

# **The Hitler Trial**

**Translated from the Third Reich Original**

*Der Hitlerprozeß*

**by Karl Richard Ganzer**



ADOLF HITLER

## *Publisher's Foreword*

*The Hitler Trial* by Karl Richard Ganzer is translated from the Third Reich original *Der Hitlerprozeß*, which appeared in the September 1939 issue of *Der Schulungsbrief*. It provides a brief, but fascinating, look at that event from a National Socialist perspective.

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Whoever views the history of the Weimar Republic and its countless effort to preserve its existence will find that in the struggle against its domestic enemies it again and again resorted with noticeable clumsiness to measures that in the end benefited these enemies. It struck at its opponent - but it hit him so that he only became harder, more tenacious, more insubordinate and burst the old fronts with a new defiance. The republic perished, because it did not summon up the courage for *ultimate* decisions. When it was still young, it indeed mocked Imperial Germany - but it allowed itself to be saved by counterrevolutionary troops. When it believed itself to be in its peak years, but was already very aged, it removed the shirts from the charging opposition - but it did not find the courage to totally exterminate the opponents. There is not one of its measures that did not suffer from the worst of all political evils, *half-measures*. And there is not more precise proof for the lack of political instinct than the fact that this always the same failure, this always the same indecisiveness, this always the same half-measure could continue to thrive despite all bad experiences through the fifteen long years - to the deserved end.

One must also view the *Hitler trial* in the context of the system's extraordinary inner insecurity in order to grasp it in its full significance. For indeed, on November 9th the rulers had triumphed at the Feldherrnhalle with salvos of fire. And indeed, after this bloody victory the system powers from all camps - from the red and black and bourgeois - came together in a unified front of loudly stressed confidence, but actually just poorly concealed fear. But as self-serving as they again and again confirmed their own glory, as permanently as the National Socialist movement seemed to be mashed and shot up: a single force, the *decisive* force in all history's conflicts, escaped the clever and all too selfcertain deliberations of the „victors“: the *folk*.

For now the new political idea, which had proven for the first time that one could also die for it, sprang like a river of fire into the hearts of countless people who were waiting, hesitating, unbelieving. The folkish movement experienced an upsurge in Bavaria like never before. And opinions were henceforth sharply divided. November 9th had already, in the middle of the great despair of these hours, let one experience how quickly a folk can transform itself, if a great example stirs the slumbering courage and the hidden defiance. In the following weeks as well, the excitement did not abate. Quite the opposite: the more arrogantly the „victors“ of November 9th bragged in their statesmen speeches and the louder their sympathetic press attested their great statesmanship, the more hostile the mood of the masses in broad circles became. An intensive leaflet struggle, combated by the police only unsuccessfully, put the government under the heaviest bombardment for months. The government itself brought up its heaviest guns with its official dispatches, press declarations and large wall posters. A generous influencing of public opinion against the imprisoned leaders of the revolt set in - already many weeks before the trial, which was supposed to clarify the question of guilt unbiased. But while the confidential memos of Kahr, Lossow and Speisser, in which the gentlemen put the blood guilt of November 9th on National Socialism and elevated themselves into heaven as innocents and made the rounds, spreading poison, in the loyal newspaper offices, in the circles of „good society“ and

in all circles of influence and rank, the folk outside remained true in a moving way. Undeterred, Hitler's soldiers sang their old song: „Hitler spirit in the heart must not perish, Storm Troop Hitler will soon be resurrected!“ And even the children, enchanted by the name Hitler in a strange way, found a new version for their counting verses: one, two three, Hitler will be free“ [„Eins, zwei drei, der Hitler, der wird frei...“]

Could one employ police against this? And what did the base agitation publications of the white-blue reactionary, with which one flooded the land, miss here through miscalculation? Say those infamous pamphlets in white-blue jacket, which an anonymous „Veni Vidi“ had written and proved with an introduction, which was ingratiating like a bad sermon and in the process dripping with hidden insults? Hitler was portrayed as the typical ambitious man from lowly origins who had been made megalomaniac through flattery; one of the dead of the Feldherrnhalle, Scheubner-Richrer, was defamed as an adventurous political swindler who from the background fatefully guided the decisions of a hesitant Hitler; Ludendorff was described as the great Prussian militarist who had only come to Bavaria in order to prepare a new war - there was nobody who was not attacked by the poisonous spite of this hidden writer.

Nonetheless: what did such insults count? They just pulled the front of the reliable closer together and incited them to even greater passion in their own struggle. For it was felt clearly enough that no moral, and hence no political, energies stood behind a government that recruited witnesses of the inferior quality of such slanderers.

The first hour of the „victory“, after all, had already proven how unsure and inwardly unstable this government was, how it allowed itself to be ruled by such dangerous half-measures even in its most objective decisions. Already in the night of November of 8th it had boldly banned the NSDAP, the Bund Oberland and the Reichskriegsflagge, and thereby believed it had broken forever the revolutionary movement; but now these organizations had expanded beyond their own independence and merged together into the „Deutschen Kampfbund“, which was its own legal body: but one had forgotten to ban the one who had actually carried the revolt! Should the folk gain confidence in a government that in hours of decision loses its nerve so much that it only knows the language of the machinegun and in its other measures commits half-measure after half-measure? Could the folk continue to give its agreement to a system that accuses its shot down opponent of hostility to the constitution a hundred times on one day and today smashes his organization - but on the next day assures that it would allow him to enter the parliaments unhindered, if he just wishes it. True to parliamentary error, the Reich Chancellor back then announced that the ban of the political parties merely prohibited the outward activity and the organizational union of those who belonged to the banned political parties; it „did not hinder giving expression to political views through election of certain representatives for parliamentary bodies.“ The opponent who had just stood on the whipping-post as the enemy of all enemies – he could march along in the same republic, if he just put up a parliamentary appearance.... The folk has an unerring feeling for the inner strength of an institution that makes political decisions.

