

Fire and Bomb

A Comparison

between the

Burning of the Reichstag

and the

Bomb Explosion at Munich

by

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Foreword

Seven years ago the reign of Adolf Hitler over Germany and the regime of National Socialism in the German Reich began, as they are now likely to end, with a holocaust. The Reichstag, the German Parliament-house, went up in flames one night; the enemies of National Socialism were proclaimed to have fired it; they were immediately and ruthlessly suppressed; the power of National Socialism in Germany was thus made absolute; and subsequently a great trial was held, with five men in the dock, to convince the world of the truth of the original assertion - that the enemies of Hitlerism had committed a deed so timely and welcome to Adolf Hitler and his lieutenants.

The hastily-built structure of the trial, put together by men who underrated the difficulties of such a task, was not proof against the infra-red rays of world publicity. Four of the accused men were proved innocent and had to be acquitted; the fifth was a half-witted dupe who was proved (1) to have been in the Reichstag, and (2) to have been incapable of causing this great conflagration without many accomplices. He was beheaded. The burning question 'Who fired the Reichstag?' was left unanswered by the trial. Every avenue of investigation which led in the direction of the National Socialists themselves was blocked by the German Supreme Court. Nevertheless, and in spite of every effort to conceal them, trails were several times uncovered during the trial which would have led to that quarter if they had been pursued.

The same chance which made of me a journalist, and a journalist working in Berlin, took me past the Reichstag at the moment it broke into flames. I entered it at the same moment as Hermann Göring himself; followed every detail of the long judicial investigation that was made known; and attended every sitting of the trial. Thus I came to know this particular subject more thoroughly than any other foreigner. I felt that it was one of major historical importance and made the study of it an especial hobby. Yet, in the years that have lapsed since then, I have, in reading and re-reading the evidence, repeatedly found something new, discovered fresh discrepancies in the evidence, fitted missing pieces to the jigsaw puzzle that the trial left half-finished, until to-day I am convinced of a very strange thing: in the very Supreme Court of the German Reich itself, assembled to vindicate National Socialism, that truth was actually revealed which will surely emerge if a second Reichstag Fire Trial is ever held - that the National Socialists fired it themselves!

The main reasons for this conviction are set out in the following account. But they are not the only reasons for writing it. Another motive is that a second spectacular trial - The Munich Bomb Trial - may soon be staged, this time with the British Empire, instead of the Communist International, in the dock! In 1933 Adolf Hitler wished to convince the world that Russian Bolshevism, his ally to-day, was the mortal enemy of National Socialist Germany; in 1940, apparently, he hopes to persuade the world that Britain fills that part. In 1933 three Bulgarian Communist exiles, a German parlour-Bolshevist, and a mentally deficient Dutch destitute were put in the dock. In 1940, if the Munich Bomb Trial is held, the accused, according to the statements of the German secret police, are to be an exiled German, once one of Adolf Hitler's own chief supporters; a German of whom none had ever heard and of whom nothing is known, apparently a second van der Lubbe; and two British officials who by a trick were decoyed to the Dutch-German frontier and there kidnapped by German agents.

The chief result of this Munich Bomb Trial, if it come about, is already clear to see - that, like its predecessor, it will leave unanswered the main question, in this case, 'Who planted the Munich bomb? But for an understanding of the methods by which such mock-trials are staged, a knowledge of the Reichstag Fire Trial is essential. To that end it is worth while briefly to resurrect from the mists of derision into which they have long since disappeared, the Crazy Gang of witnesses - lunatics, convicts, drug-addicts, self-confessed murderers, police-spies, stool-pigeons, garrulous

charwomen, and sycophants - which was paraded before the Supreme Court of the German Reich in the endeavour to conceal the truth and whitewash National Socialism; to show how the proof of National Socialist guilt could have been obtained if every recurrent possibility of this had not been sternly repressed; and to recall how a German court of law was turned into an obscene harlequinade by warping its procedure to gain a political end.

But even the harlequinade is a thing of dignity compared with the things that happen behind the scenes, while it is being prepared, and while it is in progress. There the torturers, the third-degree men, and the drug-experts hold sway. The products of their work have been seen often enough in the great Soviet show-trials, but only once in Germany - in the unforgettable figure of van der Lubbe, the dupe.

These are the men, these masked figures behind the scenes, who make such trials possible. Without them, not even the flimsiest screen of plausibility could be put together, for the delusion of the credulous and the baffling of the sceptics.

Such men made the Reichstag Fire Trial. Such men will make the Munich Bomb Trial. The course of the Munich Trial, if it be held, will be much clearer to follow if the method, the technique, of staging a great political trial be understood. The Reichstag Trial offers the perfect example.

THE DUPE

The most vivid picture that I have in my mind of Marinus van der Lubbe is of a day when he sat in the dock with his head hanging between his knees, his tousled hair falling far down, saliva and mucus trickling from his mouth and nose to the floor. His interpreter, a pale-faced and sensitive young man, could not stand this and appealed to the Court to have it remedied; his counsel, more robust, took a handkerchief and very roughly did what was necessary. van der Lubbe seemed neither to hear what was said nor feel what was done.

My question to myself was 'Is he an imbecile, or sick, or has some drug been put into him?' An eminent London mental specialist, writing to *The Times* on the strength of my description of van der Lubbe, said 'Insensitivity to dribbling saliva or nasal mucus is a symptom of the stuporose form of dementia praecox'.

This man was kept in chains during the seven months of imprisonment before the trial and during the trial itself. He lost 25 lb. during the imprisonment period, but *gained weight rapidly during the trial*; indeed, he emerged from torpor once for a moment to complain of 'having meals five and six times a day', and to ask to be sentenced to death without further ado. He also mumbled something about 'his struggle in prison', about 'visions', and 'voices in my body'.

As all the world assumed from this that van der Lubbe was either mad or was receiving some foul drug behind the scenes, the Supreme Court called three experts to testify to his mental condition.

