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NO. 1454

AMERICAN CONSULATE GENERAL,
Berlin, Germany, July 26, 1933.

SUBJECT: Report on the attack on Philip Zuckerman,
a naturalized American citizen.

STRICTLY CONFIDENTIAL.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

SIR:

I have the honor to inform the Department that on Sunday, July 16, 1933, Mr. Philip Zuckerman, a naturalized American citizen residing in Berlin, was attacked in Leipzig by S.A. men and severely beaten. Mr. Zuckerman was accompanied at the time by his wife who is not an American citizen, and by her father and sister. According to the affidavit executed before Consul Geist of this Consulate General on July 20, who saw Mr. Zuckerman in the hospital in Berlin, not only Mr. Zuckerman but his wife, father-in-law, and sister-in-law were knocked down and beaten by the S.A. men.

The attack on Mr. Zuckerman was first brought to the attention of this Consulate General by Mr. Bussler, the Consul at Leipzig, and immediately after our receipt of the information concerning the attack Consul Geist called on the State Secret Political Police to bring

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the attack to their attention; and on July 21, 1933 a copy of the affidavit which Mr. Zuckerman had executed was transmitted to them with an accompanying letter, a copy of which is transmitted herewith (enclosure No. 1). There is also transmitted herewith a copy of Mr. Zuckerman's affidavit (enclosure No. 2). Mr. Zuckerman was so badly injured that he had to receive medical attention in Leipzig and could not be brought to Berlin until the Tuesday evening following the attack. A Vice Consul on the staff of this office met him at the station with an ambulance and had him taken to a hospital where he is still receiving treatment for his injuries. There is no question as to the fact that Mr. Zuckerman suffered severe injuries through the attack on him by the S.A. men in Leipzig on July 16.

The Department is aware that the attacks on American citizens have recently been less frequent and this is undoubtedly due to the energetic action which the higher leaders of the Party and the Government have been taking to prevent such attacks. The Consulate General has reason to believe that the strictest orders have been issued by the Government and by the Party leaders that the physical attacks on Jews must stop. That they are sincere in their desire that such attacks shall stop, cannot I believe be questioned. On the other hand the prejudices which have been aroused are so deep and so widely spread among the masses, that it is entirely understandable that such incidents should

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continue to take place even when there is an endeavor to maintain strict discipline. Further than this it is quite apparent that the decision of the Government and of the Party to follow a moderate course has caused a good deal of opposition among the masses of the Party, particularly in the S.A. and especially in the states of Saxony and Silesia. It has been a favorite pastime of the S.A. men to attack the Jews and one cannot avoid the plain language of stating that they do not like to be deprived of their prey. There has further been an indication that discipline in the S. A. itself is not as good as the leaders can properly desire, and that there have been serious conflicts between S.A. men in Saxony and Silesia. The fact that S.A. men have not been brought before the courts for trial and punishment has also had a bad effect, and the S.A. men have had the distinct feeling that they are above the law. In this connection it is particularly interesting that not a single S.A. man concerned in the attacks on American citizens which have been brought to the attention of the Consulate General, has been brought before a judicial tribunal. The authorities have so far stated that they could not find the S.A. men who had committed these attacks. In some cases it was obviously exceedingly difficult for them to find them; in other cases I am of the opinion that they could have found them, but that the police, fearing the S.A., did not wish to find the offenders.

offenders. In the one case where the information which we could give to the authorities was so precise that no excuse could be found for not arresting the S.A. men, two of them were arrested and were excluded from the S.A. and from the Party; but this punishment was a matter of Party discipline and the men were not brought before the courts. The punishment was obviously not sufficient under the circumstances.

The circumstances in all of these cases have been so difficult that it has been impossible to state to the German authorities that they could find the offenders. They have in every case promised to find them and have expressed regret over the incidents and have assured that every effort would be made to prevent repetition. It has therefore been impossible or at least impracticable, to press these further with the authorities. In the present instance, however, the circumstances are such that it should be possible to determine who attacked Mr. Zuckerman. He was standing on Sunday, July 16, between 1:30 and 1:45 in the afternoon, on the Nicolaistrasse in Leipzig, when an S.A./^{company} stepped from the main column which was parading the streets of Leipzig and came into the Nicolaistrasse. The company had almost passed the spot where Mr. Zuckerman and his relatives were standing, when evidently some of the men in the rear of the column saw that the group was made up of Jews. They broke their ranks and attacked the entire group of four on the sidewalk, knocking them
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down and beating them. It may be difficult to determine what company of S.A. men this was, as there were 140,000 S.A. men from all parts of Germany in Leipzig that day; but the police in Germany are still efficient in every respect except against S.A. men and there should be no difficulty on the part of the police and the S.A. in determining who committed this attack.