I hit just like the Bavarian, so did the government of Ebert-Stresemann as well reveal in its decisions the evil of half-measures, which the healthy sense of the folk never forgives. The „traitors“ had to make all that much greater an impression, who, even if they had failed, had nonetheless always let be surmised that history-shaping energies stood behind their will!

It was no wonder that, in the face of this background of pitiful uncertainty, even more energetic plans that the system rallied to found no echo. Even though the Weimar Republic took action against rebelling communists and Seeckt's emergency decrees had preserved makeshift order, it could still be sensed behind it that there existed nowhere a firmly founded authority under Ebert's rule. Even the sole positive accomplishment of those months, the creation of the Rentenmark [currency], was not able to bestow any superiority on the system; for one knew everywhere that the plans for the security of the totally shaken currency had been worked out by the politicians of the opposite and not by system big-shots such as perhaps Hilferding.

The Bavarian government as well found little support when it strove to demonstrate its security and systemization of its political conceptions with great enterprises. It was quickly proven that after as before the innermost striving of the ruling white-blue regionalism aimed at a loosening of the Reich. Then the suspicion of the National Socialist influenced masses only became greater.

The Hitler revolt had smashed the Reich threatening plans of the separatist reaction. But now it cloaked its old goal in constitutional forms: a few weeks before the court was supposed to decide whether Hitler had committed *high treason*, the Bavarian presented a renewed attack against the Reich's unity in a great memo. It demanded that the governmental sovereignty of the individual states be re-established to the full extent; the Reich's right of sovereignty had to be restricted; even military sovereignty has to be greatly loosened; hence the Bavarian provincial commander should be named and removed only with the consent of the Bavarian government; even „a temporary dispatch of Bavarian troop elements to a non-Bavarian location (!) may only take place with the consent of the Bavarian government“; hence Bavarian troops were to be obligated to the Bavarian government in addition to the Reich government; and if the Weimar Constitution with incomprehensible generosity allowed the individual states to conclude *state treaties with other states*, leastwise *with the Reich's consent*, then this Reich destroying memo wants to allow the Reich the meaningful right of a mere protest, with which nobody concerns himself... Eighteen young Germans had died at the Feldherrnhalle for the winning of a single, solidly unified Reich. But Hitler and his friends had stood up for the strengthening of the Reich in a time of utmost urgency, they sat behind the walls of the Landsberg fortress and waited for the verdict about their „high treason“. But while one treated these rebels for the power and the glory of the Reich like state criminals, one pushed forward wedge after wedge against the Reich structure oneself...

The Hitler trial prepares itself in such a situation, in the middle of a time filled with great tensions, amidst excitement, lack of clarity, in a city that is filled with

political guerrilla warfare with leaflet, poster and press work, but also in a city in which the accused have at their disposal almost no public means of defence against the public attacks of the officials and the pro-system press. For weeks, the masses wait for the scheduling of the beginning of the trial. For weeks they are stalled, comforted, fed uncertain answers to burning questions. For weeks a breathless tension lies over Munich, because each asks how far Kahr wants to still expand his regimen of ban; whether the official influencing of public opinion, of the witnesses, yes, of the court would not finally cease; how the rulers would probably behave in a painful questioning of the witnesses.

For weeks such questions hang in the air unanswered. Then the alarming news suddenly comes that Kahr and Lossow with him have resigned from their offices.

A few days after that the trial begins: „*Against Hitler and associates for high treason and abetting high treason*“.

For a long time it had been a main concern of the Bavarian government whether one would be able to protect the trial against disruptions: so correctly did one assess the folk mood, which viewed the case as the act of a dead paragraph judiciary. After long hesitation, one had nonetheless chosen *Munich* as the trial site. The court was supposed to convene in the same infantry school whose ensigns had marched under the swastika flag on November 8 to the Bürgerbräukeller. The ensigns' dining hall has been transformed into the courtroom.

A few days before the beginning of the trial large posters hang everywhere in the city. They announce the security measures, which the government deems necessary in order to avoid surprises. One reads the sentences with concern and pedantry.

A whole part of the city around the infantry school is put under special law: assemblies of three (!) or more people is *forbidden* here. Photographing or filming is *forbidden* here. Peddling, even newspapers, is forbidden. No political assemblies may be held in the halls in this district; but since the largest halls of Munich lie here - Löwenbräu, Arzbergerkeller, Augustinerkeller and Zirkus Krone - the political assemblies relating to the events in the trial are largely prevented. Furthermore, the whole quarter is under the strictest police observation. All motor traffic is blocked. Violations are punishable with prison. And when on the first day of the trial the residents along the Blumenburgstrasse look out their windows, they even discover that the square in front of the infantry school is barricaded with barbed-wire and chevaux de frise like in wartime. Narrow passages are left open, they are guarded by armed sentries. The sparse visitors who are admitted to the trial, even the reporters, even the women, wait inside the building for a painful body search for weapons...

Munich, the city with the calmest populace, is amazed...

Already many weeks before the beginning of the trial a brisk rush for the available press cards had set in. Special attention had been aroused by the participation

of the foreign press: it was obvious that it did not view the case as a purely legal every or as merely an internal Bavarian matter, rather as a sign of crisis that should provide insight into the inner strength of the Weimar Republic. The press was so strongly represented that only a few rows of chairs remained free for the other visitors.

