

C O N F I D E N T I A L

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A.-- Fiehler, Karl, Mayor of Munich, member of the Reichsleitung of the NSDAP, SS - Gruppenfuhrer, Member of the Reichstag.

Fiehler is one of the "Old Guard" of the Party who took part in the Munich Putsch of 1923 as a member of the "Stosstrupp Hitler", and who also spent several months in Fortress Landsberg with Hitler. Since 1924 he was a NS member of the City Council in Munich. After the Nazis' assumption of power he was made mayor of the "Capital of the Movement" which office he held until the very day of his flight from Munich. In the NSDAP he served as expert on problems of municipal administration, and in this capacity he was the holder of numerous public offices, which constitute all told an impressively long list. The most important of these were: Chairman of the German "Gemeindetag", chairman of the Office for Municipal Administration of the NSDAP, member of the Academy of German Law. In addition to all this he is the author of countless pamphlets and articles on the subject of NS municipal administration. He belonged to the "Reichsleitung" of the Party since 1927. His honorarium as mayor and his Party perquisites brought him approximately RM 40,000 yearly, in addition to which he paid no rent for his house.

Stripped of all his offices Fiehler emerges as an unimportant looking, frail, trembling little man, who seeks in his explanation of his past and his role in the Nazi Regime to take refuge in the "municipal administration" line: "I personally have never done anything illegal. I have also never done anything contrary to the principles of either German or international Law."

Fiehler insists that, in his capacity as mayor and municipal administrator, he was concerned only with the improvement of administration, housing problems, fostering of the school system, the self-administration of communities, and the modernization of public works. In the execution of his tasks he claims again and again to have run into Party opposition and claims that the Party had frequently interfered "in a most illegal manner" with his work. He maintains that he combatted these conditions constantly and made clear his point of view in countless memoranda and complaints to the Reichs- and Party-Chancelleries.

His office in Munich and his other municipal administrative tasks kept him so busy, he says, that he did not have time to concern himself with political questions and other matters of public life. He states that it is because of this also that he had not the slightest idea of what was going on in Dachau. "The things one hears nowadays are really so shameful - they have nothing to do with National Socialism."

National Socialism as such is not held responsible by Fiehler for the collapse, nor for the misery of the German People, nor for the war, nor for the crimes committed under the Regime. He also regards most of the NS leaders as men of honor like himself, who "all meant everything for the best".

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In his view the war would have been avoidable if the other powers would have shown more consideration for the position of Germany. "Perhaps the German Regime also made mistakes, but the sole guilt for the outbreak of the war most certainly does not lie with Germany."

Fiehler claims that it was only in the very last weeks that he came to the realization that the war could no longer be won by Germany. As late as the 24th of February the Fuhrer is supposed to have said before a specially invited audience of 50-60 persons, among whom Fiehler was, that there still remained very strong reason to hope for a German victory. He said that the situation in the air would change very quickly, as soon as jet-propelled planes would be used in great mass. As a result of this it would be possible to restore equilibrium in the air. In addition to this one could count on a breach among the Allies in the very near future, inasmuch as the Americans could no longer look on while all of Europe fell into the hands of the Bolsheviks and thereby threatened the commercial interest of America. This speech of the Fuhrer gave new courage to his hearers and resurrected their hopes.

The Last Days of Munich: The defense of Munich had never been seriously considered. Even the Reich Commissar for Defense, Gauleiter Giesler, is supposed to have made clear weeks before that Munich could never be defended. The Military Command in the locality are supposed to especially have ordered the demolition of all bridges across the Isar, and also to have undertaken preparations to that end. Fiehler claims that it was his personal service to have prevented this demolition after long and difficult negotiations with the military authorities. - He was opposed to the Gerngross group (FAB) on the grounds that it was "illegal". "These people did not have the right to use the radio station and make statements that were absolutely untrue. Therefore I had to undertake several corrections."

Finally Fiehler comes to the conclusion: "Inasmuch as the Fuhrer is no longer with us, I see no possibility for the execution of municipal-administrative tasks in a national socialist sense. My role apparently finished."

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B.-- Dr. Weyersberg, Attorney General, Chief of the Attorney General's Division of the "Volksgerichtshof".

Dr. Weyersberg, a 57-year old celibate with a bloodless countenance, severe features, and hard, cold glint in his small eyes, reminds one of the portrait of a Spanish Inquisitor. Since May 1933 he has been a member of the Nazi Party, and an official of the Volksgerichtshof since its foundation in April 1934. It was at this time that he was promoted from director of a "Landgericht" to Attorney General. On the 13th of April 1945 W. left Berlin with the mission of forming one or two "Senates" of the Volksgerichtshof in either Bayreuth or Munich.

Dr. W. is very reluctant in making any statements and unwilling to give any information concerning the activities of the Volksgerichtshof "which might injure my erstwhile colleagues or the

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Government whose official I have been". He begged leave not to comment on the Regime, "since one at present really does not know how all this will be judged abroad". Concerning his own activities, W. said that they consisted of examining and signing indictments and judicial opinions. In his department they were concerned mainly with cases from Austria which came to them for trial and adjudication. He claims to have acted only once or twice a year in his capacity as prosecutor.

The Judicial Competence of the Volksgerichtshof: According to the law of 24th April 1934 all acts of high treason, sedition, sabotage impairing the national defense, aiding and abetting the enemy etc. came under the jurisdiction of the Volksgerichtshof. The number of tried cases "ran into the thousands" and the accused were almost without exception "Reichsdeutsche". Death sentences were very frequent, says W.. In previous years every sentence of death had to be laid before the Fuhrer for approval. The Fuhrer at that time frequently exercised his right of commutation. Later sentences of death were presented only to the Reich Minister of Justice.

The basis and practice of the judicial competence of the Volksgerichtshof was "quite legal" according to W.. He further states that the principle "no punishment without due procedure of law" has never been violated by the Volksgerichtshof. The Government had been a legal one and it therefore followed that all laws handed down by it were of necessity legal. "My task as an official was to enforce these laws."

Constitutional State (Rechtsstaat) and Gestapo: Attorney General W. maintains that he never really considered the basis of the Third Reich - whether it was a constitutional state or not. As officials we believed in legality. The fact that the Gestapo assumed the right to arrest thousands of people, to throw them into jails and concentration camps for years or to do away with them - and all this without hearing, without judicial sentence - was indeed a "sore spot". However, these matters did not come under the jurisdiction of the Reich Ministry of Justice, and one was helpless to do anything about it.

W. never listened to foreign radio stations because it was forbidden. "As an official I could not violate any official prohibition." He had believed in a German victory until the very last, "because I believed German propaganda". "How this collapse could ever have occurred - a collapse which one may very well call unique in history - is utterly inexplicable to me to this very day. It would appear that we have been misinformed about a great many things."

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