

DOCUMENTING THE THIRD REICH:  
THE STUTZ COLLECTION OF NAZI MANUSCRIPTS

THE cataclysmic defeat which overtook Germany in 1945 resulted in the destruction of a Third Reich which was to have survived a thousand years. For all his frenzied declamations as to the proposed longevity of the National Socialist society he had created, Hitler met his fate in the garden of the Reich Chancellery in the late afternoon of May 1. But the records and archives of Nazi Germany live on: the documents of the regime captured by the Allied forces at the end of the war are unique in volume and in the range of governmental agencies covered. The scholarly works on the Hitler era which have been produced during the past decade have out of necessity been based largely upon these primary sources, and the availability of these materials in the United States on microfilm is of immense value to the student of the period.

Apart from the large archives in London, Munich, and Tel Aviv, surprisingly few collections of manuscripts concerned with the Nazi regime have found their way into research institutions. Undoubtedly much remains hidden in private hands in Germany and it will be some time before the political and emotional climate encourages its appearance. There has recently been presented to the Yale Library, however, an extremely interesting group of Nazi manuscripts formed by Mr. Rolf Stutz. The collection, consisting of 109 individual pieces, is particularly revealing in matters concerned with the solidification of the National Socialist regime, the confrontation of nationalism and the church in Germany during the period, the racial question, Nazi law and the judiciary, and relationships within the Party.

The individuals represented in the collection include members of the top echelon of the Nazi hierarchy: the Führer himself, Hermann Göring (President of the Reichstag and Commander in Chief of the Air Force), Dr. Joseph Goebbels (Reichsminister for Propaganda and Gauleiter of Berlin), Rudolf Hess (Deputy to the Führer until his flight to England in May of 1941), Martin Bormann (Chief of the Nazi Party Chancery), Heinrich Himmler (Reichsführer of the S.S.—Schutzstaffel), Baldur von Schirach (Leader of the Hitler Youth),

Alfred Rosenberg (the philosopher of the National Socialist movement), Albert Speer (Reichsminister for Armament and War Production), Dr. Otto Thierack (Reichsminister of Justice), Dr. Wilhelm Frick (Minister of the Interior and Protector of Bohemia and Moravia), Reinhard Heydrich (Chief of the Security Police), Ernst Kaltenbrunner (Obergruppenführer of the S.S.), and Wilhelm Stuckart (author of the infamous Nuremberg laws). There are also manuscripts of the military leaders (Grand Admiral Raeder, Field Marshals von Blomberg and Keitel), the diplomats (von Ribbentrop, Franz von Papen, von Mackensen), and the early rivals to Hitler's thrust toward supreme power (Ernst Röhm, Gregor and Otto Strasser).

The first two years of Hitler's rule have held a particular fascination for historians of contemporary Germany, for during that period (1933-34) not only was the phrenetic and brutal drama of Nazi solidification played out, but the entire political, social, and moral fabric of a people was exposed to international analysis. By viewing the actions of the various participants in this internal struggle, it was not too difficult for even the casual observer to calculate the nature of the resulting "new order" which was being created in the midst of continental Europe.

Having come to the chancellorship legally, Hitler in 1933 was not without political rivals. His most formidable opposition was undoubtedly Ernst Röhm, leader of the Sturm-Abteilung. Ironically enough it had been Röhm who in bringing the future Führer into contact with the German Workmen's Party had sown the seeds of his personal destruction. Röhm stood by Hitler's side during the turbulent events of the early 'twenties, alternately being in and out of favor with the Party leader. He was eventually rewarded with control of the Sturm-Abteilung, a fighting unit which had originally been established by him to protect Party members. Once in command of this force, Röhm urged upon the Führer the necessity of disbanding the Stahlhelm, an independent para-military veteran's unit, and incorporating his own Sturm-Abteilung into the regular armed forces. The result would undoubtedly have given Röhm control of all armed forces in Germany.

Seeing what his Chief of Staff had in mind, Hitler sought to dimin-

ish Röhm's influence through Party channels. The Stutz collection contains a very revealing letter of August 11, 1933, from Röhm to Dr. Franz Gürtner, Reichsminister of Justice (copies were sent to Hess and Göring), in which he demanded that there be no interference in his control of the Sturm-Abteilung.

