

OFFICE OF  
UNITED STATES CHIEF OF COUNSEL  
FOR PROSECUTION OF AXIS CRIMINALITY.

Herz/hvb 35.08

APO 403

13 Nov. 45

TO: Maj. Gen. Wm. J. Donovan.  
FROM: John H. Herz. JHH  
SUBJECT: Statement by Rudolf Diels.

1. The witness, who was the first Gestapo Chief under Goering, throughout the Statement, tries to whitewash the defendant, Goering, and thereby indirectly absolve himself from all responsibilities.

2. In the following it is not intended to go into any of the statements concerning Diels' personal career, but only into those allegations which concern matters of politics and which can be disproved by documentary evidence. However, the fact that the witness is generally biased in favor of National Socialism can already be seen from his introductory remarks. Thus, on page 3 of the Statement he refers to political excesses committed only against Nazis in the time prior to 1933, and not to any excesses committed by Nazis themselves. His historical dissertations on pages 5 and 6 are likewise full of misstatements. Thus, it was von Papen, and not Schleicher, who threw out the Social Democratic Prussian regime; and it is very unlikely that Schleicher ever considered a coalition consisting of Centrists, Social Democrats and Communists.

3. The main effort of the Statement on pages 7 following, is directed toward showing or implying that Goering and the Gestapo devoted most of their activities to combating not their political opponents but the SA and other forces connected with the Nazi Party. The allegation is made that the Gestapo was mostly composed of non-Nazi, unpolitical officials who were secretly opposed to the Party, further that the SA established concentration camps against the will of Goering and his Gestapo. And, finally, that Goering only in exceptional, and not numerous, cases replaced Prussian officials with the new Nazi appointees.

4. All these allegations can be disproved by documentary evidence. The Gestapo was created as a new and independent branch of the Prussian police under the jurisdiction of Goering as Prussian Interior Minister during the first weeks of Goering's regime in Prussia; namely, at the end of February, 1933; and as "the individual personal creation of the Minister President". (See Gritzbach, Hermann Goering-Werk und Mensch, Munich, 41st Edition, '42, p. 32.)

5. The thus established Gestapo was legalized by a Prussian law and decree by Goering, both of 26 April 1933, concerning the creation of a Gestapo Office

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(Preussische Gesetzsammlung 1933, p. 122; Ministerialblatt fuer innere Verwaltung 1933, p. 503). This disproves Diels' Statement (p.11) to the effect that the Gestapo with that name and as an independent organization was established only in November, 1933. His allegation that the Gestapo staff consisted of "unpolitical" officials is disproved by another statement by Goering's official biographer Gritzbach (op. cit. p. 34), according to which old "fighters" from the SA and the SS were immediately appointed to Gestapo positions: "Under Diels' leadership, the office in a surprisingly short time became strong and feared by all enemies of the State as a body ready to strike." (ibid. p.34, 35.)

6. As to the establishment of concentration camps in Prussia which, according to Diels' Statement, was due to the efforts of the SA as opposed to the intentions of Goering and the Gestapo, Gritzbach (p. 36) affirms that the concentration camps were Goering's own invention. Against Diels' allegations (p. 12 of the Statement) to the effect that Goering at Christmas, 1933, saw to it that 25,000 out of 30,000 concentration camp inmates were dismissed, Gritzbach (p. 38) states that only 5,000 were dismissed at that time.

7. Again, Gritzbach states that upon Goering's taking over supreme power in Prussia a complete change of the administrative personnel took place in that country, in particular with regard to the politically important key positions and the police in general. Thus, according to this official Nazi author, of 488 highest administrative officials in Prussia at the end of 1933 373 had been replaced by new appointees, 340 of whom were Nazis; and up to May, 1934 8,000 new police appointees from the SA and similar organizations had been enlisted in the Prussian protective police force: Gritzbach (p. 31, 48, 54.) Instead of "opposing" the SA, as Diels asserts, Goering, right from the beginning, used this organization as much as he could as an instrument for waging a campaign of terror against his political opponents. Thus, he employed the SA as an auxiliary police force very early in February, 1933 in order to combat Communists and other political opponents (Gritzbach p. 44 & 45).

8. The fact that Goering, far from directing his main political efforts against other parts of the Nazi movement, devoted all of his efforts toward eliminating political opponents in Prussia can be documented abundantly. Thus, a number of directives issued by Goering in his capacity as Prussian Interior Minister early in 1933 order the police to apply the law, in particular the new emergency decrees issued for combating leftist opposition, in a way which would favor the Nazis and other nationalistic parties and organizations and would strike without mercy against the groups and parties opposed to the new Hitler Government. For instance, a Goering directive of Feb. 10, 1933 (M.Biv. 1933, p. 148) advised all his subordinates to apply the Presidential decree of Feb. 4, which had provided for sharp restrictions, of freedom of speech, assembly and the press, exclusively against the opposition parties and not at all against the parties and groups which backed the new government.