

The Reichstag Trial: A Nazi Defeat

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WHAT is probably the greatest political trial of the Twentieth Century, overshadowing even the Dreyfus case has come to a long-delayed end. The Nazis endeavored to prove in open court, that the four accused set fire to the German Reichstag on the night of Feb. 27, 1933 "as a signal for the Communist uprising"—this endeavor has collapsed. Collapsed in a Nazi-dominated courtroom, in a trial that mocked even the standards of bourgeois civil liberties, where the accused Communists were not allowed to conduct their own defense as they saw fit, where defense witnesses were refused safe conduct to appear and testify, and where obviously perjured witnesses were shielded by the combined resources of the German Supreme Court, the Attorney-General, and the iron ring of censorship around the Fascist Third Reich.

When the curtain finally rose on the stage in Leipzig, after seven months of police investigation and seven successive postponements, the outside world awaited with some misapprehension the surprises planned during these long Nazi preparations. It is a curious but significant circumstance that at the very beginning of the hearings Attorney-General Werner chose the discreet course of refusing to issue the 253-page-long indictment for publication. He held the thick volume in his hands, declaring that it contained the proof of the Communists' guilt, but he did not disclose these proofs.

During the past three months the reason for this curious behavior has become clear. From the trial's very first day the Leipzig prosecutors were on the defensive. They were not trying the men who happened to be in the prisoners' dock; they were putting on trial the organizations and the men who were spreading the truth about the Reichstag fire abroad. They were trying desperately to clear Germany's Nazi rulers of the charge that it was they who set the Reichstag on fire to capitalize the ensuing events for their own political profit.

The Reichstag fire trial is over, and the Nazi court has failed to lift a corner of the veil assiduously thrown about what actually happened. As far as the hearings were concerned only one thing

was proved: the Reichstag did burn. Marinus van der Lubbe, the young Dutch mason's apprentice—a former member of the Communist Party of Holland who had turned Fascist and been expelled from the Party some four years before—had admitted setting fire to the building immediately after his arrest at the scene of the crime. But to drive home the major political charge, on which everything else depends: that it was the Communists, rather than the Nazis, who ordered the firing of the Reichstag, the Attorney-General had to prove the complicity of Torgler and the three Bulgarians: Georg Dimitroff, Blogoi Popoff, Vassil Taneff. All the prosecution was able to prove was that Torgler and the three Bulgarians are Communists—which they never tried to deny. In failing to link the four Communists with the actual fire, the Nazi case broke down utterly. It scarcely required a trial to prove that the four defendants were Communists and hence "traitors" in the eyes of the Hitler government.

In failing to prove that the Communists burned the Reichstag, the Reich Supreme Court was left in the presence of an embarrassing spectre—the Nazis' guilt. For the whole world realized that there was no alternative. Either the Communists were found guilty, or the entire structure upon which the Nazi regime of terror, the countless murders, beatings, night raids and tortures had been erected would lose its moral underpinning.

Why, with dictatorial Nazi rule in Germany, were the four Communist defendants acquitted by this court, which had shown itself so utterly subservient to its Fascist superiors? Only because it had become politically inexpedient for the Nazis to place the heads of Torgler, Dimitroff and their comrades upon the headsman's block. And this political situation had been brought about by two major factors: first, the total collapse of the patchwork of perjury and unsubstantiated hearsay that comprised the prosecution's elaborate case; and secondly, the tremendous wave of indignant protest against the Leipzig farce, that rolled in upon Germany from the four corners of the earth. In the face of this

gigantic manifestation of international solidarity, scarcely equalled even in the Sacco-Vanzetti or Scottsboro cases, and in the face of the pitiful breakdown of the indictment under the relentless questioning of Dimitroff and Torgler—ably supported by the Brown Book and the London International Commission of Inquiry—the Hitler-Goering-Goebbels camarilla was forced to retreat.

For the Nazis, this trial has been a succession of defeats. Planned as the principal political campaign against Communism, it has discredited the Nazis even within Germany. The accused Communists in defending themselves, have turned the courtroom into a forum for the defense of their party, and have pilloried the Nazi regime in all its brutality and blundering. Dimitroff's courageous and masterful cross-examination of the prosecution's witnesses evoked the reluctant admiration of practically every foreign correspondent at the trial. He has given the workers of the world a supreme object-lesson in how a revolutionary conducts his defense before the bar of a hostile class court. His self-possessed bravery, facing Goering in what was possibly the most dramatic scene in the forensic history of the past fifty years, has made him the "secret national hero of Germany," as the semi-official Prague Presse editorially described him. This paper's correspondent reports Nazis in Germany as saying of Dimitroff: "An imposing fellow; pity he isn't a Nazi!" This incident shows the extent to which the Communists' defense at the Reichstag trial has helped undermine Nazi prestige among the German masses, and obviously enough, to strengthen the determination and self-confidence of the anti-fascists working underground in the Reich.

The trial is over, but the acquitted Communist defendants are not at liberty. Torgler will doubtless be tried, together with Ernst Thaelmann and other party leaders, for "high treason." Dimitroff and his Bulgarian comrades face deportation to Fascist Bulgaria, where death sentences have already been handed down against them *in absentia*, with the possible alternative of mere expulsion from Germany, with the