
Book Review

The Reichstag Fire File

by Gabriele Liebig

Der Reichstagsbrand: Wie Geschichte Gemacht Wird (The Reichstag Fire: How History Is Made)

by Alexander Bahar and Wilfried Kugel
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After the two World Wars, the original documents on the Reichstag Fire of Feb. 27, 1933 lay at first in Moscow, and then in East Berlin; and only since the reunification of Germany have they again become accessible. Alexander Bahar and Wilfried Kugel had already—independently of one another—gone through the 50,000 pages (of fire brigade and police reports, records of the hearings of the investigations, fire experts' opinions, indictment and charging papers, judgments, and stenographic records of trial proceedings), when they became aware of each other and decided to collaborate in bringing out a book. The result is a gripping criminal report of this momentous arson of 70 years ago, its prehistory, the investigations, through the Reichstag Fire trial in Leipzig, the presumed perpetrators, and the unhappy "battle of historians" after the War, which ensured that the "Reichstag Fire file" is still not closed.

Chronology of the Seizure of Power

The motive, and the answer to the question "Cui bono? To whose advantage is it?" shine out of the immediate context of the Reichstag Fire. When one passes before one's eyes the essential steps from Hitler's naming as Reich Chancellor in a coalition government on Jan. 30, 1933, to the coup of the Enabling (Emergency Powers) Law of March 23, it becomes clear that the Reichstag Fire played an essential part in the clockwork running of this program.

The Reichstag was dissolved on Feb. 1 and a newly elected chamber sat on March 5. From Feb. 4, by the emergency law "For the People's Defense," arrest and imprisonment without a judge's order was made possible, and freedom of assembly, speech, and press were drastically limited. On Feb. 17 Göring, as Prussian Interior Minister, in the famous "authority to shoot," directed the police to make use of their service weapons "without regard to the conse-

quences." On Feb. 22, the SA (Storm Troopers), SS (Defense Squadrons, Black-shirts), and the Steel Helmet Brigades were declared to be assisting the police. Chief of Political Police (and later first chief of the Gestapo) Rudolf Diels was ordered, by Feb. 26, to publish lists of all imprisoned opposition figures.

On Feb. 25, the Dutch anarchist Marinus van der Lubbe, who was under constant police surveillance, committed small acts of arson, among others at the welfare office and the city armory. On Feb. 26, an announcement went out to the press that in the cellar of the Karl Liebknecht House, headquarters of the German Communist Party (KPD), had been found "a large quantity of treasonous materials," plans for bloody overthrow of the government among other things. The material was never produced. On Feb. 28, the Prussian Press Service Office added that there were there, supposedly, directions "for the carrying out of terrorism after the Bolshevik model. . . . According to these [directions], government buildings, armories, museums, and businesses essential to life were supposed to be set ablaze."

In the afternoon of Feb. 27, six hours before the fire, Gestapo chief-to-be Diels warned all police service offices in Prussia, via police radiotelegram, of a Communist uprising. All were instructed to prepare "to take Communist functionaries into custody in all cases necessary."

At about 9:00 p.m., the fire in the Reichstag was first noticed by passersby. Göring was already at the site by 9:19. A couple of minutes later, van der Lubbe was apprehended. Goebbels, von Papen, and Hitler rushed to the scene of the crime. Hitler told his friend Sefton Delmer of the *Daily Express*: "God grant that this is the work of the Communists. There are signs of the beginning of a great new epoch in German history. This fire is the beginning. If Europe were to fall under the influence of this communist spirit for only two months, everything would burn like this building."

That very night, 4,000 Communist functionaries and deputies would be arrested. On Feb. 28, Reich President Hindenburg signed the emergency decree "For the Defense of the People and the State," with which fundamental rights were annulled and a state of emergency decreed, which would never be lifted. Thousands were "taken into protective custody"; that is, without legal orders of detention, "primitive concentration camps" sprang up.

Despite these extraordinarily intimidating circumstances, the NSDAP (Nazis) received only 43% of the votes cast in the March 5 Reichstag election. On March 9, the 81 mandates of the German Communist Party were declared invalid, and arrest orders were issued against the deputies who held them. Only thus, on March 23, could the emergency enabling law be passed with a two-thirds majority, over the 91 votes of the Social Democratic Party (SPD) deputies, who had not yet been arrested.