Of the man I have pictured above, one, Professor Bonnhöfer, said he was 'normal and responsible'; another, Dr. Zutt, that his condition was 'not in the least inexplicable, just the reaction of an unusual situation on an unusual man'; the third, Dr. Schütz, that he was *certain* van der Lubbe 'at the time of his crime was responsible, is now responsible, and is mentally healthy'. Dr. Schütz heatedly maintained that van der Lubbe was simulating, but did not explain how the simulant produced the saliva and nasal mucus; this, he apparently thought, was a typical Communist trick; he dismissed the statement about 'voices in my body' as unimportant.

van der Lubbe, the dupe, was beyond question crazed; the only question is whether this condition was a natural one or was induced by the people who used him, and an impartial medical expert would be needed to give an opinion about that. In the great Soviet show-trials dupes are not necessary, because all the accused always confess, but it is noteworthy that at one such trial Bukharin, a leading Bolshevik, was by some means brought to feel that even his own confession, unadorned, would not be enough, so that he added that he 'had not been previously hypnotized and had not swallowed Tibetan powders'.

What Tibetan powders are, I do not know, but if there is some drug that could have produced van der Lubbe's condition, this is the probable answer. Or else, he was a natural half-wit, put by chance into the hands of the men who fired the Reichstag. The main importance of the point is that just such another obscure unfortunate, one Georg Elser, has been produced by the German Secret Police as the alleged bomb-planter of Munich and is apparently to play the chief part in that trial.

In Marinus van der Lubbe the men who fired the Reichstag found the ideal catspaw. While he was still in his teens this young Dutchman, a builder's labourer, had his eyes permanently injured by a splash of lime and thereafter drew a small incapacitation allowance from the Dutch State. After that he went on tramp and for years travelled afoot through large parts of Europe - all over Germany, Austria, Yugoslavia, Hungary, and Poland begging food, alms and casual jobs. Strange now to picture this tatterdemalion vagrant, who was to occupy the centre of the world stage for a while, wandering along the highways and byways of Europe.

Either he had been noticed and selected for his part long before; or chance brought him, on his homeward way to Holland, through Berlin on *February 18th, 1933*. Adolf Hitler had become Chancellor on *January 30th*. On January 31st - this is a strange piece of circumstantial evidence which I only recently discovered and which other students of the fire and the trial seem to have missed - Joseph Goebbels wrote in his diary, subsequently published in English under the title *My Part In Germany's Fight*: 'In a conference with the Leader we arrange measures for combating the Red terror. For the present we shall abstain from direct action. First the Bolshevist attempt at a revolution must burst into flame. At the given moment we shall strike'!

The Reichstag 'burst into flames' on February 27th; it was immediately proclaimed to have been a 'Bolshevist attempt at revolution'; and the Nazis 'struck'!

van der Lubbe, the half-crazed, half-blind destitute, wandered about Berlin from February 18th to February 26th, and then left the city, homeward bound for Holland, as he said in a lucid moment. But after spending that night in a destitutes' shelter at Hennigsdorf, an outlying western suburb, he returned to Berlin and on the night of February 27th was found, tousled, shirtless, begrimed, dripping with sweat, bewildered, incoherent, in the Bismarck Hall, a small apartment off the main session hall of the Reichstag, which was blazing furiously.

What happened to him on the afternoon of February 26th and the morning of February 27th to make him abandon his intention to return to Holland and instead to retrace his footsteps towards Berlin? At the repeated insistence of another defendant in the trial, the irrepressible Georgi Dimitroff, now Secretary-General of the Communist International, who had world interest and world publicity as a mighty ally beside him in the dock, a question about his movements on February 26th was eventually put to van der Lubbe, and after several repetitions - answers, when they were obtained at all, had to be dragged out of this drugged or deranged youth like reluctant corks out of a bottle - he said he had been 'With the Nazis'. But the court showed no eagerness to elucidate this answer further; on the contrary, it hurriedly changed the subject, and van der Lubbe relapsed into torpor.

The police lieutenant who found him in the Reichstag, an officer of the old, honest German type, said he thought, when he saw the weird figure before him, muttering disconnected phrases in an unintelligible Dutch-German gibberish, that he had 'a lunatic' to deal with. Other witnesses, investigating magistrates, detectives and the like, who had the National Socialist badge in their buttonholes and came into the case during the period when an effort was being made to tack together an indictment of International Bolshevism and its agent, van der Lubbe, described him as speaking 'fluent German and even using flowers of speech'; as 'a mathematical genius'; and as having drawn accurate sketch-plans of the Reichstag which he was supposed once to have entered, in darkness, and in the space of a few minutes to have set on fire. The contrast between these descriptions and the miserable figure in the dock, whose German even in his most lucid moments was only intelligible in parts, was ludicrous.

This unhappy outcast youth *was* in the Reichstag when it burned - that was the only point in the whole indictment against five men which was proved. How did he get there, and why? These questions were not answered. In the dock he emerged once from torpor to state that he heard 'voices in his body', and these voices told him what was going on, how long the intervals lasted, and the like. But if 'voices' told him these things, they could have whispered to him to fire the Reichstag, and murmured to him that he had done this alone and unaided.

These same 'voices', in my opinion, told him to enter the Reichstag, showed him the way, put two cheap firelighters in his hand - with which, as tests proved, a common chair could not have been destroyed, far less the massive, stone-encased, almost non-inflammable Session Chamber of the

Reichstag - and set him loose in that great hall, where the fire had already been prepared, ready for the touch-off, just after 8.55 p.m., when the postman Willy Otto emptied the letter-boxes and departed. Before that time, people continually came and went in the great lobby, and through the open doors that separated this lobby from the Session Chamber they would inevitably have seen any men inside it. The last of them left the building just before Willy Otto, the postman, came. The letter boxes that he had to empty also stood in the lobby just opposite the open doors of the Session Chamber, so that he, too, must have noticed anything moving within it. But all was quiet, when he came, and went. When he had gone, sixty-five minutes began during which the Session Chamber and the lobby enclosing it were left deserted. At that very moment the incendiaries got to work. Between 8.55 and 10 p.m. no Reichstag official made the rounds; the Session Chamber was empty and unwatched; and precisely at the beginning of those 65 precious minutes, of which only those with an intimate knowledge of the Reichstag could have been aware, did the half-witted destitute enter the building - through the window, waving his firebrands about for all to see, said the indictment; through the underground tunnel, in the company of the men who used him, in my opinion.

Thrust into the Bismarck Hall, from which a petrol-trail ran to the piles of combustible material placed on the deputies' seats in the semi-circular Session Chamber, with a torch (the remains of one were found) or firelighter in his hand, this half-blind marionette had but to apply the match - and the Reichstag burned!