In view, therefore, of the extraordinary nature of the attack on Mr. Zuckerman and its particularly aggravated nature, I felt it desirable that it should be brought in the most emphatic manner to the attention of the German authorities. After consultation with the Embassy, therefore, I called personally on Staatssecretær Schlegelberger, the Acting Minister of Justice of Prussia; on Staatssecretær Grauert in the Prussian Ministry of the Interior; and on Staatssecretær Pfundtner of the Ministry of the Interior of the Reich. In order that the case might come to the personal attention of Minister Goering, I also called upon Staatssecretær Milch who is the Acting Air Minister. I also called again that day on Dr. Volk of the State Secret Political Police. In these conversations I thought it advisable to bring to the attention of the higher authorities the background which made it desirable, and in this case imperative, that appropriate action be taken to bring about the apprehension, arrest and punishment of the S.A. men involved in the attack. I am transmitting herewith the memoranda of the conversations

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which I believe will be of particular interest to the Department not only because of their bearing on this case, but also because of their general bearing on the situation in the country (enclosure No. 3).

It is clear from these conversations that the judicial authorities in Germany have heretofore felt themselves powerless against the S.A. and that irrespective of their crimes S.A. men havenot been amenable to the judicial tribunals and have in theory as well as in fact and practice, been above the law. I was assured by every one of the high officials whom I interviewed on July 21, that they realized that this situation could not continue, not only for internal reasons but also because of the effect on foreign relations. I was assured by all of them that the most energetic steps would be taken to apprehend the S.A. men who had attacked Mr. Zuckerman and that they would be brought to trial and appropriately punished.

It is unfortunate in some respects that the attack took place in the State of Saxony and is therefore not within the province of the Prussian officials. In Saxony and in Silesia the situation is not nearly so good now as it is in Prussia as respects discipline in the S.A. and unauthorized action of this Party force. I am informed by Consul Busser in a letter dated July 24, that the Police President of Leipzig has informed him that he has not been able, in spite of every effort he has made, to identify the persons who attacked Mr.

Zuckerman.

Zuckerman. The Police President asked Consul Busser as to whether he was satisfied with the investigation which he had made. I have informed Consul Busser today that he is to call upon the Police President of Leipzig this afternoon and to state that we are not satisfied with the investigation that has been made; as in view of the concrete information which we were able to transmit there is no reason why they should not be able to identify and arrest the offenders.

I am transmitting herewith a copy of the letter which I addressed to Ambassador Dodd on July 22, transmitting copies of the memoranda of my conversations herewith transmitted (enclosure No. 4); and the Department will note that in my letter I state that I believe in this case we must demand the most energetic action by the police and the higher authorities. I am of the opinion that if the proper action is not taken in this case on the basis of the representations which I have made, it will be necessary for the Department to instruct the Embassy to make the most formal protests and demands for satisfaction on the German Government through the Foreign Office. Our Government has, I believe, so far very properly refrained from making formal representations in any individual case. We have given the German authorities time to put their house in order. They have admitted, as will be noted in the memoranda herewith transmitted, that it is high time that these attacks on foreigners and on their own citizens cease and that

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they bring responsible S.A. men to trial and appropriately punish them. If, therefore, after the thorough way in which this case was presented to the higher authorities on July 21 and after their assurances they do not take the proper action, I am of the opinion that it is not only advisable but essential that we make formal representations at the instance of the Department, and they should be made in the most emphatic manner.

I shall not fail to keep the Department advised of interesting developments in this case.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosures:

1. Copy of letter of July 21 to Secret Police;
2. Copy of affidavit of Mr. Zuckerman;
3. Copies of 5 memoranda;
4. Copy of letter to Ambassador Dodd;

Copy of letter to Consul Busser, July 26.

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A true copy of
the signed orig-
inal. *JMS*