I have found in the newspaper a regulation stating that the Standartenführer [unit leaders of S.A. and S.S.] shall be informed about any convictions of S.A. (S.S.) leaders and men by the courts of justice. A long explanation had been added to this regulation reading "that the maintenance of discipline within the S.A. and S.S. had urgently demanded these measures." As much as I am convinced that this regulation was meant to serve the interests of the S.A., still I want to point out that the very way in which the announcement was made can only produce a public opinion quite contrary to the result intended.

I must insist therefore that the maintenance of discipline be exclusively my responsibility and that I alone be responsible for it to the Führer; I have made a point of opposing any interference even on the part of state authorities, although their interference may be based on good intentions.

I respectfully request you to acknowledge my point of view. A report concerning this matter has been sent to the Führer.\*

Röhm's days, however, were numbered. Under pressure from the industrialists such as Krupp and Thyssen, and from the Reichswehr and Hindenburg, Hitler, to secure his position, decided upon the elimination of the so-called radical elements within the Nazi Party. On June 30, 1934, "the night of the long knives," Röhm (because he controlled the Sturm-Abteilung), Gregor Strasser (because he was the spiritual leader of Nazi Party members), and General von Schleicher (because he loomed as the most probable successor to the Chancellorship) were murdered. Otto Strasser, Gregor's brother, escaped into exile. Both Strassers had been active in the Socialist movement in Germany and had nurtured the National Socialist Party through its various periods of incubation. Relations between Hitler and the brothers had become strained during the period of Party consolidation with an ensuing struggle between Socialist aims and entrenched landed interests as well as the personal battle for Party supremacy. The climate of this relationship is illustrated by a

\*Translations of letters and documents in this article have been made by Mrs. Liesel Nolan of the Historical Manuscripts Collection staff.

letter from Gregor Strasser to Alfred Rosenberg, dated from Munich, January 15, 1930:

Owing to the fact that I have been overburdened with work I acknowledge the receipt of your letter of December 23 only today.

I believe that any further written arguments will produce at best the one result that our old battles will lead to a personal conflict which would be extremely painful to me.

I should like to observe therefore only the following: My brother has never visited Salinger's salon; as far as I know Herr Hielscher once published an essay in the N[ational]. S[ocialist]. Letters and apart from this no relations whatsoever have ever been maintained; and Herr Heinz, whose mistake I do not think is that tragic, still appears as an associate only because a change would require an entirely new set-up.

When, a couple of days ago, I heard of the plan for publishing a "N[ational]. S[ocialist]. Monthly Magazine" under your direction, I observed to Herr Hitler and Herr Amann that I thought that the "Letters" would be merged as a matter of course in the "Monthly Magazine."

While Gregor Strasser remained loyal to the Führer, Otto in 1930 founded the Kampfgemeinschaft Revolutionärer Nationalsozialisten and later the Schwarze Front as secret organizations to combat Hitler. He carried on this activity even while in exile. Gregor's continued allegiance was repaid by the mass murder of 1934 noted above. The collection contains, as a melancholy epilogue more than five months later, a letter written by Wilhelm Frick to the Secretary of State in the Ministry of Justice, stating that the Government has decided not to object to the payment to Gregor Strasser's widow by the insurance company of 50,000 marks accident insurance.

As the National Socialist regime achieved political homogeneity, so were law and justice within the Third Reich recreated in the image of the New State. Many manuscripts in the Stutz collection add footnotes to the study of Nazi legal procedure. The codification of terrorism during the early years of the Hitler era was to a great extent the work of Dr. Hans Frank. As Reichrechtsführer and founder of the German Legal Front, Frank proclaimed that all German law should be reformed in the spirit of Nazism replacing a law "Byzantine in origin and partly Jewish in spirit by one that was native and German." His legal philosophy and his political career reached their zenith in 1935 when Frank completed his appointed task of subverting

the administration of justice to one supreme authority based upon the aphorisms "Through National Socialism a German law for a German nation," and "For the first time in the history of the nation, affection for the Führer has become a legal concept."