From the mass of incoherent babblings which were extracted from van der Lubbe during the trial, ran, like a scarlet thread, one lucid thought - the conviction that he, unaided, had fired the Reichstag. I think the explanation is this: Picture the effect on that clouded mind of the sudden conflagration which blazed up before him when he applied the torch. He *thought* he had done this! Remember that, during the trial, he spoke of those 'voices' which told him what to do. Those 'voices', he thought, were 'in his body'. In his condition he was unable to distinguish between inner and outer voices; the whisperings which, he thought, came from within, actually came from without, reached his mind through the normal channel of his ear.

The four men who stood in the dock with van der Lubbe were acquitted; they had to be, because in the fierce white light of world publicity, which beat unremittingly on the trial, their incontestable alibis were proved. But not even the Supreme Court of the German Reich could convict van der Lubbe of having fired the Reichstag alone. World publicity, again, defeated all possibility of that; such a verdict would have been torn to pieces by experts all over the globe. The structure of the Session Chamber of the Reichstag - rather like a piece of hard wood let into a cube of massive stone - was such that the conflagration of February 27th, 1933, which within a few minutes developed into a major blaze beyond hope of extinguishing, could only have been caused by the distribution in it of masses of petrol-soaked cotton waste linked together with strips of celluloid, or something of that sort. Many men must have been needed to carry this material into the Session Chamber in the few minutes that elapsed after the last deputies and officials left it.

Thus the three fire-experts called as witnesses (Professor Josse of the Berlin Technical High School; Director Wagner, of the Berlin Fire Brigade; and Dr. Schatz, the expert accredited to the Supreme Court itself) all concurred - and were allowed to concur - that the preparation of the fire was the work of a number of incendiaries, and that it had been laid in the manner I have described above. The Supreme Court, in its verdict sentencing van der Lubbe to death, similarly had to find that he 'could not possibly have made the necessary preparations in the brief time at his disposal' and that he had had 'many accomplices'. The 'time of his entry' and the way he was able to make his way about in a dark and labyrinthine building, 'pointed to the probability that he was working under instruction'. So, said the Supreme Court, 'he fired the Reichstag in deliberate and witting co-operation with others'.

All these phrases, from the verdict, are an exact expression of the truth about the Reichstag Fire. The untruth came when the Supreme Court, playing a miserably unworthy part for the highest tribunal of a country like Germany, sought to make these incontestable facts fit in with the National Socialist claim to have 'saved Germany from Bolshevism' by adding that the Reichstag Fire was 'the work of the Communists', and that 'it has been proved that the accomplices and instigators of van der Lubbe stood in the Communist camp'.

No jot of such proof was ever brought. On the contrary, the evidence repeatedly pointed in the direction of the National Socialist rulers - but each time the evidence took that turn the Supreme Court quickly changed the subject. It had to; behind each of the judges loomed the threat of relegation or the concentration camp.

(An important point is that, while the fire-experts were allowed to give a true and accurate opinion about the preparation of the fire, the medical-experts were *not* allowed to give a true and accurate opinion about the condition of van der Lubbe - for it is inconceivable that three experts, free from all constraint, could have described van der Lubbe, as did these three men, as sane, normal, and responsible for his actions.

The reason for this is that if van der Lubbe had been declared mentally deficient or irresponsible - as he unquestionably would have been in any free court of law, whereas before the Supreme Court his counsel did not even raise this plea - the National Socialist case and the Reichstag Fire Trial would have collapsed completely. If van der Lubbe could be found responsible and guilty, it was still possible to say, though this deceived nobody outside Germany, that he was a Communist; that his unknown accomplices, without whom the Reichstag could not have been fired, were Communists; and that he was the willing agent of the Communist International. If he were found insane and irresponsible, not even the Supreme Court could seriously give such a verdict. But such a verdict *had* to be given - because Communism and Communists had been declared guilty by the National Socialists as soon as the fire broke out; on the strength of this *assumption* the German Constitution had been suspended, the rights of individuals and of association and of ownership all abrogated; thousands of men had been thrown into concentration camps without the preferment of charges or trial; and all these things had been subsequently legalized, on the ground that Germany had by them been saved from *the Communist danger*, by the aged President von Hindenburg. If van der Lubbe, a year later, had been declared a lunatic the last tatter of plausibility would have been torn from the rickety structure of the trial, and everything done by the National Socialists, who were not yet out of the wood and in unchallenged possession of power, would have stood revealed as illegal, perjured and unconstitutional. Thus van der Lubbe had to be certified sane, and three unfortunate medical men of high standing were duly found to give an opinion of which the slaving dummy in the dock was the living confutation - to the shame of their profession.)

Who were the accomplices, or rather the masters - for the physical and mental condition of this youth was about that of a performing bear - of van der Lubbe? How did they prepare the fire? The mass of perjured or irrelevant evidence which was produced at the trial yielded - through gaps which could not be stopped - enough grains of truth, as I think I can show, to give the answers to these questions. But first, to take leave of van der Lubbe.

Of all the thousands of men who have already paid with their lives for the coming in Europe of Adolf Hitler - Spaniards, Czechs, Poles, Austrians, German soldiers, Hitler's own closest friends and supporters - none offers a more tragic figure than this befuddled, friendless, homeless, wandering, half-blind vagrant, picked up by someone, somewhere, on a German country road or in a mean street of Berlin to be thrust, first into the dark Reichstag, and then into the dazzling glare of a world-famous trial. One glance at his pictures tells more than any words of mine.

He was sentenced to death. Beheaded. He was one of the first victims of the headsman, resurrected by Hitler's Germany. That head, with the injured eyes and the slavering mouth, which might yet, one day, have been cleared enough by expert medical treatment to reveal the secret of the Reichstag, fell into a sawdust-filled basket.

Dead men ...

But this dead man *might* yet have told a tale. From his grave the truth might yet have spoken - to convict those who killed him. An autopsy might have shown what drug was being used on him, might have explained those 'voices in his body' which told him what to do.

His relatives, in Holland, asked for his body. It was refused them. van der Lubbe lies in a nameless grave in Leipzig.

WAY THAT WAS DARK

The Reichstag fire broke out soon after 9 o'clock in the evening. The moment was propitious, as I have explained, because the incendiaries could count on peace between when the postman emptied the Reichstag letter boxes, and 10, when an official made a duty round of the buildings; during those 65 minutes it was empty and unwatched.