The *defendants*, with one sole exception, wore civilian clothes, even the old General Quartermaster of the old army. The press noticed uniformly that Adolf Hitler looked around in the courtyard with interest: they had looked forward all too much to seeing a crushed sinner in order to not be amazed now to find him with the free certainty of the attacker. The *press* of the left feels it a provocation that he wears the Iron Cross First Class; but the bourgeois press from the Kahr camp, moved, remains silent that one drags the bravest soldiers, proven leaders, before the judge. And certainly, it is also not an easy office for the chief judge to now have to try these defendants by the same procedure that is also the exact same for chicken thieves. The report with the customary „here“, these ten „traitors“ - *Adolf Hitler*, „author in Munich“, the victor of Tannenberg, *Ludendorff* the highest judge in Bavaria, *Pöhner*, the high Bavarian administrative official *Frick*, the general staff member *Kriebel*, the front officers *Brückner*, *Wagner*, *Weber*, *Röhm*, *Pernet*... They let the banality of this naming pour over them - and then the prosecutor reads the indictment. In whose first sentences *two paragraphs* resound like a symbol: „*The behaviour of the accused constitutes a crime of high treason according to § 81 No. 2 and § 47 of the Reich Legal Code...*“

The reading of the indictment lasts one and one- quarter hours: it is so detailed, it expresses the events under indictment down to the smallest detail. Often it rises to sharply pointed, dramatic portrayals; then it again carefully arranges its accusations together point by point - in the most painstaking effort not to forget a single offense from the plenitude of suspicions. It teams with names and details, with quotes and testimonies, it reveals an amazing effort in the gathering of material - what it lacks, so that it remains poor and meager despite its extensive contents, is something very essential: the understanding for the tremendous necessities of the political situation and the unnameable tensions out of which the deed of November 9th took place. This indictment is down to the smallest detail thought out legalistically. *But that* beyond legal systems there exists a life full of elemental conflicts, this it excludes from its deliberations. That the people of the year 1923 *hunger* and from their distress shout like crazy for some kind of solution, it does not figure in. That foreign claws tear at unprotected German borders, it leaves unspoken. That the threat of the end has grinned over Germany since the ruinous day when the masters of the new German conditions smashed a fighting army and defiled a proud Hag; that shame and rage glowed in proud hearts for years until a *decision* flamed up from these fires, has no room in the cool logic of these legal doctrines. When the accused could still fight out there for their image of a new Reich, their enemies were the many powers of German decay. Now, in this hall, they find themselves before a new enemy: *their opponent is the paragraph* with its claim to regulate according to rigid law *life*, in which since ancient times only the creative passions of great men of deeds are valid.



But when then in the afternoon *Adolf Hitler states his position on the indictment*, with his words he draws precisely the worlds into the field of vision of which the prosecutor's indictment did not have the vaguest idea. With a single blow, the impressions have transformed themselves: no longer the pale shadow of paragraphs and pandects, rather the swaying words of the political shaper dominate in the hall.

Adolf Hitler begins with great calm. But already his first sentence points to a historical tension, which almost nobody in Germany feels yet and in which nonetheless the fate of this republic lies most innately determined: „*It seems amazing that a human being who for almost six years was accustomed to blind obedience now suddenly comes into conflict with the state and its constitution...*“. The decisive problem of the whole post-war period has here in a single sentence been thrust into a bright light: that the prevailing condition of Weimar remains so tremendously distant from a genuine state that it must trigger the rebellion of all truly creative people. Where in Germany did there exist a more passionate will for state and power and clear folk structure than in Adolf Hitler? And where did there exist worse insults and slanders of these highest values of a community than among the Weimar mighty, who had the audacity to cloak themselves with the claims of any genuine state despite their secret hostility toward the state? It was not otherwise: the will for genuine state power and strong public order lived from the start on only among those whom one dragged before the court as national rebels and dangerous desperados. The powers, however, who set themselves up as judges, had never known the creative passion, the strict breeding, the lofty discipline from which the „rebels“ drew their formative energies. They had become great through *treason* against the state; they lived from continued *dissolution* of all order; they practiced an ongoing *subversion* of the community idea. If there existed anywhere in Germany these eternally same values, which were always necessary for the establishment of a state, then solely among the outlawed opposition, which had never accepted the decay. It was no wonder that already just this basic position gave the accused Adolf Hitler immeasurable superiority over the passionless world of the paragraph. It was nonetheless surprising, however, how he immediately exploited this inner superiority for an attack of historical rank. He has just spoken for a few minutes when the fact began to show itself that made this trial become one of the most memorable political trials: namely that the accused who were called to account by a doubtful political system rose up to become merciless *accusers against the same system* and to encounter it with such blows that looking back it loses the moral foundations for its indictment. The speech with which Adolf Hitler is supposed to defend himself becomes a dismissal without pity.

Will he crawl to the cross and disavow his struggle, which, after all, has failed? That is what the wise men in all camps hoped. But each sentence of this speech becomes a grip on the decisive leverage points of German distress; and beyond that, each sentence becomes an attack against the sources of the great decline.

„I came to Vienna as a seventeen-year-old human being and learned to study and observe three important questions there: the *social question*, the *race problem* and finally

the *Marxist movement*. I left Vienna as an absolute *anti-Semite*, as *mortal enemy of the whole Marxist world-view*, as *pan-German* in my political thinking.

„The Marxist movement is a life question of the German nation. By Marxism, I mean a doctrine that in principle rejects the value of personality, which replaces energy with mass and hence has a destructive effect on all of cultural life... Germany's future means the destruction of Marxism. Either this race tuberculosis thrives and then Germany dies off, or it is expelled from the folk body, then Germany will thrive...”.

„The German revolution (of 1918) was a revolution and hence successful high treason [against the state], which, after all, is known to be not punishable... What happened in 1918 in Germany, however, was not high treason, rather betrayal of country, which can never be forgiven. For us, that was a vile crime against the German folk, a stab in the back of the German nation...”