The boycott of the Jews followed on April 1; on April 7, the law for the "Restoration of the Civil Service," which



The calamitous Reichstag Fire set on the night of Feb. 27, 1933, most likely by a Nazi Stormtrooper (SA) commando on Göring's orders, as part of Hitler's dictatorial coup; it is the only 20th-Century historical event comparable, in effect, to the Sept. 11, 2001 attacks on the Pentagon and World Trade Center. Files hidden for half a century are making it clearer how the deed was done, and how its authorship was blurred by "historians' battles" after World War II.

authorized the dismissal of “untrustworthy”—that is, Jewish—officeholders; on May 2, the decree to regiment the trade unions; the burning of the books on May 10; and on July 14, the “Law for the Prevention of Genetically Diseased Births,” which introduced forced sterilization. The calamity took its course.

The key propagandistic event for all of this was, nevertheless, the “signal beacon” of the Reichstag Fire: All the dictatorial measures were grounded in a campaign of fear of an allegedly threatening Communist overthrow.

Reconstruction of the Arson

Bahar and Kugel have, from the evidence and indications at hand, concluded the following: Göring was actively involved in the Reichstag Fire operation; Diels was in on the plan. The action itself was led by SA Group Commander Karl Ernst. An SA special commando had already, some time before the fire, deposited incendiary material (mineral oil, benzine, torches) in the cellar of the Reich President's palace, where Göring resided, or in the underground tunnel which ran from it to the Reichstag building. On Feb. 27 at about 8:00 p.m., a commando of between three and ten SA members penetrated from Göring's palace, through the tunnel and into the Reichstag, and particularly prepared the Plenary Chamber with the incendiary material and a self-igniting fluid, which after a short period of latency, set off the fire. When the SA people were ready, van der Lubbe was brought to the Reichstag at 9:00, where he remained for scarcely a quarter of an hour with the charcoal lighter, shirt-cloth, and other textiles he had brought with him to light a row of little fires on the building threshold. But the Plenary Chamber blazed up brightly only after van der Lubbe's arrest, so that the roof

caved in and the glass cupola burst, while the Nazi prominents were already looking on.

The four fire inspectors' testimonies in the Reichstag Fire trial in Leipzig, all came to the conclusion that there must have been several arsons, and that the Plenary Chamber had been specially prepared. Especially interesting was the chemical analysis of Dr. Schatz, who came to the conclusion that “to set off the fire sources in the Plenary Chamber . . . a self-igniting fluid had to have been used.” He had been able to prove the presence of this incendiary—phosphorus in carbon disulfide—in all 28 fire source locations.

The SA man Hans-Georg Gewehr had previously instructed his storm-troop in the use of this fluid for purposes of political struggles, as in the burning of opponents' placards and signboards. This, he confessed after the war; however, he denied any part in the arson at the Reichstag.

Only van der Lubbe was arrested at the scene of the crime, but “the Communists” were generally blamed. KPD Parliamentary caucus leader Ernst Torgler turned himself in on Feb. 28, was given a Nazi lawyer, was acquitted in the Leipzig Reichstag Fire trial—as planned—and thereafter worked for the Gestapo. At the beginning of March, the imprisoned Bulgarian communists Dimitroff, Popoff, and Taneff were likewise acquitted.

Göring's Gossip

General Halder made this statement (not mentioned in the book) before the Nuremberg Tribunal:

At a reception for the Führer's birthday in 1942, the talk turned to the Reichstag building and its artistic worth. I heard with my own ears, how Göring broke

into the conversation and called out: “The only one here who really knows about the structure of the Reichstag is myself, for I have set it on fire.”

Speaking to reporters the very night of the fire; later as a witness in the Leipzig Reichstag Fire trial; or in 1946 as a defendant before the Nuremberg Tribunal; Göring talked and talked, so that his statements supply the most abundant basis for study of the origins of the Nazis. According to his descriptions of the events of the fire, he must have already been there at about 9:19 p.m. When he saw a man in the Hall making a telephone call, he immediately accused the SPD newspaper *Vorwärts* of spreading the rumor that Reich Minister Göring had set the Reichstag Fire.