At 8 p.m, four of the five portals of the Reichstag were closed, leaving only the Northern Entrance, Number Five, open; there a porter, Albert Wendt, was on duty, who will play a decisive part in this narrative. Thanks to him, the truth *did* actually show itself - quickly to be ejected - on the floor of the Supreme Court.

Between then, when the postman passed the open door of the main session chamber (the incendiaries may already have been crouching inside it in the darkness) and 9.14, when the first fire alarm was given - nineteen minutes - the large quantities of combustible material had to be carried in, distributed, and ignited. At 9.14, incidentally, the fire was already blazing furiously.

The large number of incendiaries - the Supreme Court admitted that they were many - could not have filed in openly from the street, bearing their burdens. Wendt would have seen and stopped them; people in the streets outside would have seen them.

There was only one other means of getting in. They worked in ways that were dark - and appropriately chose an underground tunnel. It was ideal for their purpose. It entered the Reichstag in the cellars beneath the Session Chamber, which also had, beneath the speaker's tribune, a little door leading down to those cellars. In the other direction, it ran below the street and had two exits - one in the official residence of the President, or Speaker, of the Reichstag, who was Hermann Göring; and the other in the Reichstag engine-house, behind the Speaker's residence. In the engine-house were the boilers which operated the Reichstag heating-plant; the official business of the tunnel was to carry the heating-pipes, beneath the street, across to the Parliament building.

The use of this tunnel by the incendiaries is a historical joke, for Paul Wallot, the architect of the Reichstag, built the engine-house 150 yards away, and connected the two by a tunnel, 'in order that there should be no source of fire within Parliament itself!'

That the incendiaries used this tunnel is beyond human doubt. By no other means could they have transported, unobserved, the masses of inflammable material they needed to the Session Chamber. Hermann Göring, to whose official residence on the other side of the street the tunnel led, in his evidence in court blandly stated his conviction that the incendiaries had indeed used the tunnel - he is a man who likes to take the bull by the horns.

In all human probability, therefore, the student of history will be right who pictures to himself a number of men, breathless and excited, each with a load on his shoulder, gathering in that tunnel soon before 9 p.m. on February 27th, 1933, going through it to the Reichstag, filing up the stairs to the Session Chamber, and laying their bundles on the deputies' seats. And if the student look again, he will see in their midst, with hanging head and vacant eyes, van der Lubbe, shambling along in obedient response to his 'voices'. A few minutes later - and the other dark figures have gone, the grotesque figure of van der Lubbe remains alone, holding a firebrand, at the door that leads from the Session Chamber to the Bismarck Hall. But one of the conspirators was left to see that van der Lubbe fulfilled his task - and when this man turned to run he could not find the way back to the tunnel (the cellars of the Reichstag are a veritable labyrinth) or the iron door had banged to and locked itself, so that he ran frantically about the Reichstag looking for a way of escape.

The identity of this man will transpire later in the narrative. I have been through the tunnel and carefully studied every detail of that night's adventure that became known, and I am convinced that if a second Reichstag Fire Trial be held one day, as the next rulers of Germany well may hold one, this explanation of the fire will prove correct.

For weeks before the fire members of the Reichstag, looking down from their party rooms on the upper floors of the Reichstag upon Hermann Göring's residence and the garden behind it had seen groups of Nazi Storm Troopers inside it. When Göring was there, his own personal bodyguard of SS-men also was on duty there, and the commander of this, one Walter Weber, stated in evidence that he was the first man to go through the tunnel *after* the fire had broken out, at about 9.30 p.m.

Open entry into the Reichstag from the street was impossible because, even if the porter Albert Wendt at Portal Number Five could have been suborned (he was not that kind of man, as the narrative will show) passers-by would have seen the heavily-laden incendiaries.

Of the two entrances to the tunnel from the far side, the unguarded engine-house entrance would have offered an easy means of ingress and escape to anybody having a duplicate key of the engine-house door - but the incendiaries would have had to pass directly beneath the porter's lodge of the Speaker's Residence and the tunnel was floored with loose metal plates which, as I was able to satisfy myself, made a din that must have been heard by him. The entrance to the tunnel from the Speaker's Residence itself was through a door immediately adjoining the porter's lodge and to have used that would have needed, not his tacit, but his open connivance.

Which of these two entrances was used is a matter only of secondary importance. If the porter, Paul Adermann, was suborned (he could not afford to be on any but good terms with Hermann Göring's personal bodyguard, which often shared his lodge with him) the Speaker's Residence entrance may have been used. One of the most remarkable things in an extraordinary trial was Adermann's statement in evidence that on many occasions before the fire he heard unauthorized prowlers in the tunnel; that he reported this and was told to keep 'a strict watch'; and that his 'strict watch' consisted of pasting strips of paper and threads across the two iron doors, so that he might know if they had been opened but though he found them broken on several occasions he never did anything more about it!

On many occasions during the trial such evidence was given, which if pursued was obviously likely to lead straight to the identification of the incendiaries, but the judges of the Supreme Court always succeeded in curtailing the evidence of such witnesses or in diverting their examination to some other subject.

But nevertheless, the geography of the Reichstag, the speed of the conflagration, and the time of its outbreak combined to show beyond doubt that the incendiaries - their identity still unknown - entered the building by the tunnel leading from the house of that National Socialist leader who used the fire as a pretext for the suppression of all enemies, individual or organized, of National Socialism; and for the seizure of absolute power short of the person of the German President, who could not live much longer.

The office of President, or Speaker, of the Reichstag was always a coveted one, bestowing a certain cachet as well as tactical advantages in parliamentary days on the party whose member received it. The National Socialists were jubilant on the day, in 1932, when Hermann Göring received that office from the dying woman Socialist, brought especially from Moscow for the occasion, Klara Zetkin, who presided in virtue of her seniority over the opening session of a Parliament in which the National Socialists had become the biggest party. It was one of their first great successes.

But none, save the conspirators themselves, on that day dreamed of the use to which the official residence of the new Speaker, as distinct from the office, could be put. It placed in the hands of the incendiaries the trick they needed; versed in ways that are dark, the tunnel was a gift to them that enabled them to carry their plans to success, to clinch their hold on Germany, to crush all opposition. By way of a tunnel, National Socialism entered into its kingdom - absolute power over the German Reich.

