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AMERICAN CONSULATE GENERAL

Berlin, Germany, October 20, 1933.

SUBJECT: Assailant of Dr. Daniel Mulvihill arrested
and sent to concentration camp.

THE HONORABLE

THE SECRETARY OF STATE

WASHINGTON.

SIR:

I have the honor to refer to my despatch No. 1520 of August 19, 1933, with reference to the attack on Dr. Daniel Mulvihill, an American temporarily residing in Berlin, on August 15. In this despatch I reported that on the evening of August 18 the State Secret Political Police informed us by telephone that they had succeeded in arresting the S.A. man who had attacked Dr. Mulvihill, and had turned him over to the judicial authorities. I commented that this was the most satisfactory action which up to that time we had been able to get in the cases of attacks on Americans.

I later endeavored to secure information directly from Staatssekretaer Dr. Preisler in the Prussian Ministry of Justice, as to when Dr. Mulvihill's assailant would be tried and asked that I be given his name. Dr. Preisler assured me that I would be given the name the

following

following day and that I would be advised of the date of the trial, which would take place in the near future. Although Dr. Freisler had been in the past most prompt in meeting satisfactorily all the assurances given to this Consulate General in various matters, I failed to get from him the data requested. I therefore requested Mr. Geist to call on Dr. von Hake, Dr. Freisler's personal Referent, to refer to my previous conversation with Dr. Freisler and to say that we had not yet received the information as to the name of Dr. Mulvihill's assailant and the date of his trial. Dr. von Hake assured us that the information would be sent to us at once, but in spite of these assurances I received no information whatever. In view of Dr. Freisler's and Dr. von Hake's previous effective cooperation I gathered the distinct impression that they were embarrassed by my request for specific data as they could not get any definite information themselves that the assailant of Dr. Mulvihill had been arrested, as we had been informed on August 18. I am convinced that the State Secret Political Police when they assured us on August 18 that the assailant of Dr. Mulvihill had been arrested, were in good faith, for the heads of the Secret Police have endeavored to do everything in their power to clear up these cases. I believe, however, that if the assailant was actually arrested on August 18 he was thereafter released on the pressure of the S.A. I have already informed the Department that on

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at least two occasions Dr. Diels has privately and unofficially informed me that in spite of his extraordinary powers in many matters, his agents and the regular police were not yet at the point where they could arrest S.A. men and take definite action against them. I therefore had the definite impression from the circumstances above recited that the assailant of Dr. Mulvihill was really not under arrest and detention.

The Department is aware that as a result of the exchange of notes between it and the Embassy and between the Embassy and the Foreign Office within the last ten days, the German Government has in the highest places taken cognizance of these attacks and has arrested and given adequate sentence the two attackers of Mr. Velz in Duesseldorf. In the note of October 14, 1933, which the Foreign Office addressed to the Embassy and in which the Embassy is informed of the arrest of the attackers of Mr. Velz, it is also stated that "the storm leader Karl Rusch who molested the American citizen Dr. Mulvihill on Unter den Linden on August 15, was arrested on August 24 and is now at a concentration camp". It is interesting to note here that although we were originally informed by the State Secret Political Police that Dr. Mulvihill's assailant had been arrested on the 18th, the above mentioned note of the Foreign Office mentions that he was arrested on August 24. From the foregoing recited

circumstances

circumstances and from factors which are too intangible to put in this despatch, but which nevertheless to us in constant contact with the situation are very real, I am forced to the belief that if Dr. Mulvihill's assailant was really arrested on the 18th, which I believe, he was later released through pressure of the S.A., and I am not at all sure that the storm leader, Karl Rusch, was actually arrested on August 24 as stated in the Foreign Office's note, but there is much reason to believe that he was not arrested and sent to a concentration camp until after the recent exchange of communications between the Embassy and the Foreign Office which showed the necessity of action in these cases.

I am merely pointing out the foregoing circumstances for the record and not as requiring any action by the Department. I am of the opinion that we can accept as satisfactory the official regrets in the Mulvihill case made to the Ambassador by the Foreign Office and the information now given in its note to the Embassy that the S.A. man who had attacked Dr. Mulvihill has been put into a concentration camp. I believe therefore that this case may be considered as closed, but it seems important that in order that the Department may appreciate the complete background and the difficulties involved in these cases as well as the procedure of the German authorities, the circumstances should be placed before it.

Respectfully yours,

A true copy of
the signed original.
JSP

310/800 GSM:HP

George S. Messersmith,
American Consul General.