It is thus almost incredible that, having achieved such a position of eminence in the Nazi hierarchy, Frank as late as 1944 was unable to exert his personal influence to protect his relatives, and remained uninformed about measures directed by the Gestapo against his own family. An interesting letter he wrote on April 3, 1944, while Governor-General of Occupied Poland (to which post he had been appointed by Hitler in 1939, while temporarily out of favor) to Dr. Otto Thierack then Reichsminister of Justice, is only too indicative of the nature of a state governed by individual whim.

I have just received intelligence that my brother-in-law Marjan Bayer, the husband of one of my wife's sisters, died as an inmate at the Vaihlingen prison.

You have probably become familiar with this case and its history in connection with the serious, longstanding problems concerning me and my work which have occupied you as a legal officer. Now, however, the time has come for me to discuss this case with the Führer. I should be grateful therefore if you would provide me with the following details:

- 1) insight into the verdict against Bayer,
- 2) a short outline of the history of the proceedings as seen from your point of view,
- 3) a report on the treatment of Bayer and on his life while he was an inmate of the prison.

According to information so far received, the wife of said Bayer has no doubt committed suicide (she has not been found as yet) on receipt of the news of her husband's death.

Having now been driven to extremities I do not think it especially necessary to mention the seriousness of this case.

For the legal official who in 1936 proclaimed that the "only authority in Germany is the authority of the Führer . . . [and] this authority is indivisible," such an implied questioning of the decision in the case is startling.

The collection contains yet another revealing document as to Frank's position in the Party. During his tenure as Governor-General of Occupied Poland, Frank had as his deputy S.S. Untergruppenführer Löw, who in 1942 had been arrested and given a life sentence

by an S.S. court for embezzlement. In the confidential judgment which had been handed down, the court had intimated that a similar charge could be applied to the Governor-General himself and to his family and friends. Reports of the Löw trial went to both Himmler and Bormann. Dr. Hans Heinrich Lammers, Chief of the Reich Chancery, summoned Frank to explain the matter. When the Governor-General refused to reply, he was informed that Hitler would be told of the case. This brought forth from Frank the explanation that his life of luxury in Poland was necessitated by the hostile attitude of the population and that "only men of a truly patrician disposition can rule in the East." Frank sought to justify his subordinate's purchase of an expensive gold fountain pen in the Warsaw ghetto (intended as a gift to Frank) and the purchase of furs. The revelation of matters of this nature in the circles closest to Frank did not result in his recall from Poland, for it is to be presumed that none of the Nazi hierarchy responsible for occupied territories was guiltless in this area. Frank did offer the Führer his resignation, but this was refused and he continued as Governor-General until the end of the war. The Lammers letter of March 18, 1942, to Secretary of State Schlegelberger, describing Frank's eventual visit and the disposition of the case, presents a candid view of just how such matters were concluded in an authoritarian state.

During the talks between Reichsminister Dr. Frank, Reichsleiter Bormann, the Reichsführer S.S. and myself, it was decided that Reichsminister Frank should give an explanation relative to some questions dealt with in the criminal proceedings against Löw, and that a record should be kept of this explanation. Reichsminister Dr. Frank sent me a photostat of the explanation which I enclose. Would you, please, enter his explanation in your records? I have forwarded another photostat to the Leiter of the Partei-Kanzlei and two photostats to the Reichsführer S.S., one to be kept with his records and the other with the records of the criminal proceedings against Löw. According to our agreement the issues of the gold fountain pen and the purchase of furs are to be considered settled.

I informed Reichsminister Dr. Frank that a record had been kept, as agreed, of his explanation.

While all the letters and documents in the Stutz collection illuminate facets of the day-to-day history of the Third Reich, three individual items record, more than many pages of narrative, the ever-

present terror in the country. A letter of November 18, 1933, written by Himmler to Frank, concerning the death camp at Dachau, may serve as the prologue:

On the second of September 1933, Dachau concentration camp reported the death of the inmate Hugo Handschuch, caused by embolism. According to his own account Handschuch had sent communists into the S.A. in order to disintegrate it in the communist way. One can understand the great agitation which led some S.A. members to beat him up and finally hand him over to the Political Police of Bavaria.