The blows struck home. The Marxist press will howl in a wild chorus. A flow of insults on the following day will be the answer, arrogant, impertinent, with the screaming shamelessness of the exposed. The reporters in the hall jot down the insults for the next day's lead article: „November criminals around Ludendorff, big mouth Hitler, politically bankrupt people, criminal dilettantes...” But the Führer continues to speak.

He portrays the rise of the party from the band of the first seven unknown men. He reports about the creation of the first S.A.: „*For the man who is willing to fight with intellectual weapons, we have intellect, for the others, the fist.*” He glows with rekindled shame over the pitiful bearing of the system politicians in the Ruhr struggle. And he finally comes to speak about Bavaria as well and the national movement under the protection of the Bavarian government authorities: for the first time, the name *Kahr* is mentioned. Hitler's first sentence about him is a verdict: „I became acquainted with Mr. Kahr in 1920. He made the impression on me that he was an honourable official, but that was all.” And after a clear portrayal of the highly tense situation in late summer 1923. including all the essential threads, an equally annihilating verdict over *Lossow* comes out: “A military commander in an army with only seven divisions. Whoever has one division in hand and rebels against his chief, must be determined to take it to the end, or he is a common mutineer and rebel.”

The relationship of the forces which in autumn 1923 wrestled for the fate of Bavaria and Reich, is very sharply outlined. And now the direction of the thrust also becomes visible: for the first time, he refers to the *separatist threat*, in which Bavaria tottered for months: The struggle such as *Dr. von Kahr wages*, is a *crime*, unless one is determined from the first minute on to *integrate* oneself into the German national uprising... The path of *looking around for foreign help* is for every German the most *shameless* one that exists... *Lossow* thought in the Ruhr struggle that there were two possibilities: either to dress the resistance in an energetic form, or, if the thing collapsed, each *individual* state must see how it got through; that would naturally lead to the Reich 's disintegration. Back then, I was very moved inwardly by that; for my

position is: rather be hanged, if Germany turns Bolshevik, than to perish under French saber rule."

They must have been fearful minutes when Hitler spoke about these dangers. And the listeners, moved, again and again felt from his words the desperate struggle that back then had to have been waged for the decisions of the triumvirate Kahr-Lossow-Seisser: how Hitler again and again made attempts to push them back from the Reich threatening plans; how at each discussion he struggled anew for the shared German solution; and how he finally thought he could believe that the three gentlemen were in full agreement with his own direction of will. From the words with which he portrayed the final result of these conferences, from these bitter, disappointed, accusing words, one senses the feeling of salvation that obviously prevailed within him when the unity of views seemed achieved: „The fact was: Lossow, Kahr and Seisser had the same goal as we, namely to eliminate the Reich government in its present international and parliamentary orientation and to replace it with an anti-parliamentarian government. If indeed our whole enterprise would have been high treason, then *Lossow, Seisser and Kahr must have been committing high treason with us the whole time, since during all these months nothing else was discussed than that for which we now sit in the defendant's chair...*".

A movement of amazement passes through the hall. What consequences will these words have?

Initially, they had no other consequences than that they revealed the direction of the second thrust that the accused planned to make in this trial. If the one line of their offensive defence aimed at Bavarian separatism, then this second one followed the daring, yes, adventurous sounding idea of forcing the accusers themselves onto the defendant's seat. The plan is unique. Again and again, Hitler presents it to the court:

„We did not threaten in the Bürgerbräukeller, rather I reminded the gentlemen what they had promised us the whole time, and they offered to draw the consequences, whereby, however, I foresaw that they would go to prison with us, if the thing fails - an opinion, however, that I must correct today... It is impossible that I committed high treason, for that could not lie in the events of November 8th, rather in all the negotiating and bearing of the previous months - and then I am amazed that those who did the same thing as I do not sit next to me... If we committed high treason, then Kahr, Lossow, Seisser and an endless number of others did the same thing. I deny any guilt, as long as my company is not supplemented with those gentlemen who helped prepare things down to the most minute detail!"

The attack continues. A barrage of reprimands, refutations, facts flies at the opponent and covers him. Bit by bit, it has smashed his carefully constructed positions into pieces. The hardest will, the boldest intellect from the front of attackers has already on the first day whipped the charge forward, and the companions only have to make sure to catch up with the charging ardour. The attack had been launched from a quite unfavourable basis. But now it has already penetrated deep into the enemy

zone. Overwhelmed, the observers follow the unaccustomed collision. Their feelings are already leaning toward the leader of the charge, who now at the conclusion of his attack signal declares in triumphant defiance:

„I feel myself as best German who has wanted the best for the German folk.“

It is not possible to subject the justification speeches of the other defendants to a thorough examination. Decisive is that the companions as well without exception charged behind the Führer. Decisive is furthermore the courage of the thinking that dominated them all uniformly. Seldom has the court seen a similar loyalty to one's own deed, which has nonetheless suddenly been declared a crime: not one who does not declare that he would repeat this „crime“ at any hour, because Germany demands that from him. Seldom as well did a group of defendants confront its judges in a similar competition for the responsibility: *Adolf Hitler* had already declared in his speech that he as *leader demanded sole responsibility*. Now his companions claimed responsibility for their own decisions with the same passion. There are no requests for forgiveness. There is only the attack in the same front.

Again and again, both lines of attack in this battle also become visible: the attack against the not accused fellow traitors Kahr, Lossow and Seisser, and the attack against the diverse regionalist tendencies in Bavarian politics.

