussia have openly expressed themselves against greater tolerance in the Jewish question. I believe, however, that the will from the top towards more reasonable treatment will be carried through and that decisions will be forced on the secondary leaders of the party to which they are now strongly opposed. The situation of the Jews in Germany will long be difficult no matter how moderate or moderating the action from the top, but I think it may now be taken for granted that certain measures will not be carried through with the original severity contemplated.

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The Jews in the Courts and in the Legal Profession:

Practically all the Jewish judges, if not all, have been taken out of all the criminal, civil and commercial courts from the supreme court down to the lowest. There is not so far as I can learn a single Jewish judge in the courts to-day. It is doubtful whether in the immediate future any Jews will be permitted to sit on the bench, but there is already talk of the application of the numerous clauses to the bench.

As has been reported in the above mentioned series of despatches, practically all the Jewish lawyers in Germany are for the moment inactive and cannot undertake new cases and cannot have access to the courts. In practically every city a very restricted number have already been readmitted to practice, as for example thirty-six of the formerly 2450 ^{Jewish} lawyers in Berlin can now practice. Even a smaller percentage in some other cities has been applied. The law promulgated by the Government to control the admission of lawyers was worded in such a way as to admit a much larger number and was an indication of the moderating tendency of the leaders of the party and of the Government. The reorganized bar associations in the country, however, including the central bar association, are in silent opposition to this new law and in this opposition they are supported by the Ministers of Justice of both Bavaria and Prussia who have declared openly that they have not fought for 14 years to merely have one item after the other of their program set

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aside. As there is this conflict between the higher leaders of the party and between their own subordinates, no action has as yet been taken in completing the lists of lawyers in the various parts of Germany who are to be admitted to practice. The long delay after the very sudden action in the beginning is an indication of this serious difference of opinion. It is likely that it will result in a compromise and that for instance in Berlin a good many less than the 1400 of the previous 2450 who could be admitted under the new law, will actually be allowed to practice, but that the number will be considerably in excess of the thirty-six who have so far been admitted.

Whatever percentage will be admitted, it is going to be small and the hardships which have been inflicted already and which will be inflicted on thousands of formerly respected members of the legal profession in the country cannot be estimated or set forth in words. Not only careers, but whole families are being ruined and the moral and physical distress which has resulted out of this action against the Jews in the legal profession would be difficult to describe.

Jews in the Theater:

Jews have been excluded definitely from the theater in every branch, whether Germans or aliens. The Jews have played a leading part in all branches of the theatrical profession in Germany for many years and many of the principal artists were Jews as well as the

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outstanding directors. All the German and foreign artists of Jewish origin in the theater and in the moving picture field have been eliminated with the consequent moral and physical distress which had to follow and with the equally obvious ^{financial} consequence which was not, however, taken into consideration when these measures were taken in such a wholesale fashion. The Grosse Schauspielhaus which is the largest theater in Berlin, has gone into bankruptcy. The artists who have previously filled it have for the most part been of the Jewish race. The attendance in the Berlin theaters has for the most part considerably decreased either through a lack of interest in the artists who are now on the stage or through the highly nationalistic character of some of the plays which are being produced. In the moving picture field the same process has taken place and the moving pictures recently produced have I understand it is generally agreed been the poorest in years. The attendance in the moving picture theaters has gone down.

This situation in the theater has already caused great concern to the leaders of the party as well as to those who have a financial interest in theatrical property, and there is a distinct feeling that Jewish artists will have to be permitted to play again in the near future. It is not unlikely that certain outstanding artists will be permitted to reappear, both German and alien if they are willing to do so, but that the number

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of Jews in the theater and in the moving picture field will be kept down to an extremely low percentage, can not be doubted.

Jews in the Musical Field:

If there is any one thing or any one part of German culture which the German is proud of above others, it is of German "predominance" in music. Both the internal and external place of German music has been it is now recognized seriously prejudiced by the anti-Jewish movement and by the up to now complete exclusion of Jewish artists. Blech is still conducting in Berlin, but is the only one of the outstanding Jewish conductors who is permitted to continue. There has recently been an awakening to the fact that the prestige of Germany has been injured throughout the world in this important field through the wholesale action against Jewish conductors and artists in the concert and operatic field. That very gradually an endeavor will be made to bring back some of the outstanding artists and to give much publicity if they are willing to return, seems now to be quite certain, but that the way of the Jewish musician is going to be difficult in Germany for years is quite certain.