Upon petition by Handschuch's relatives, the authorities for public prosecution in Munich District II instituted preliminary proceedings against the unknown S.A. members (recorded under No. 1858/33).

On the 17th or 18th of October 1933, Dachau camp reported that inmates Wilhelm Franz and Delvin Katz committed suicide by hanging themselves in their single cells. The authorities for public prosecution in Munich District II were dutifully informed about this. Preliminary proceedings were instituted in each case and at first led to the dissection of the corpses.

No matter what may be the outcome of these proceedings, it is highly urgent to give orders that in these 3 cases the proceedings be quashed.

The numerous hearings in court of S.S. members and of private persons which as a consequence become necessary will not only undermine our discipline, but also—and we must definitely reckon with this—supply the foreign countries with new material for their Jewish horror propaganda against Nazi Germany.

Especially for political reasons I ask therefore that you request the Reichsstatthalter of Bavaria to quash the three preliminary proceedings.

A letter written by Göring on July 28, 1937, reflects the constant struggle which Nazism waged against Christianity in general and the established church in particular. It is addressed to the Minister President of Prussia.

I have been informed that the inquiries which have been in process for several months concerning the hostile aspirations of the Confessional Church against the State have indicated that leading persons of this church organization maintain relations with high offices of the regime.

Pastor Niemöller, for example, who has since been arrested, used to boast about his connections with high military and ministerial authorities. Remarks of this kind reveal that the Church has always been especially well informed about the proceedings in the Ministry of Justice.

The inquiries made have shown that Dr. Walter Meier, a judge of the District Court, has been the source of all information.

After the arrest of Pastor Jacobi (which took place some time ago as you know on account of a resolution passed by the Old Prussian Union to publish, contrary to orders of the Reichsminister, the names of those who had left the Church), Pastor Niemöller remarked to a certain Pawels "that he had received a hint from a certain Meier in the Reich Ministry of Justice that the case of Jacobi might be interpreted in a different way. One could say that the publishing of the names was a proclamation from the pulpit inside the church community which the respective persons had left."

It is unnecessary I suppose to point out that such remarks are in no way reconcilable with the responsibility entrusted to a civil servant and they must at least be subjected to disciplinary proceedings.

On the occasion of discussions in the Ministry in the autumn of last year, Judge Meier afforded Pastor Dannemann, head of the East German Protestant Young Men's Association, access to records which concerned preliminary negotiations relative to a contract between Italy and Germany. According to Pastor Dannemann, these records revealed that the Vatican permitted Mussolini to negotiate this treaty with Germany only with the express condition that Germany would promise not to touch the Catholic orders and youth organizations.

An extreme case of violation of professional discretion is another remark which Meier made to the same pastor relative to the especially secret affair of the death of the former director of the District Court, Dr. Weissler.

In connection with this affair—which as I understand is treated as "secret" in your Ministry too—Judge Meier commented to Pastor Dannemann on the inquiries relative to the suicide of Dr. Weissler that it had been necessary to abandon the investigations because the outcome had become disagreeable to the Gestapo.

These facts prove that Judge Meier is in no way adequate to his position, which, in view of the difficulties existing between Church and State, can only be occupied by an official of special reliability and objectivity. Therefore I would like you to take charge of this case and undertake adequate measures.

Finally, a document of April 27, 1943, signed by the Reichsminister of Justice, may serve as an epigraph for the regime that had but two more years to survive. It is headed "Führer Information 1943 No. 155":

A full-blooded Jewess, after the birth of her child, sold her mother's-milk to a pediatrician and concealed the fact that she was Jewish. In a children's hospital babies of German blood were fed this milk. These babies were wronged because mother's-milk of a Jewess cannot be used as nourishment for German children. Apart from this, the impertinent behavior of the accused is an insult. The idea of public prosecution has been abandoned in order not to upset the babies' parents, who are not aware of these facts.

I shall discuss the racial hygienic side of this case with the Reichsleiter for Health Affairs.

The irrationalities, cruelties, injustices, and historic untruths which were part of the very being of the Third Reich are characterized by this document. It is preserved now with the rest of the Stutz collection in the Yale Library as an historic reminder of that terrible era.

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