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Vienna, August 15, 1935.

Dear Mr. Phillips:

A friend of mine from Germany who is a German citizen and who is one of the most important men in German industry and finance, came to see me a few days ago. He is not a National Socialist, and has been able to avoid all association with the Party and remain undisturbed because he is a man of extraordinary capacities and is extremely useful as one of the factors maintaining the industrial and financial structure of the country.

I found him very pessimistic concerning the situation. What he told me very largely confirms what I have said concerning developments in the German internal situation in my letter of August 12. What I wish, however, to refer to principally in this letter is the statement which he made that what must be understood outside of Germany is that Germany is no longer a "Rechts Staat", that is, it is a State in which private right or law no longer exists. He said that the repeated statement of the Party that the Party is the State and the State the Party and that the will of the Party is the law and the only law, are very real things. He said that the real significance of this situation was little understood outside in spite of the publicity which reached other countries concerning developments in Germany.

He pointed out that this fact that the will of the Party was the law was something which affected every man, woman, and child in Germany, high and low, and without distinction as to whether they were in or out of the Party. The courts have become, he says, mere instruments of the Party and such a thing as private right either with respect to property or personal rights no longer exist.

He gave me a number of concrete examples of which I will cite one which I think illustrates this situation so clearly that it should be known in the Department. Fürstenwalde is a town about forty kilometers from Berlin on the Dresden road. It has about 8,000 inhabitants. The wife of one of the leading citizens there became an ardent National Socialist in 1928. Her husband too became a member of the

The Honorable
William Phillips,
Under Secretary of State,
Washington

Party, but was less enthusiastic. This woman is a very intelligent and active person and began to organize the women of Fürstenwalde and then of neighboring towns into National Socialist units. She has two sons, one of whom became a member of the S.A. and the other of the S.S.

When the Party came into power in 1933, Fürstenwalde of course got a Nazi Burgomaster. Some months ago he was replaced by a more ardent Nazi as his predecessor was not sufficiently ruthless to satisfy the radical Nazis in the town. The new Burgomaster it appears began to organize various types of orgies in the Rathaus and one evening he got a number of young women from the town into the Rathaus and he and some of his associates in the city government amused themselves by making a bet as to who could undress a woman the quickest. The story of this reached this National Socialist woman, who was so shocked by it and others she had heard of the same kind that she felt it her duty to inform National Socialist Headquarters in Berlin of the conduct of the Burgomaster.

Her action was immediately followed by continuous persecution of herself and her family. Her two sons, in spite of the fact that they were members of the S.A. and S.S., lost their positions. Whenever she went out on the street she was insulted, spat upon, and threatened. She received threatening letters to which the writers did not hesitate to sign their names, to the effect that she had better leave town. Her life in Fürstenwalde became unbearable.

She consulted a lawyer in Fürstenwalde as to what she could do to protect herself against these insults as the city and Party officials in the town had refused to take any action. The lawyer advised her to do nothing asit would only complicate her situation. She then went to Berlin and consulted two lawyers there, who advised her to the same effect, emphasizing that it would be better for her to remain in her house and to take no notice whatever of the letters and insults. One of these lawyers advised her to leave the country. Both of the lawyers were National Socialists.

In desperation the woman then approached one of the leading lawyers in Berlin, whose name I prefer not to mention in this letter. This lawyer is not a Jew and is

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considered a very useful and important member of the Party although the probabilities are that he affiliated himself with the Party only to be able to continue undisturbed in the practice of his profession. This lawyer she appealed to as he was an old friend of the family, but on account of his high position she had not felt that it was the sort of matter she could take to him. He listened to her story and then said that he would undertake the case because he felt it under the circumstances an obligation upon him to do so which he owed to the profession. He informed her, however, that he was sure nothing would come out of the case, that he would probably not even be able to get it before a court, and that the real probabilities were that the only consequence of what he would do would be that he himself would go to a concentration camp or prison. Under the circumstances the woman would of course not permit him to go ahead. She found, however, that her life in Fürstenwalde was impossible and has gone to Norway to live where she has some relatives.

My friend who recited this, among other incidents, said that it was only too typical. The authenticity of this story is, I am certain, unquestionable. It of course did not present any new angle of the German situation to me, for it is one that I have continuously stressed in my despatches and letters since the regime came into power. These general statements, however, with regard to situations in Germany are apt not to carry the full atmosphere unless one from time to time actually examines into concrete instances.

Believe me,

Cordially and sincerely yours,

George S. Messersmith.