The *Frankfurter Zeitung* reported on March 1, 1933 that Göring had briefed the Reich Cabinet on the fire. “People with torches” were supposed to have been seen, “whom the police had not been able to apprehend, because they obviously got away through the underground steam-heating system [of tunnels] between the Reich Parliament and the palace of the Reich President.” This incriminating utterance of Göring’s was not mentioned in any way at the later trial. Instead, Göring allowed himself to provoke the mad raving fits of defendant Dimitroff there.

At a hearing in Nuremberg on Oct. 13, 1945 on the role of Karl Ernst in the Reichstag Fire, Göring declared: “What Ernst denies, I believe, is entirely possible. . . . Ernst played a role in it; I don’t recall who told me that.” Then Göring’s lawyer learned that Hans-Georg Gewehr was still living and could be called as a witness; but at this, his client Göring was not at all pleased: “One has to watch out with such a witness! If the SA itself really burned the Reichstag, that still doesn’t say that I knew anything about it.”

Elimination of Those in the Know

The first wave of deaths to eliminate the accomplices and accessories began immediately after the act. Those killed included, among others, the SA man Karl Rall, the clairvoyant Hanussen, and—van der Lubbe, for whom the standing death penalty for arson enacted on Feb. 28 was made to apply retroactively to acts begun before that date. During the combined trials, the formerly aggressive anarchist became apathetic, as this threat hung over him. On Jan. 10, 1934 he died under the guillotine.

The second wave of elimination of accessories followed on the occasion of the slaughter of June 30, 1934, for which the so-called “Röhm Putsch” supplied the pretext. Not only opponents of Hitler like General von Schleicher and rivals like SA chief Ernst Röhm were liquidated, but also Karl Ernst and his adjutants, who are considered the probable arsonists.

Diels and Gewehr, on the other hand, survived the Third Reich. A great part of this book deals with them. We turn to that now.

How Post-War Historians Chose To Falsify Facts

Today, it ought to belong to general historical education, that 70 years ago the Nazis set the Reichstag on fire with an SA commando, and laid the blame on the Communists, in order to raise a state of emergency on the burning specter of a Communist uprising, eliminate the opposition, and erect a dictatorship—as Bahar and Kugel have described in their book. But whoever now looks into this on the Internet will find, for example, that the Museum of German History, though it does point out the significance of the Reichstag Fire for the Nazis’ seizure of power, nevertheless avoids every piece of evidence or proof of the perpetrators or the instigator of the crime. Obviously the matter remains controversial to this day. Why?

Among other reasons, because since 1959 *Der Spiegel* has conducted a campaign, with the aim of rewriting history and changing the understanding of the Reichstag Fire which was general and dominant at the time of the Nuremberg Trials. On Oct. 21, 1959, this magazine began an 11-part series, “Stand Up, van der Lubbe!” wherein the thesis was presented that not the Nazis, but Dutch anarchist Marinus van der Lubbe, alone, had set the Reichstag on fire.

Rudolf Augstein [*Der Spiegel*’s publisher—ed.] personally wrote the editorial Foreword: “After this *Spiegel* series, there will be no more argument about the Reichstag Fire. There remains no shadow of a proof to keep alive the belief in the complicity of the Nazi leaders. A legend of the century will receive the death-blow; or, to make it clearer, the knife-stroke.” Why did Augstein do this? Bahar and Kugel pursue this in the second part of their book, and this “crime story” is no less compelling than the history of the arson itself.

The *Spiegel* series based itself on a “manuscript of Fritz Tobias.” The now 91-year-old Tobias appeared at the above-noted July 20, 2003 round-table discussion at the Schöneberger City Hall, to paint a picture of the sole responsibility of van der Lubbe, and above all to justify his own role in this campaign. Thus, Tobias emphasized how much it had “injured” him, that at that time, a certain *Spiegel* collaborator named “Dr. Schmidt” had first prepared his manuscript for publication. Of the dark past of this person, he had known nothing. In the course of the discussion, he then explained: the one-time *Spiegel* collaborator was the former SS Major-General Dr. Paul Karl Schmidt (pen-name Paul Carell), who from 1940 was the press chief of the Foreign Ministry of the von Ribbentrop hanged as a war criminal at Nuremberg.

