

220

AMERICAN CONSULATE GENERAL,
Berlin, Germany, July 21, 1933.

File No. 310/800
GSM:P

MEMORANDUM OF CONVERSATION WITH STAATSECRETAR
DR. PFUNDTNER OF THE MINISTRY OF INTERIOR OF
THE REICH.

I called at 5:20 on Staatssecretar Dr. Pfundtner of the Ministry of Interior of the Reich, and discussed the case of the student, Orloff at Greifswald, and of Philip Zuckerman, maltreated in Leipzig by S.A. on July 16. I more or less brought out the same considerations with respect to the cases, already recited in the memorandum covering my conversation with Staatssecretar Schlegelberger.

Dr. Pfundtner expressed the greatest regret that the Zuckerman incident had occurred and stated that he realized the great importance of it. I told him what previous conversations I had had during the day and what steps I had taken. He said that he believed it would be advisable if the Ambassador would bring the matter to the attention of the Foreign Minister, Baron von Neurath, and seemed to lay great stress upon this, as in this way the matter would come to the attention of the Chancellor who he felt should be advised as to the particular nature of this case.

Dr. Pfundtner stated that he was competent to a certain degree in the matter, and that he was doing three things. First he would still this afternoon send a telegram to Dresden as well as written instructions, to the Saxon authorities, to make an immediate and thorough investigation leading to the arrest of the individuals concerned in the attack on Zuckerman and that all the proper steps were to be taken under the law for the trial and punishment of the S. A. men who may have been involved. He said that he would not fail to bring to the attention of the Saxon authorities the urgent importance of immediate action. Second he stated that he would write a letter at once to all of the heads of the judicial machinery in the various states of Germany, to the effect that the most stringent and complete measures must be taken against all persons who were guilty of attacks of this kind. He said that he would call attention particularly to the unfavorable effect of such incidents on the good name of Germany in the outside world and particularly the bad effect on good relations with a country such as the United States. Third he said that he would immediately

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send a transcript of all that he did in this matter to the Staatssecretar in the office of the Chancellor, Mr. Hitler, in order that the Chancellor would be informed of the whole incident and the circumstances surrounding it.

I also brought to his attention the case of Orloff and told him what Staatssecretar Schlegelberger, the Acting Minister of Justice of Prussia, had told me, as well as Staatssecretar Grauert in the Prussian Ministry of the Interior. He stated that he would look into the matter at once, but it appeared that the judicial proceedings could not be stopped. I gathered the impression, however, that if some way could be found to stop them, it would be possible, and that Orloff would be deported or permitted to leave Germany. I made it clear that while I had no opportunity to prove the facts, it seemed pretty clear to me that the basis of the whole action against Orloff was flimsy and seemed to rest on the denunciation of a known Communist who had been arrested and who, after his arrest, had denounced Orloff probably to shift a part of the responsibility for himself. I said that it seemed rather far-fetched that a young student in the University of Greifswald could be a serious menace to the German state or could play any real part in the rebuilding of the Communist Party in Germany. I said that I believed the most Orloff was guilty of was imprudence in making friends or being seen in the company of persons known or believed to be Communists. I particularly emphasized that it was extremely unfortunate that this case should be pressed for what is the equivalent of high treason against this boy in the University, when it was well known to public opinion in America that S.A. men guilty of unprovoked and brutal attacks on American citizens, had not been brought before a judicial tribunal.

Dr. Pfundtner understood the importance of both the Orloff and Zuckerman cases, and I believe that he will give them his continued personal attention.


George S. Messersmith,
American Consul General.