BURNING QUESTION

Who fired the Reichstag?

I have shown in this narrative how, during the Reichstag Fire Trial, in spite of all efforts to avert this, threads of evidence were repeatedly spun which, if followed, would have led to the National Socialists as the incendiaries - and how these were always promptly cut by the Supreme Court.

Nevertheless, it was impossible under the procedure chosen by the German Government in this matter - which was, to try and stage a plausible representation of a fair, above-board trial, with nothing hidden - to prevent the truth from unexpectedly poking its head into the Supreme Court, to the frantic embarrassment of the red-robed justices, who know better than anyone else where the truth lay and had to give the semblance of judicial dignity to their action in chasing it out of court every time it appeared.

Thus the most extraordinary thing in the whole trial came about: one of the actual incendiaries, as I believe, was named; appeared in court; was given a clean sheet with the least possible amount of questioning; and was quickly and blandly ushered out, all present sighing with relief when he had gone.

In the circumstances of that time it was impossible for writers living in Germany to make plain the full significance of this episode. All they could do was to report it and leave it to the international public to draw the obvious conclusion, but in the mass of news about the trial its importance was actually overlooked and has never, as far as I know, been appreciated. Indeed, in the stress and strain of work at that time I hardly appreciated it myself, nor did I put it in its due proportion in a book I most hurriedly wrote; only in the calm of much later re-perusal and reflection, when I had time to forget the enormous mass of irrelevant, but nevertheless fogging evidence, did I myself fully realize that this incident, quickly passed over and covered up by the court, was the most important thing in the whole trial.

It began when Albert Wendt was called as a witness. He was that night porter at Portal Number Five who came on duty at 8 p.m., when all the other doors were locked, and who was thus the only man who could say who had left or entered the Reichstag by the one open door between 8 p.m. and the time of the fire.

This Albert Wendt was a quiet, almost taciturn but obviously truthful witness, and that can be said of not more than a score of the hundred or more witnesses who were called. Moreover, he knew something that had been carefully kept quiet, something that upset the whole State case against the accused, and he was determined to say what he knew in court. He was a Socialist, a man of many years service at the Reichstag, and one of great courage - for he cannot have been in doubt of the retribution that awaited him outside the court for making this disclosure.

So Albert Wendt, after telling how Torgler, the Communist Parliamentary leader, and two other Communist Deputies left about 8.30 p.m., Scholz, the Reichstag lamplighter, immediately afterwards, and Otto, the postman, at 8.55, after which time he supposed himself alone in the building, 'which no civilian could have entered through my door unobserved', added quietly:

'About 10 p.m., a Deputy, of whose presence I was unaware, left the building and had to prove his identity.'

Nobody, he added, had entered the building through Portal Five since 8 p.m., when he came on duty and was informed by his predecessor, in accordance with regulations, that Torgler and his two

fellow-Communists were the only people left in the building, apart from Scholz. Asked by the Public Prosecutor, 'Then how did this deputy get in, who subsequently left at 10 p.m.?' Wendt answered quietly, 'He did not come in during my time on duty'.

The difficulties of those who, like myself, had to report this trial and sought diligently to detect the truth behind the mountain of fiction, are shown by the fact that the Court immediately glossed over the incident and passed on without even asking for the name of the mysterious Deputy!

Yet the whole structure of the case was based on the allegation that Torgler was the last man to leave the building, and the implication of this was that he had prepared the fire before going. Now, thanks to the information volunteered by Wendt, it was known that another man had been in the building, that he had entered it without being seen (presumably, therefore, by the tunnel), and had left it while the fire was at its height. His name had never been mentioned, though the judicial authorities must have known of him, and when the witness Wendt volunteered a vital piece of evidence the Court did not even ask the name and quickly turned to another topic!

(I may interpolate here that many months afterwards the *Deutsche Allgemeine Zeitung* published the cryptic statement that a man named Albert Wendt, living in Berlin, had died suddenly and mysteriously. This would have meant nothing to the German public, as Wendt's evidence was never published, save possibly, in unintelligible form, in one provincial paper. In the circumstances of that time it was impossible for me, keenly interested as I was, to ascertain whether this was the Albert Wendt of the Reichstag Fire Trial, but this is likely.)

Now the sequel.

A month later, without any previous announcement, the Deputy referred to by Albert Wendt was called to give evidence. He was a National Socialist Deputy for Thuringia, Dr. Herbert Albrecht! Moreover, he had then, in 1933, been a National Socialist for many years, and was one of Adolf Hitler's very earliest supporters; when Hitler's name was still hardly known to the outer world, Dr. Albrecht had been a local Thuringian leader of the then obscure National Socialist Party. Still a schoolboy when the Great War broke out, he had volunteered and gone to the front. Still in his teens when it was over, he fought with the anti-Communist and anti-Separatist Free Corps.

Dr. Albrecht, therefore, was of the very type of fanatical and stick-at-nothing young National Socialist of the World War generation for whom patriotism and anti-Communism were an obsession.

Now, Hermann Göring, in his statements, issued immediately after the fire, accusing the Communists of firing the Reichstag, had mentioned a Deputy who left the Reichstag while the fire was still burning, about 10 p.m., 'hatless, coatless, breathless, excited, as if in flight', and the public had always been allowed to assume that this was Torgler.

Now it transpired that the man who had rushed out of the Reichstag in this hatless, coatless and breathless condition, the very picture of a guilty incendiary - was Dr. Herbert Albrecht, the National Socialist Deputy!

Dr. Albrecht was called to the witness stand and allowed, by a benevolent court, to tell what I think I may now describe as a cock-and-bull story. This is how he explained the incident:

'I was in bed with a cold at a *pension* about sixty yards from the Reichstag and, being told by a maidservant what was afoot, I sprang from my bed with the intention of rescuing important family documents from my locker in the lobby enclosing the Session Chamber.'

(The noise of the fire, as I can testify, was enough to have awakened a dead man six hundred yards from the Reichstag, and it is inexplicable that Dr. Albrecht sixty yards away should have needed to be told that it was burning by a maidservant; it is, to say the least, strange that he should have kept important family documents' in the Reichstag.)