Dr. Bahar quoted from the round-table discussion a secret note from Dr. Schmidt to Ribbentrop’s state secretary, from May 27, 1944, which needs no further explanation: “Based on a sufficient overview of the ongoing action against the Jews in Hungary, I infer, that a large action is planned against the Jews of Budapest. Because of its scale, the planned action

will attract great notice abroad, and will surely form the occasion for a sharp reaction. And between the employment of horror-reports of the usual voices, and also the voices of neutrals, they'll seek riots. And I would therefore urge, in order not to subject ourselves to these things thereby, that external cause and ground for the action be created; for example, explosives in Jewish association halls and synagogues, sabotage organizations, plans for uprisings, attacks upon police, large-scale racketeering with the aim of undermining the value of the Hungarian currency. The keystone of such an action must be an especially flagrant event, upon which one can hang the great police raids."

Just such an expert in Nazi provocations, was thus supposed to make clear to *Spiegel* readers that the Reichstag Fire was *no such* provocation, but rather "a blind accident"—because just on that evening, it occurred to van der Lubbe to set a fire in the Reichstag.

The Case of Rudolf Diels

Not all perpetrators and accomplices of the Reichstag Fire were—like SA Stormtrooper leader Karl Ernst and his adjutants—liquidated on the pretext of the 1934 so-called "Röhm Putsch." The chief of the political police, who set up the imminent mass arrests of Communists six hours before the fire, led the waves of arrests personally, and had the first concentration camps prepared to handle the large numbers imprisoned, survived the Third Reich; just as did his subordinate, the head of the [police] department for "Left extremists," who took active part in the mass arrest actions. We refer to Rudolf Diels and Heinrich Schnitzler, who made their careers in the Third Reich. Rudolf Diels was, in April 1933, the first head of the Gestapo.

Diels recognized that accomplices of the Reichstag Fire action stood in peril of being murdered. So he gathered, as "life insurance," dossiers on the Nazi leaders, with which he could blackmail them if necessary; placed the dossiers abroad, and strewed his knowledge of this information around. Diels was often protected by Göring. In 1943, he even married Göring's widowed sister-in-law. Diels also took care of the instruction of the American Ambassador Dodd and his daughter Martha. In December 1943, while on a stay at a health spa in Switzerland, he met several times with the German vice-consul in Zürich, Hans Bernd Gisevius, who had worked under Diels in the Gestapo for six months in 1933. Now, Gisevius was among the agents of the American secret intelligence service, the OSS, and belonged to those sworn to the July 20 [1944] plot against Hitler. Diels shared secrets on the Reichstag Fire arson with Gisevius, which the latter used in his book, *To the Bitter End*, published in 1946.

In 1945 Diels was arrested and interned in Hanover, agreeing to work for the Anglo-American military government, and served as a witness for the prosecution (and later also for the defense) at the Nuremberg Tribunals. The American



Rudolf Augstein, postwar publisher of the German mass-circulation magazine Der Spiegel, used the magazine for an aggressive campaign to re-write the history of the Reichstag Fire, making it into an arson by a lone anarchist, rather than a Nazi provocation to seize emergency powers.

military intelligence service CIC counted him as "a great manhunter," and "in the sphere of the fight against the Communists . . . as one of Europe's greatest specialists."

When Gisevius was questioned about the Reichstag Fire by U.S. Chief Prosecutor Robert Jackson during the Nuremberg Trials, he answered that Goebbels had developed the idea. Göring agreed and undertook the task of putting the blame on the Communists. The most important incendiary material, he said, was a self-igniting tincture. An SA operative named Rall was afterwards "on the order of Gestapo chief Diels, murdered in the vilest manner," and other SA men had been killed on the occasion of the "Röhm Putsch." Gisevius specified one further perpetrator by name: Hans-Georg "Heini" Gewehr.

Robert Kempner, the Nuremberg Tribunal prosecutor of German origin, reported on a radio interview with Diels on July 15, 1946: "According to Diels' understanding, the Reichstag was burned down by the Berlin SA with help from Goebbels, and Göring was in accord with the results." But in his memorandum of 1949, Diels retreated back to the line: "I myself already believed a few weeks after the fire, and until 1945, that the National Socialists were the arsonists. Today, I no longer believe this."

Yet in 1957, Diels changed his line yet again and charged, exactly like Gisevius, an SA Commando under the leadership of Karl Ernst and Hans-Georg Gewehr with setting the fire in the Reichstag, with the help of a self-igniting fluid. After an hours-long interview with Diels, the journalist Curt Riess (under the pseudonym Brandes) published in *Stern* magazine, as did Friedrich Strindberg in *Weltbild*, in November 1957, several-part series of its contents concerning the Reichstag Fire. On Nov. 18, Diels died in a "hunting

accident”: a blast of shot, fired from immediately at his elbow, tore open his abdomen.

