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NO. 1509

AMERICAN CONSULATE GENERAL

Berlin, Germany, August 14, 1933.

SUBJECT:
DISBARMENT OF JEWISH PATENT LAWYERS.

THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

SIR;

I have the honor to refer to the Department's telegrams Numbers 91 dated July 21, 6 P.M., and 92 dated July 25, 2 P.M., sent to the American Embassy in Berlin, regarding two German patent lawyers, Dr. E. Salzer and Dr. Fritz Simion, who have been disbarred from their professions through measures recently taken in Germany to reduce the number of Jewish lawyers practicing in the German courts. It appears from the Department's telegrams that the disbarment of Dr. Salzer is a matter of considerable concern to Mr. David Rines, who has been represented in Germany by Dr. Salzer. The Department states in its telegram to the Embassy that among the cases Dr. Salzer has been handling for Mr. Rines are certain applications for patents of Professor George H. Pierce, Director of

the

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the Research Laboratory of Physics of Harvard University.

It appears in the case of Dr. Simion that the American Chemical Paint Company at Ambler, Pennsylvania, anticipate considerable hardships in the handling of patent matters in Germany on account of the disbarment of Dr. Simion and that they will be seriously embarrassed in regard to suits now pending.

The telegrams from the Department above mentioned were brought to the attention of the Consulate General by the Embassy in Berlin and an effort has been made by this office to obtain a removal of the disbarments in question. I asked Mr. Geist to look into the matter and he conducted the necessary interviews. He went to see Ministerialdirektor Ruhfus in the Reichspatentamt, and discussed the matter at considerable length. It appears that Dr. Ruhfus is handling these cases for the Reichspatentamt, but he was frank enough to confidentially inform Mr. Geist that his own recommendation in the premises might not carry sufficient weight to secure the annulment of the disbarments. He explained that nearly fifty percent of the patent lawyers in Germany were of non-aryan race, and that in his opinion these persons would be permanently disbarred. Dr. Ruhfus, however, was very willing to take favorable action on these two cases on the grounds that the American authorities had seen fit to point out the importance of allowing these two attorneys to continue their practice on behalf of certain American interests. Mr. Geist, of course, urged favorable action in view of the hardships which the dis-

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barments would occasion the American interests affected. Dr. Ruhfus finally promised that when the committee met with the President of the Reichapatentamt to make final decision on the disbarment cases pending he would make a report of the interview had with Consul Geist on the subject and recommend the removal of the disbarments.

Following the suggestion made by Dr. Ruhfus, Mr. Geist went the next day to see Dr. Arthur Ullrich, Chairman of the Association of German Patent Lawyers, in whose hands, it seems, the final decision regarding the disbarment of non-aryan patent lawyers rests. Dr. Ullrich is a National-Socialist, and therefore the responsible party-man whose decisions will be binding on the President of the Reichapatentamt. This was indicated to Mr. Geist quite unequivocally by Dr. Ruhfus, who thought that it might be very difficult to have the disbarments removed, unless the National-Socialist Chairman of the Patent Lawyers Association was in favor.

Mr. Geist, of course, made the same representations to Dr. Ullrich, who put up many arguments against continuing to allow Jewish lawyers to practice in Germany. Dr. Ullrich pointed out that the real necessity for this measure was to open the professions to young Germans who had finished their University work and who could find no means of employment. He said that he noticed with regret that nobody had interested themselves in the fate of these young men who have been walking the street and have wanted to marry and establish a home for themselves; but as soon

as a few Jews are disbarred from the professions there are plenty of persons and authorities throughout the world who manifest considerable concern as to their welfare. Dr. Ullrich then recounted with considerable feeling the difficulties which he had experienced in entering the profession of patent lawyer. He explained that Jewish lawyers had succeeded in Germany in making the largest number of connections with foreign firms, and had entrenched themselves in positions of very great influence, and actually controlled eighty percent of the legal patent business in this country. He said that formerly it was impossible for a young Christian aspirant to secure experience in the office of a Jewish patent lawyer. These lawyers had invariably allowed only Jewish young men to be associated with them, and Christians were disbarred. He said that the time had come in Germany to correct this situation and that they meant to do so. Mr. Geist, of course, endeavored to make representations in behalf of Dr. Simion and Dr. Salzer ^{and} not to arouse antagonism on the part of Dr. Ullrich who gave no uncertain impression as to his views of the matter. It appears that Dr. Ullrich was inclined to look with favor on the readmittance of Dr. Simion, because he was a man of fifty-two years of age, while he thought that Dr. Salzer, being only thirty-two, would be almost too young to admit. It appears also that Dr. Simion has something in his favor as having been a soldier in the war as an army chauffeur; but the question which has arisen in his case revolves around whether or not

it could be considered that he actually performed "first line" duty. Mr. Geist left a brief memorandum in both cases with Dr. Ullrich and obtained the promise that he would give the matter his most careful consideration when the committee met at the Reichspatentamt. Mr. Geist believes that probably Dr. Simion may again be admitted, but is somewhat doubtful as to the chances that Dr. Salzer will receive favorable consideration.

After the interviews above described the following telegram was sent to the Department.

"August 12, 11 a.m. referring to Department's telegrams No. 91 and 92 to the Embassy in both cases I have seen official in Reich Patent Office as well as party leader having jurisdiction in the matter. Final decision will not be made before the end of the month full report by mail. MESSERSMITH."

The Department will be informed as to the eventual decisions in these two cases.

Respectfully yours,

George S. Messersmith,
American Consul General.

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