Most of the accused had for years already played a leading role in Bavarian post-war politics - some as high officials of the state, others as officers, still others as leaders of paramilitary formations, which, after all, since the days of the local militias had also always worked very closely with the political groups around Kahr. Their testimony then put a spotlight on the background of previous Bavarian politics; and again and again they let it be seen that these politics - exactly like the action of the defendants themselves - had been glaringly directed against the Weimar constitution: yes, after all. only the common front against the Weimar system had brought the National Socialist opposition into a unified front with the Bavarian government men. But now that Weimar had the upper hand in the conflict with Hitler, the Bavarian „battle companions“ had defected to the victorious camp. How shameful for them and their political honour the memories of the joint actions against Weimar, the „misfortune“ of yesterday, the „legal power“ of today, is now put to them from all sides - by men, who after November 9th did *not* crawl in homage before the Weimar presidential seat, rather who remained true to the old political conviction and the old oaths and manly words.

*Pöhner*, Bavarian judiciary official, for years in close political contact with Kahr, testifies: „I learned to highly value Kahr, since he, like I, was of the opinion that what had played out in November 1918 had been a crime... I was (on November 8th) very pleased that somebody had finally been found who possessed the courage to pull along with himself the gentlemen who long already planned what the new government in the Reich had long since decided... I do not hide my whole political

position. *If what you accuse me of is high treason – I have been engaged in this business for five years already!*”

And a defence attorney, who asks him whether Kahr in the year 1920 and again in 1922 had taken very illegal paths in order to come to power, receives the answer with laughter: „Yes, I was there, after all!”

Lieutenant-Colonel *Kriebel* jumps to his side as he relates the same matter, where Kahr had ensured himself leadership in Bavaria: „Back then I earned my state coupe spurs.” But *Kriebel* passes a different verdict over the time when Kahr, in possession of power, began to switch to „legal” circumstances: that „Kahr is a man of the open backdoor, who does not draw the final consequences from a decision.” And at the conclusion of his examination, quite agitated: „*I feel no kind of regret to have helped, I am proud that I have done it, because I have long already loathing for men who have spoken with the mouth to do something, but who have never done something*”.

*Robert Wagner*, First Lieutenant in the Reichswehr, also attests of General *Lossow* that he has done nothing other than the struggle against the Weimar constitution, to which he had sworn an oath, and which he brushed aside in a coup d’état manner when he had his own division swear allegiance to Bavaria: „General *Seeckt* called *Lossow*’s action a breach of oath... But we saw in *Lossow* the new Yorck.”

Exactly so docs *Frick* remember Kahr’s very illegal political past, who does not fit his present sudden loyalty at all: „*During the Kapp revolt I got close to Kahr, who on March 13th and 14th played an outstanding role...*”.

All of them then also go into extensive presentations about the days immediately before November 8th. when one conference followed the other and each ended with the realization that Kahr, *Lossow* and *Seisser* wanted to push their already long made break with Berlin to a violent confrontation as soon as the desired opportunity to strike just presented itself. When the examination of the defendants has ended, there can no longer be any doubt that the three winners of November 9th have been hard hit in their present assurances of loyalty: that their loyalty to the constitution, which they now put on display so sedulously, did not always inspire them; that even a few months ago they were totally one with the accused in hostility against the constitution, for whose benefit they now level their indictment. The day’s media waits with suspense, since the most important counterparts of the defendants, the gentlemen Kahr, *Lossow* and *Seisser*, must present themselves to the court as witnesses. This expectation becomes all the livelier when one of the defending attorneys summaries the result of the previous proceedings and then in the process also refers to the various *secret* negotiations that the trial has already brought with it. After all, the public had always been excluded, when „state security” appeared to be threatened by the testimony. But it had again and again been guessed that often enough an incrimination of the three Bavarian government men was connected to these testimonies. Now on the day when witness examination begins, the defence hurls its attacking statement at the court: „*These witnesses, who appear as crown witnesses against the accused, were the wire-*

*pullers of the whole enterprise, so that it is impossible that the people who instigated the whole enterprise now appear as witnesses against those who carried out the enterprise".*

Here the plan is very sharply outlined, according to which the accused led the great campaign for their justification and for smashing the opponent's positions.

But now the examination of the defendants has made yet another main question pops up, which makes the public hold its breath: each of the defendants had in his testimony also supported the *thrust against Reich threatening Bavarian separatism* introduced by Adolf Hitler.

*Ludendorff* wielded the sharpest weapon in this struggle, when he referred to the again and again appearing machinations of the *politicized clergy* - to the lurking spider in the separatist web that spread itself out in Germany. It had been forgotten all too quickly, after all, how closely the *Centrum* had since its existence stood in one front with all Reich threatening forces. And in the confusion of the post-war period it had also been relatively little noted that the leading *Centrum* prelates and leading men of the clergy led *Bavarian Folk Party* had again and again in very incriminating negotiations become involved with the French and with separatists, with conspirators for a new Rhine Federation and with proponents of a Catholic Danube monarchy. *Ludendorff* pulls these dark plans into the light, presents in broad outline their history since Bismarck's days, shows how they become alive again since the November revolt. All the questionable figures of the separatist underworld in Bavaria are conjured up - the Bothmers and Leoprechtings, the Fuchs and Machhaus, the French agent Richert and the French emissary Dard, who let his money flow through all possible dark channels. Kahr's politics are outlined: he spoke „of *strong* states in a strong Reich, while I had spoken of *healthy* states in a strong Reich." The whole dangerousness of this position pops up when the general brands the words of the „temporary separation of Bavaria from the Reich": „I have always viewed the idea of a temporary separation of Bavaria from the Reich as high treason." But the great question about the wire-pullers and beneficiaries of such politics always stands above it. And this question always finds the answer in an old historical realization: „*The creation of a powerless Germany was the result of ultra-Catholic politics such as they put in an appearance at the Reich foundation and then during the world war*".