'Then', proceeded, Dr. Albrecht, I entered through Portal Five, collarless and hatless. Someone called to me "Stop. Nobody is allowed to enter" but on showing my Deputy's card I was admitted. The lobby was heavy with smoke but I was able to reach my locker, quickly seized the papers, and rushed out of the Reichstag. I did actually, therefore, as the newspapers said, leave the Reichstag *fluchtartig* [as if in flight]. As I left Portal Five I was hailed by the police and fetched back. I showed my papers and an official told the police-lieutenant "I know him, he's Dr. Albrecht of the National Socialist Party". I was then released and returned to the *pension*.'

From this statement in court it is clear that Dr. Albrecht left the Reichstag in a great hurry, looking just as a man might look who had helped to fire it; found his way of escape cut off; and finally, in panic, dashed out of the main entrance. Because he was a National Socialist deputy, he was allowed to go, in spite of his guilty appearance and incriminating behaviour, and if all had gone well nothing would ever have been heard of him. But the porter, Albert Wendt, was a witness of the incident, and, uninvited, blurted it out in court!

But how did he get in? He stated that he entered by that door, too. Albert Wendt categorically stated that he did not.

Albert Wendt was not recalled; Dr. Albrecht was neither confronted with him nor with his evidence; Dr. Albrecht was not asked to explain the discrepancy, nor was a single question put to him; after telling his story, he was allowed to step down, left the court, and nothing more was ever heard of this matter.

But for Albert Wendt nothing would ever have become known of Dr. Herbert Albrecht and his panic-stricken rush out of the Reichstag.

On his own statement, he, a longstanding National Socialist of the most fanatical type, *did* rush out of the burning building with guilt written all over him.

He never explained how he got in, or rather his statement of the manner of his entry is in such flagrant contrast to the statement *volunteered* by Albert Wendt that it is not worthy of belief; it could only have been rendered credible if he had been confronted with Wendt and if Wendt had then admitted a mistake; the fact that this was not done is in itself an admission of the truth of Wendt's statement and of the untruth of Dr. Albrecht's statement.

This National Socialist Deputy had not entered the Reichstag through the door, or his name would have been on the list handed to Wendt. He must have entered through the tunnel. He is in all probability the man left behind to see that van der Lubbe, the bemazed tool, carried out his task; somehow, his retreat was cut off, and in desperation he finally fled through the public exit.

The second Reichstag Fire Trial, if one be held, will begin with Dr. Albrecht, who in the first one appeared only briefly and, with bowing and scraping, was allowed in honour to depart.

MAKING A MOCK TRIAL

In these few pages I have given, in compressed form, the most important points in the Reichstag Fire Trial, the only things in it that really mattered. The actual trial lasted for more than three months; the court sat, during that time, for 57 days; over a hundred witnesses, some of them from distant countries, were called; dozens of speeches were made; thousands of questions put; millions of words uttered. But out of all that mass of material, after sifting and re-sifting, the only essential things are those I have set out. They show clearly, as I think, how all the paraphernalia of justice was paraded to defeat the ends of justice; how a half-wit, a string-manipulated dummy, was put in the place of villain, condemned and beheaded with an obscene pantomime of solemn retribution; how a man at whom all the fingers of guilt pointed - the real villain of the piece, perhaps - was treated as an honoured and an honourable figure, bowed off the stage by obsequious red-robed justices masquerading as the guardians of the law.

A tragic Punch-and-Judy show, this mock-trial.

I have not troubled, because it is irrelevant, to describe how the other four men in the dock - Ernst Torgler, the German Communist Parliamentary leader, a parlour-Bolshevist; Georgi Dimitroff, Blagoi Popoff, and Wassil Taneff, the three Bulgarian Communists living in exile in Berlin - were able, thanks to the all revealing searchlight of world publicity, to prove their alibis, and thus had, for very shame, to be acquitted. Nor is it worth while to describe at any length the grotesque parade of witnesses that Adolf Hitler's Germany dragged across the floor of the Supreme Court in the effort to bolster up a ludicrous charge against one mental deficient and four innocent men. One of the witnesses, a leading Nazi and Storm Troop commander, Edmund Heines, was a convicted murderer who at his trial had stoutly denied his crime but before the Supreme Court, feeling secure in the National Socialist Reich, boasted of it; six months later he was dead, shot by his Leader, Adolf Hitler. Several criminals serving sentences were brought to testify; they thought to buy their freedom by perjury, but did not reckon with the fierce world publicity given to the trial and retired in ignominious confusion. Men who had served terms in mental institutions were called to tell fantastic tales of conspiratorial meetings with the five accused men in the middle of the Tiergarten, Berlin's Hyde Park. Elderly spinsters who at all times saw plotters all round them and thought they had travelled with van der Lubbe in a lift; gossiping housewives from Berlin, North, who suddenly recalled seeing Torgler on the afternoon of the fire with a portfolio that looked as if it might have been packed to bursting with newspapers (for setting fire to the Reichstag!); garrulous charwomen who had vainly tried to open Dimitroff's trunks in his lodgings - but why continue this tale of perjurers and morons; it is like stirring the contents of a cesspool, and it is only of interest in that it shows the way a mock-trial is made.

Or rather, it shows the way this particular mock-trial was made, for there are more ways than one. The classic country of the mock-trial is Soviet Russia, and there a quite different method is used. There suborned or perjured witnesses for the prosecution are not necessary, because the accused always confess - copiously. Take, for instance, to quote only one example of dozens from the big Soviet show-trials of recent years, the Old Guard Bolshevik Radek, on trial for his life on charges of treason, espionage, sabotage, terrorism and much more before the Soviet Supreme Court in January 1937:

The Public Prosecutor: Were you for a defeat or for the victory of the Soviet Union?

Radek: All my actions in these years prove that I worked for the defeat.

P.P. Were you conscious of these actions?

Radek: I have never in my whole life - save in dreams - committed actions unconsciously.

P.P. And this was unfortunately no dream

Radek: This was unfortunately no dream.

P.P. This was reality?

Radek: This was mournful reality.

P.P. Yes, mournful for you.

And so on, and so on.

The methods by which these confessions are obtained, though they never cease to astonish the outer world, are quite familiar to those who understand the technique of a secret-police state. There is nothing surprising about them. A defendant in one of these trials, Dr. Levine, incautiously gave a glimpse of the methods when he allowed the words to slip out, 'My examiners were threatening to destroy my family'. This is one method.