Jews in the Universities:

The action against Jewish professors and teachers in the Universities is constantly going on. There are transmitted herewith (enclosures 1 and 2) clippings from the "Berliner Tageblatt", morning issue of April 26 and

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from the morning issue of May 3, containing long lists of professors who have been given "leave of absence". Many of these are men whose names are as well known outside of Germany as in the country. Not all of these are Jews and those who are non-Jews have been given "leave of absence" because they have not been willing to submit to the new conditions. The case of Professor Spranger has been given wide publicity in the German press as well as that of Professor Franck, the Nobel prize winner. The publicity in the case of Professor Spranger was particularly significant as he is not a Jew and resigned as a protest against the action which was being taken in the Universities.

Considerable publicity has also been given to the incident in the University of Berlin with reference to Professor Kohlrausch, the rector of the University, not being reelected and being replaced. Professor Kohlrausch is not a Jew and objected to the posting on the bulletin board of the University by the students of the so-called "12 theses" against the non-German spirit". These statements of the Berlin students are so significant that it is believed worth-while to quote them in the middle of this despatch. They are as follows:

" (1) Language and literature are rooted in the people. The German people are responsible that their language and literature are a pure and unadulterated expression of their national spirit.

(2) Literature and national spirit are now standing far apart. This condition is a disgrace.

(3) Parity of language and literature are up to you. Your people gave you your language

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"in order that it may be faithfully preserved.

(4) Our most important enemy is the Jew and he who serves him.

(5) The Jew can only think Jewish. If he writes German he lies. The German who writes German but does not think German, is a traitor. The student who writes German but thinks non-German is also thoughtless and unfaithful to his task.

(6) We want to expurge the spirit of lying, we want to brand the traitor, we desire for the students not abodes of thoughtlessness but of discipline and political training.

(7) We want to respect the Jew as a foreigner and we want to respect his national spirit. We therefore demand of the censorship:

That Jewish works appear in the Hebrew tongue. If they appear in German they should be marked as translations.

Severe measures against the misuse of the German script.

German script is only at the disposal of the Germans. The non-German spirit is to be banished from the public libraries.

(8) We demand of the German students the will and the faculty to understand and act independently.

(9) We demand of the German students the will and the faculty to keep the German language pure.

(10) We demand of the German students the will and faculty to overcome Jewish intellectualism and the liberal degeneration of German spiritual life connected therewith.

(11) We demand the selection of students and professors according to the reliability of their thinking according to the German spirit.

(12) We demand the German colleges and universities as a guardian of the German national spirit and as an arena born out of the strength of the German spirit. "

As a result of his objection to the posting of the foregoing Professor Kohlrausch was replaced as the recotr

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of the University, and Professor Eugen Fischer has been elected.

The students of all the Universities in Germany are planning on the evening of the 10th of May to have a monster bonfire accompanied by a parade and other celebrations, and there are to be burnt that evening all of the books in the possession of the students written by Jewish authors or those who are "marxistic and non-German". I am not able to determine just what books are to fall within the classification of marxistic and non-German, as these are wide and loose terms. As many of the outstanding texts in practically every technical and professional field in Germany have been written by Jews it means that the University students in Germany on that day are to burn most of the major text books which they have studied and consulted up to this time. This ceremony which is to be given wide publicity seems to be as medieval in form as to many it seems in spirit.

The long awaited school law has appeared which regulates the attendance at the Universities and lower schools. This law affects not only German Jews, but other Germans as well and has many interesting and important features so that it will be made the object of a separate report.

That the Jews will be subject to discrimination and that their lot in Germany is going to be a difficult one for years is certain. There is transmitted herewith (enclosure No. 3) a clipping from the "Frankfurter Zeitung" of April 21, morning issue, together with a translation

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which shows that discriminatory action of all kinds can be expected because of the feeling which has been aroused among the masses.

The state of mind of the Jews from the highest to the lowest in Germany is difficult to describe and I can only state that I have come in contact in the past few months here with moral suffering such as I have not seen anywhere and under any conditions heretofore. To begin to give an idea of this and to present an adequate picture of it would take time which more pressing duties do not permit me to use now.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosures:
3 newspaper clippings,
translation.

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