The general presents example after example. The signal terrifies the separatist and politicized clerical front. From the Cardinal's palace in Munich to the smallest chapel residence, from Rome to San Francisco, the *ecclesia militans* feels hit at a nerve. Its press howls...

This is how the attack unfolds across the broadest front through the defendants when *witness examination* finally begins. The court had already questioned many witnesses about a series of details. Then the day came on which the examination of the *main witnesses Kahr, Lossow and Seisser* will start.

What typifies the testimonies of the three gentlemen is initially an amazing agreement in the testimonies down to individual formulations. One clearly recognizes that shared discussions have preceded, in which the statements were coordinated. Whether it is about the controversial scenes in the Bürgerbräukeller, where Lossow, according to his testimony and that of his companions, claims to have issued the motto „comedy games“; where the talk is about the measures of the witnesses immediately after the Bürgerbräukeller assembly; where the inner stand on the enterprises is put to question at all: in all these statements the testimonies of the three gentlemen betray a careful common revision. Nobody can claim that the gentlemen faced the examination *unbiased*, all the less so, since Kahr namely again and again tries contrary to trial regulations to read his testimony from a brought along memorandum.

But even aside from such individual questions, the gentlemen show a noticeable agreement in the great political line of their presentations. The position of the back then ruling circles on National Socialism itself downright appears in them.

Above all, it is conspicuous that with amazing boldness they equate their own mortal person with the eternity of the *state*. Lossow, aggressively: „If Kahr and the bearers of the state’s power sectors are with all means made despicable, that is not directed against our person, rather against the state idea and the authority of the state. Not Kahr and his companions are injured here, rather the state... Who gave the order to fire at the Feldherrnhalle? I can answer the question exactly: the state gave the order!“

Kahr also gives himself airs: „My activity was devoted above all to Bavarian interests, the preservation of state authority and the establishment of the idea of state power. Only the state and state power may be master in the land and one clearly hears behind that his old self-conscious claim: „But state power is embodied in we!“

Seisser confirms this claim: „Kahr wanted to gather the patriotic forces under his own command, under „unconditional subordination to state authority.“

But they all forget that in November 1923 any state authority was already long smashed to pieces and that any national order and all faith in the folk could only be maintained through the work of the defendants, whom one now endeavoured with all means to portray as criminals against the state.

Kahr’s, Lossow’s and Seisser’s second claim went that they had indeed wanted to form a new government in the Reich, but naturally only in a totally *legal* way. While the defendants again and again portrayed and through witnesses proved that the three gentlemen as well must have thought of a *violent* advance and always instructed the Kampfbund [fighting federation] in this sense, the three gentlemen now claimed that they had always endeavoured for a totally peaceful change of the government in the Reich. A confusing shift of all previously valid political concepts hence then set in: if one had spoken of a „*march to Berlin*“ in 1923, one now explained that as totally harmless, that it was just about a soft „*pressure on Berlin*“ or even just a „*spiritual*

*rejuvenation*"; if one had had speakers from the most diverse associations in 1923 speak all through the land without contradiction of the necessity of a national „dictatorship“ and again and again affirmed this demand, one made these clear and hard words harmless in that one speaks of a „directorship“ that was supposed to be formed back then; if Lossow had declared himself ready for any coup d'état, if it just offered a chance of success, he now defines this clearly violent term with soft formulations, which completely conform to the parliamentary feelings of the Weimar world and could not offend even the most loyal Republican. No concept remains unblurred during the testimonies of the three gentlemen, no shared plan of 1923 unaltered.

For an endless flood of insults and accusation forms the third trait in the examination of the three main prosecution witnesses. Each according to the temperament of the three gentlemen, they pounce more or less vigorously upon the defendants. Kahr weighs his utterances most carefully: he gladly conceals himself in the cloak of contempt put on display, when he, for example, instead of immediately answering one of Hitler's questions, turns to the chief judge as a mediator or even merely addresses the speaker's podium. Seisser formulates his attacks sharply, cleverly concealed, but in a dialectic so insulting that the Führer once mutters the word „shamelessness“. *Lossow*, however, rages around cursing in the courtroom as if he were passing time in a barracks courtyard dressing down a company of recruits. Already during his extensive speak he had coarsely insulted: „I noticed that Hitler lacked the sense of reality, the measure for what is useful and achievable... I often declared that Hitler is not capable of leadership of a dictatorship. But I agreed that he could be the political drummer... Hitler is fixated on the word brutality, I have never heard the word sentimentality from him.“ And when the general must in cross examination answer to even very sensitive questions, he quickly falls into such agitation that he totally loses his nerves. Agitated, biting, barking, he throws his answers at the defence, rattling his spurs he runs back and forth in front of the witness seat, each answer, instead of remaining objective, is seasoned with a raging after-taste. In this mood he then encounters *Hitler* as well, who at various important problems - the question of dictatorship or directorate, about violent march or peaceful „pressure“, about Lossow's participation in the preparations for the universally planned „coup d'état“ - intervenes in the examination with sharply outlined questions. When Hitler attempts to correct that shameful accusation that he broke his word of honour on November 8th, it comes to a clash that has become famous.

Hitler, with concise statement: „November 8th was the execution of a long-discussed plan.“

Lossow: „Seisser has raised the objection right from the start: 'Between us stands your breach of word of honour.' You have replied: 'Forgive me, it is in the interest of the fatherland.'“

Hitler, outraged by the ongoing insults, in sharp attack: „Was that the sentimental or the brutal Hitler, who requested forgiveness?“



Lossow, totally uncontrolled: „That was neither the sentimental nor the brutal Hitler, rather the Hitler with the guilty conscience!”

Hitler, quite agitated: „I need no guilty conscience in regard to breach of word of honour, such as of which Mr. von Lossow accuses me, all the less so, as the only one who broke his word of honour was Mr. Von Lossow, and indeed on May 1st!”