These terrific confessions leave nothing to chance and are entirely satisfactory to the organizers of the trials, who can always be sure of the verdict. Nevertheless, the preparation of a mock-trial, even under these conditions, is a tricky business, and they slipped up badly once, in 1930, when eight Soviet professors and engineers were charged with sabotaging the industrial enterprises under their control; plotting the armed overthrow of the Soviet Government together with French and British military authorities; and organizing an 'Industrial Party' which was to set up a military dictatorship in Russia after that event. The defendants all confessed everything and one of them, Professor Ramzin, allegedly the head of the 'Industrial Party', even confessed the name of the man who was the Premier-elect of the contemplated post-Soviet Government. This was one P.P. Ryabushinsky, a well-known industrialist in Tzarist Russia.

P.P. Ryabushinsky, however, sabotaged the trial - for it transpired that he had died in Paris several years before the alleged plot and the trial!

This sort of thing is apt to upset the best-laid plans for a big mock-trial. It is, however, only a minor annoyance, for the domestic public of the country concerned never learns of it. The Russian public had its blood curdled by Professor Ramzin's confession, but never was told that the nominated head of the proposed counter-revolutionary government had been dead many years. And these trials are held, first and foremost, to impress domestic, not foreign opinion.

The National Socialists, in their first attempt at staging such a trial, did not imitate the Soviet technique of confessions. They could have done so; even the lion-hearted Dimitroff would hardly have been proof against the methods which can be used. But the German mind has a passion for giving the semblance of 'legality' to every act of violence. Just as Dr. Seyss-Inquart had to 'invite' Herr Hitler to invade Austria; Father Tiso to 'invite' him to protect Slovakia; and President Hacha, even, allegedly to 'invite' him to annex Bohemia and Moravia; so had the Reichstag Fire Trial to be dressed up in all the trappings of impartial justice. The National Socialists cared nothing for the substance, truth, indeed they were concerned to conceal it, but they eagerly grasped at the shadow, 'legality'.

It was an enormous task that ambitious, reckless and ruthless men set themselves; it was their first experience, and they probably did not themselves realize how big it was. Seven months passed

between the fire and the trial, and in that time they thought to build a watertight case which would convince Germany and the world of the guilt of 'Communism' for the Reichstag arson. They did not realize the penetrating power of world publicity.

They began with a simple idea, which was eventually incorporated in the indictment. There must be a Communist incendiary, preferably a foreigner, to expose the international, anti-German nature of Communism; for that part, the puppet van der Lubbe was found in a destitutes' home or in some dark alleyway. There must be a leading German Communist, to show the traitorous nature of the German Reds; for that part, the parliamentary leader of the German Communist Party, Torgler, was selected, and put alongside van der Lubbe in the dock. And there must be foreign Bolshevists, one of them preferably a man high in the councils of the Communist International, to show the direct instigation and complicity of the headquarters of anti-German, anti-National Socialist, Bolshevism - Moscow; for these parts the three Bulgarian Communist exiles, Dimitroff, Popoff and Taneff, were chosen. They had been living quietly in Berlin, known to and watched by the police, and seemed most eligible for the part.

Thus these five men, strangers to each other save that the three Bulgarians were friends, found themselves in the dock. It seemed easy. During the seven months of the police investigation and judicial investigation (on the strength of which the indictment is drawn up by the Public Prosecutor) many other useful ideas cropped up. For instance, a man named Dimitroff had had a part in blowing up Sofia Cathedral in 1923, and nothing seemed more simple than to assume that this Dimitroff was the same man. The assumption was made, and the examining magistrate, who had the five men kept in chains during the seven months of their imprisonment before the trial, told Dimitroff of this and cheerfully assured him that he would lose his head.

Just before the indictment was finally drawn up, and the trial begun, its organizers seem to have realized that the world-wide interest in the trial would lead to immediate exposure if by any chance their Dimitroff were not identical with Dimitroff of the Sofia Cathedral outrage, and reluctantly withdrew this particular plum from the pudding they were making. (At the trial, however, Dimitroff succeeded in raising the point and it was proved forthwith that he was not identical with the other Dimitroff.)

By such means, the fabric of the trial had already begun to crumble before it began, and its organizers were much less happy than they had been. At first, for instance, it was intended also to put in the dock Karl von Ossietzky, the German pacifist who, with thousands of other anti-Nazis, was arrested on the night of the fire, and died after five years of torment in German concentration camps, after being awarded the Nobel Peace Prize. This, too, was found impracticable, and he quietly disappeared from the indictment. Again, one or two leading National Socialists who had been cast for witness-parts - including Colonel Hierl, head of the German Labour Conscript Army, who at first was down to testify against the Bulgarians - fell out of the case.

The last push that destroyed the tottering structure of the indictment, if any were needed, was given by the irrepressible temperament of Dimitroff, in whom the unfortunate organizers of this trial caught a tartar. Nothing, not even Hermann Göring's threats in open court to have him hanged outside it, could stop this fiery man from expressing his fierce contempt for the whole mock-parade of justice and from proving his own innocence.

The sympathy he gained in the outer world was a heavy blow for the harassed organizers of the trial. Since 1934, however, much has happened, and some of them may have been among the German officers and soldiers who met and cordially saluted the Dimitroff Battalion of Soviet troops over the prostrate body of Poland. Dimitroff himself to-day is presumably trying to convince the

followers throughout the world of his Communist International of the wisdom and probity of Soviet collaboration with that National Socialist Reich of which he proclaimed so bitter a contempt.

At the end nothing was left of the indictment and the trial but to behead the man who might have told the truth one day, van der Lubbe.

Whether the trial accomplished the primary object of its organizers - to convince German domestic opinion that it had been saved from a Reichstag-burning Bolshevism is a thing difficult to judge. Many Germans believed from the first that the Nazis had fired the Reichstag, and the trial will not have changed their opinion; as an illuminating incident, I can mention that Otto Strasser, the chief-accused-to-be in the Munich Bomb Trial, was passing the Anhalter Station in Berlin on the night of the fire and, seeing the glow in the sky, asked a taxi-driver what it was, to which he received the answer 'Oh, the Nazis have fired the Reichstag'.

But a large proportion of Germans thrive on the feeling that they are being menaced by some invisible but malignant foe; without this feeling, they are not quite happy; and to these people the trial was meat and drink. Like Tartarin of Tarascon, they see 'them' always lying in wait, and the bloodcurdling tale of Red legions, German and international, crouching to strike on all sides made the strongest appeal to them. To-day, their frame of mind must be one of confusion; but memories are short, and perhaps they have already forgotten how the minions of Stalin, who in 1939 received such affectionate congratulations on his 60th birthday from their Adolf Hitler, in 1933 fired their Reichstag.

TWICE SHY?

Will the Munich Bomb Trial be held? At the first experiment, the Reichstag Fire Trial, the men who organize these things were very badly bitten. Nevertheless, they seem to be preparing for a second attempt.

It is astounding, in view of that unfortunate first experience, how closely, to judge by their statements, they seem to be following the model of the Reichstag Trial. The actors and the names have changed, but otherwise all is the same. The malignant foe is no longer International Communism - but the British Empire.

Now, as then, we have the actual criminal - alleged: an obscure and completely unknown individual. Seven years ago all the world knew of him, until the trial began, was that he was a Dutchman and his name was van der Lubbe. To-day all the world knows is that his name is Georg Elser and that he is a German. Georg Elser, like Marinus van der Lubbe, is supposed to have been the tool of the malignant foreign foe.

Now, as then, we have the German traitor, organizer of the plot in conjunction with the malignant foreign foe. Then he was Ernst Torgler, the Communist Parliamentary leader. Now he is Otto Strasser, once one of Adolf Hitler's closest associates; brother of an even closer associate, Gregor Strasser, whom Hitler had shot; who, unlike his brother, broke away from Hitler, whom he held to have betrayed real National Socialism, years before the triumph of National Socialism; and who since then, in Germany until 1933 and outside Germany after that year, has been Hitler's most active and dangerous enemy, as leader of the 'Black Front' organization, most of the members of which are unknown and hold office in Hitler's army, party and civil service. (Incidentally, I happen to know that Otto Strasser for many months before and after the outbreak of this war sought in vain to obtain a visa for entry to England; it is permissible to assume that the British authorities, at any rate up to the outbreak of war, refused this on the ground that he was an avowed enemy of the ruling regime in Germany.)

Now, as then, we have the representatives of the malignant foreign foe itself. Then, they were the three Bulgarian Communists, who admittedly professed allegiance to Moscow. Now, they are two Britishers, Captain Stevens and Mr. Best, who are described in the German statements as agents of 'the British Secret Service' - the invisible, malignant foe. According to the only British statement made about them they were enticed from Dutch territory to the German frontier by the inducement of peace-parleys with some person or persons unnamed in Germany, and there abducted by armed German agents. The German statements alleged that they were captured while trying to cross the frontier, and that they, in collaboration with Otto Strasser, instigated the Munich bomb explosion.

If that is to be the content of the indictment, the Munich Bomb Trial will be as crazy as the Reichstag Fire Trial, and will resemble it almost as closely as one pea another.

But will there be a Munich Bomb Trial? The Reichstag Fire Trial seemed completely to have destroyed the National Socialist taste for these mock-trials, which are so difficult to prepare. Immediately after that trial, the famous 'People's Court' was created, in which three of the five judges are laymen - army, navy and air force officers, Secret police officials, Storm Troop commanders and the like - and before which trials are heard in camera. The trick of proving innocence avails nothing before such a court. None ever learns what transpires in them - beyond the bare announcement that such and such a man or woman has been sentenced for treason or espionage and beheaded. Were they guilty? Nobody knows. The glare of world publicity does not penetrate to the People's Court.

Since the Reichstag Fire Trial came to its inglorious end, all such jobs have been done by the People's Court, in impenetrable secrecy. The National Socialist regime has never risked a second great Show Trial. It has often promised one - but has always shrunk from the risk of being bitten again. It promised such a trial of Thälmann, the German Communist leader, but this has never been held, and by all account Thälmann, in spite of the reconciliation with Moscow, is still, after nearly seven years, held in German concentration camps. It promised such a trial of Dr. Kurt von Schuschnigg, the Austrian Chancellor, but this has never been held, and Dr. Schuschnigg is still, after nearly two years, held captive on the top floor of the Hotel Metropole in Vienna.

Is the Munich Bomb Trial really to be the second great National Socialist experiment of the kind? It has been promised. The near future will show.

POSTSCRIPT

The outbreak of war and the proclaimed imminence of the Munich Bomb Trial have given me this opportunity, which I keenly desired, to write a brief epitome, based on mature reflection, of the Reichstag Fire Trial; and I have been glad of this because, as I have pointed out, much more of the truth came out during that famous trial than could have been expected and this deserves to be put on permanent record, for the Reichstag fire was a major historical event.

This is, indeed, the first balanced, though greatly abbreviated story, of the trial, for many things conspired to mar the record which I hurriedly wrote at the time and published in the form of a book. First, I wrote it in the small hours of days already overlaid with overwork and during a time and in a country seething with nervous excitement and patriotic hysteria. Secondly, though nearly all the facts are in it, they are too much on a dead level; there was no time to sort out the grain from the chaff, to bring the important things to the front of the stage, and herd the minor ones at the back. Thirdly, there was the unremitting pressure on a hard-driven writer living in Berlin of the National Socialist regime, with its insidious method of vilification in government and private offices in *London*: 'Oh yes, so-and-so is a very able reporter - but of course you know that he is a Red?' Fourthly, and worst of all, was the fact that in England itself a large part of the public simply did not want to hear - and this is not so long ago - anything against the National Socialist regime, and tacked the label 'Much too anti-Nazi' on to every report or reporter that did not attune with this state of mind; and many a writer was sharply made to feel that his newspaper did not wish to 'labour' the shadow side of National Socialism. Caught in a vice between these last two forces, the writer who had no wish whatever to attack National Socialism but knew that his job was to report the truth, just as a bootmaker's job is to make good shoes, was often harassed to the point of distraction. And fifthly, the present writer was at that time too near the picture; his head was so filled, after twelve months of living with the Reichstag Fire and the Reichstag Fire Trial, night and day, that the fire was obscured by the smoke, the facts by the gigantic mass of petty and irrelevant evidence which was heaped on the grave of truth.

So, what with one thing and another, the real story of the Reichstag Fire and Trial, condensed but in its proper proportions, can only now be told, seven years later. This brief account contains it.

[END]