Augstein Rewrites History

Bahar and Kugel have found out that Diels and his former subordinate Schnitzler, even while both had de-Nazification proceedings underway, were in regular correspondence, so that their justification stories would agree with one another. Diels also stood in correspondence with Augstein’s brother in Hanover, as he openly recounted. For by 1949, Diels was able to publish his highly history-falsifying postwar apology in a nine-part series in *Spiegel*, with the title “The Night of the Long Knives . . . Did Not Take Place.” Diels’ memoir appeared in book form in 1949 in Switzerland under the title, *Lucifer Before the Door: The First Chief of the Gestapo Speaks*.

In the book, Diels notes “his colleague Schneider” also to be in the midst of publishing a description of the Reichstag Fire. This “Schneider,” who was revealed in 1956 to be Diels’ Gestapo collaborator Schnitzler, had, at the beginning of 1949, in the periodical *New Politics* of the National Socialist collaborator Wilhelm Frick, published an anonymous series, “The Reichstag Fire From Another Viewpoint”—in which, for the first time, the thesis of the sole perpetrator van der Lubbe was set out, and the Nazis, namely Diels, were washed clean of any guilt.

In 1956, Dr. Richard Wolfe published a new research report, “The 1933 Reichstag Fire,” in which he, on the basis of the evidence, came to the conclusion that only the Nazis could be considered as perpetrators. Diels died in 1957 after he had begun to unburden himself. Then in 1959, *Der Spiegel* brought out the series based on Fritz Tobias, and first worked up by Ribbentrop’s former press chief. At this, Gisevius could not remain silent, and announced his desire to speak out with a four-part contribution for *Die Zeit*, “Reichstag Fire in the Trick Mirror” [a pun against *Spiegel*, “mirror” in German]. He accused anew Hans George Gewehr as the primary perpetrator and made it known that the latter was alive in Düsseldorf. Augstein foamed in *Spiegel*: How could Gisevius dare. . . .

Gewehr had escaped from an internment camp, had lived for some years under false names (Jäger, Schäfer), and now ran, with a partner, the architectural firm Gewehr-Morisse. The Düsseldorf public prosecutor conducted an investigation against Gewehr on suspicion of arson in the Reichstag building, which, however, would be suspended in 1961. And now Augstein made himself the lawyer for this Nazi criminal and recommended to Gewehr that he demand a recantation from Gisevius. Gewehr’s complaint against Gisevius ran through several court proceedings and led to a partial success for Gewehr, which he—again on Augstein’s recommendation—used for a suit for damages against Gisevius, the editor-in-chief of *Die Zeit*, and its publisher, Henri Nannen GmbH. In the end, Gisevius was financially ruined, while

Gewehr collected 56,000 deutschmarks in damages.

Proofs and witnesses for Gewehr’s role in the Reichstag Fire no longer exist. Proven, however, is his role as the instigator, while Berlin SA commander, of the anti-Semitic “Kurfürstendamm riots” of 1931, brutal shootings of prisoners in Poland in 1939—for which he was never brought to answer before a judge—and his rise to SS storm troop battalion commander. And Gewehr himself admitted that he instructed his SA commandos in the use of the phosphorus in carbon disulfide solution, used in the burning of the Reichstag. In the judgment of the court of appeals in Düsseldorf on Aug. 6, 1963, the body “in this case, neither established that van der Lubbe was the sole actor, nor that he must have had accomplices. Thus the possibility remains open, that the plaintiff [Gewehr] was among the accomplices. . . . Of the plaintiff, it is even probable that he is the last still-living member of the alleged circle of accomplices.”

In sum, this is also a lesson in “how history is made.” And it must be thought of when these days, in the post-Augstein *Der Spiegel*, one reads vitriolic attacks on Andreas von Bülow and his book on the background to Sept. 11, 2001. The peculiar parallels between the allegedly Communist Reichstag Fire of 1933, and the terror attacks on the World Trade Center in New York and the Pentagon in Washington allegedly planned by Osama bin Laden, are, however, another story.

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