Lossow storms to the door and slams it closed behind him menacingly. The trial is adjourned, because the witness has through his illegal departure removed himself from examination...

The trial escalates to such dramatic scenes several times. Specifically, there are clashes when the public is supposed to be excluded again. That occurs regularly, when the further testimony will in all probability prove things that incriminate the witnesses Kahr, Lossow and Seisser. Regarding the question what was the nature of the enterprise that they themselves planned, nothing has hence been *publicly* determined through the trial.

*Kahr's* examination as well has not provided any decisive *open* answers here. If Lossow had provided a unique example of the attempt with which one could behave so crudely in front of a court, then Kahr presented the equally unique role of a man who in a hardly conceivable manner refused all dangerous answers at all. As soon as he encountered the question of the background to November 9th which proved that he himself and his cronies were most intimately entangled in the anti-republican plans, he held ready the same pitiful answer - dozens of times, with an amazing courage for (light: I cannot remember - or: I am bound by official secrets - or: I am not allowed to say. Dozens of times, tricky questions pelted down on him, and dozens of times, he refuses to reply - an unprecedented image of a lost human being, with lowered head, regrettable victim of his own inadequacies, trembling down to his deepest soul with the feverish wish to just as quickly as possible escape this torture. When his examination has ended the world knows that here a man who once felt himself to be the called representative of the state has collapsed in a humiliating manner with all his great claims...

But this is not the place to deal with the details of the lines of questions to which the witness examination was devoted. Already before the announcement of the verdict, as the decisive result of the trial, the fact came out, which, after all, after an almost ten-year long struggle then experienced the same historical justification, that namely *inner right*, the greater moral weight, the great historical courage for decision and for responsibility stood solely *on the side of the accused*. The representatives of the accusing state had, perhaps with the most honest intentions, defended an inwardly rotten world. Kahr's pitiful fall was a symbol of that, and Lossow's noisy trump playing was only the sign of the weakness of an order that was not firm enough within itself in order to fend off an attack with calm certainty. At any rate, the action-readiness of the defendants showed that the instinct for history-shaping values was more alive

in them than in the called representatives of state authority. *The courageous have always triumphed over the hesitant, straightforwardness over evasion, the man over the bureaucrat.*

Above all, the trial had clarified that the many honour slighting accusations against the Führer and his companions were defamation. It furthermore clarified that the three main accusers had for months in eternal hesitation discussed with the defendants anti-constitutional plans, which the defendants alone in their own way had the courage to achieve. It finally clarified that the actual plans of the three government men were probably aimed at different and highly dangerous final goals than the decisions of the „rebels“; but the final disclosures about precisely this question, the most interesting one of the whole trial, do not lie in the protocols of the public, rather only of the closed proceedings. When witness examination is closed and when the prosecution and defence have tested themselves with sharp juristic weapons, the historical result stands firm: the enterprise of November 8th and 9th *had* to come given the situation back then, it was the release of a tension that had become unbearable, the daring incision into the centre of a ravaging fever that convulsed the body of the German folk. An unspeakable confusion had dominated the period before November 9th, chaos, plans, dissatisfaction, projects, violent, talk. An energetic will intervened sharply into this turmoil - and the tangled, drifting, dangerous forces of unrest and sickness already arranged themselves.

So November 9th had brought clarity in any case. As the day of the announcement of the verdict approached, the *historically* so decisive question does not aim so much at the degree of punishment. It is different: which of the opposing forces will preserve for the future the ability to transform the experiences and knowledge of the year 1923, and the decisions of the trial, into creative impulses for future political formations?

The last days of the trial have provided the answer to this question to every awoken and believing human being. On the 19th day of trial, the prosecutor in an extensive speech gives the basis for the *requested punishment*. On the 24th day of the trial, *Adolf Hitler* in his closing speech once more summarizes for himself and his friends realization and obligation. In the speeches, both opposing historical worlds encounter each other, which will still struggle for ten more years for the final result.

The prosecutor's feelings are conflicting. As a human being, he does not deny how deeply the defendants have moved him in their purity, their affirmation and their national passion. Sometimes it seems as if he wants to affirm his goal with an unconditional Yes. But the office suffocates the moved human being, to represent the prosecution for the state, in a tangle of paragraphs and doctrines, which give no room for human affirmation. Indeed, he admits what was the decisive impulse for the defendants' deed: „Certainly, what happened in November 1918 was a crime of high treason“; and this confession is amazing. Nonetheless, he believes that he should protect the Weimar state: „The Weimar constitution forms the foundation of the Reich. Opposition against the constitution, even if it may appear justified for national reasons, must never lead to one trying to change or eliminate the constitution by force.“ This

speech is dominated by the dangerous doctrine that any political system, insofar as it simply possesses outer power, is also good and God given, inviolable and unalterable. A rigid *formalism* forbids any rebellion, even if it is being ever so necessary for the life of the folk. The bond to a dead constitutional regulation appears more obligating than the burning faith in the future of the nation, which feels this constitutional regulation to be a rope around all its limbs. The prosecutor formulates his demand quite sharply to affirm every right of even an unhealthy governmental condition insofar as it is simply outwardly covered by a constitution: „It is a dangerous illusion, which has formed in the world of ideas of the nationalist activist circles, that everything that happens out of patriotism and in the interest of the national cause is also simply allowed, even if one thereby still so very much violates valid laws and the legal order.“ The naked consequence is clear: „legal order“ stands above the well-being of the folk, even if it would be exploited by a Bolshevik regime...

In contrast, it will remain eternally memorable how *Adolf Hitler* countered this cool doctrine with a *new political faith*. His speech is attuned to a mighty chord: a condition is only good and just, if it serves the folk; a constitution may be legally ever so good: but if it harms the folk, every rebellion against it is sacred right and even more sacred obligation. At the hour when he and his political work were supposed to be smashed, he preached more fervently and compelling than ever before the inalienable right of a betrayed folk for a creative national revolution.

He stands before the count as an *accused*. But every word that he speaks into the hall, into the open hearts of moved human beings, becomes an *indictment*, which passes its verdicts on the strength of historical right. The Germany of the November crime is surrendered to his lashing will.

Has the revolt of 1918 benefited the German folk? Has it through construction and daring formation legalized the fact that it emerged through high treason? The answer, which the speaker draws from an observation of the German present, paints apocalyptic images:

„The failure of the new masters in the economic sphere is so horrible that the masses are driven onto the streets: the soldiers, who are supposed to fire into the masses, however, do not want to constantly shoot at the folk... What all did the revolution prophesize politically? One heard about the folks' right of self-determination, about the League of Nations, about the self-government of the folk. And what came? A world peace on our field of corpses... Self-determination for every Negro tribe, but Germany does not count as a Negro tribe. We have become the pariah in this world. What else are our government organs than the executive organs of our external tyrants? Can anybody say the revolution has succeeded, while the object of the revolution, Germany, perishes?“

Imploring the words, compelling the voice, the hall listens as if enchanted. For weeks, jurists have calculated here brooding, but now suddenly all the distress and the energy, the inexhaustible treasure of faith and the fate of all German desperation are

conjured up in this somber room. The files no longer rustle, diligent pens no longer write thick volumes of protocols, fate itself reckons now through this mouth about the rise and the fall of this struggling folk, whose deepest energies have become awake in these raging words that have the courage to examine, to elevate and to pitilessly reject. He fetches them, the destroyers of German authority, who have done their work since the November betrayal, and his speech threatens:

„The young soldiers stand up, who went to their deaths in Flanders with the German national anthem on their lips, and call: You are at fault that we lie here as victims of your crimes. Then the expellees come, who had been driven out, and accuse... Our proud ships lie on the bottom of the sea and accuse those who helped to destroy the pride of a sixty million folk...”

Yes, he makes himself the executor of the humbled living Germans and the betrayed German dead, and stands large like a judge before the countenance of the nation:

„I accuse Ebert, Scheidemann and comrades of treason against the nation and of high treason. I accuse them, because they destroyed a seventy million folk.”

The words swing over listening Germany like the ring of alarm-bells, like a threat that one day the end will dawn for the powers of German decline a different one than the one they themselves are determined to prepare for the leader of the coming uprising.

For that he has been bestowed the leadership office of the German nation, he knows even at the hour when one will send him behind prison walls. And that more stands behind his claim than a vain personal wish, namely the mission of fate and necessity itself, he affirms with bold freedom: „I take the standpoint that the bird must sing, because it is a bird. And a man who has been born for politics must engage in politics, whether he is free or in prison, sits on silken seat or must be satisfied with a hard bench. The fate of his folk will move him from the earliest morning until late into the night. Whoever has been born to be a dictator, which not be pushed back, rather he wants to, he will, himself push forward... Whoever feels called to govern a folk does not have the right to say: if you want me or fetch me, I will go along. Me has the duty to do it.”

Unforgettable words! The world had expected the imploring gestures of a humbled and broken man, but now it must experience that this persecuted man more masterfully than ever reaches for the leadership of the folk; that his will for power has only become greater. An unbounded certainty resonates in his words: „In my eyes it would be pitiful to plead for something of which I know that posterity will give it to me anyway... What stood before my eyes was from the first day on was to become a thousand times more than a [government] minister. I wanted to become the destroyer of Marxism. And I will fulfil this task!”

For a long time now, this speech has no longer been a speech of justification. It has become a stern affirmation, and now it totally soars to the blaze of a prophecy, devout, unerringly certain in the validity of the proclaimed word:

„The deed of November 8th has not failed. It would have failed, if a mother had come to me and had said: You also have my child on your conscience. But I may assure you: no mother came. Quite the opposite, thousands of others have come and have joined our ranks. That is the visible sign of the success of November 8th, that in its aftermath the youth has arisen like a flood and joins together. That is the greatest gain of November 8th, that it is has not led to depression, rather has contributed to greatly enthusing the folk. I believe that the hour will come when the masses who today stand on the street with our swastika flag will unite with those who on November 9th fired upon us. I believe that the blood will not eternally separate us... The army that we have formed grows faster from day to day, from hour to hour. Precisely in these days I have the proud hope that the hour will one day come when these wild throngs become battalions, the battalions regiments, the regiments divisions, that the old cockades will be pulled out of the dirt, and that the old flags will again flutter up front, that then reconciliation comes at the eternal final judgment of God, to which we are willing to step. Then, from our bones and from our graves, the voice of the court will speak which alone is called on to judge us. For not you, my sirs, pronounce the verdict over us, the eternal court of history pronounces the verdict... That court will judge us, the General Quartermaster of the old army, his officers and soldiers, who as Germans wanted the best for their folk and fatherland, who want to fight and die You may pronounce us guilty a thousand times, the goddess of the eternal court of history will laughingly tear up the prosecutor's request and the court's verdict: for she acquits us!"

When the court pronounces the verdict the following day, the republic has apparently triumphed over the captured high traitors. *Adolf Hitler*, together with *Weber, Kriebel* and *Pöhner*, is sentenced to five years imprisonment. But while the chief judge reads aloud the verdict in the hall, outside on the streets, watched by police lines, thousands and thousands wait for the opportunity to perhaps see one of the convicted men, so that they can cheer him: cheer like only an enflamed folk cheers a victor. The hearts of thousands burn brightly. