

Diels 35,08

16 November 1945

MEMORANDUM FOR COMMANDER KAPLAN

SUBJECT: Lt. W. E. Miller's Trial Brief, Section 1,
Extension of Control within Germany.

Mr. Elwyn Jones, in charge of liaison with us for the British, and also assigned by the British staff to cooperate with us in the presentation of Count One of the Indictment, has talked to me about what he considers the danger in using Document 2544 PS, Affidavit of Rudolf Diels, former Superior Government Counsellor of the Police Division of the Prussian Ministry of the Interior. This affidavit is cited twice on page 2 of Lt. Miller's brief, and perhaps elsewhere in the Section 1 briefs.

Diels was a Gestapo head who collaborated closely with Göring. Mr. Elwyn Jones has furnished me a memorandum addressed to Colonel Phillimore of the British staff by Dr. Braun, the German lawyer retained as consultant by the British Prosecution, in which Dr. Braun comments on Diels' affidavit as follows:

"To the statement of Dr. Rudolf Diels, which I return herewith, I would like to make some remarks:

"1. Diels, who collaborated with Göring from 1933-1943, gives to his own justification a much too good picture of Göring. In contrast to page 7 and 8 it must be stated that Göring did not stop the SA but that he himself in his capacity as Chief of the Prussian police invited his police in an ill-famous speech in the Westfalen-Halle at Dortmund to use their firearms against the political opponents of the Third Reich - not against the SA. He said (I quote from memory): 'I myself take every responsibility for every shooting of a policeman. The policeman has to fear anything if he uses his firearms. It's I who is responsible for it. Every shot must be considered as fired by me.'

"2. It was not the SA only but also the 'Gestapo' under the command of Diels, which put political opponents into prison and concentration camps. (I myself was in May 1933 imprisoned by police officials under the command of Dr. Diels.)

"3. On page 17, Diels declares that his rank in the SS was "cancelled" in 1943. As the rank of an SS officer could be give only by the Reichsführer SS, Heinrich Himmler personally, Diels must be considered as a man of special confidence of Himmler. That means that Diels was in good relations with both the Göring circle and the Himmler gang. Unfortunately Diels doesn't say how and when he received his SS rank and what rank he held.

"4. I think that the defendants will make full use of points 1, 2 and 3 at the trial if Diels appears.

"5. The only substantial point - a very important one - is Diels' statement that on January 1934 he spoke with Hitler and Göring about the elimination of von Schleicher and Gregor Strasser (see page 13). That is to my knowledge the first evidence of an ear-witness for the fact that both Hitler and Göring plotted the murder of these opponents at least 5 months before their murder (30.6.34), which was generally regarded as a mere accident at the occasion of the elimination of Röhm and his followers.

"6. If Diels would be used as a witness for this point alone it would be of very great help to prove some statements of Count One of the Indictment."

SIDNEY S. ALDERMAN

cc: Colonel Storey
Justice Jackson
General Donovan ✓
Mr. T. J. Dodd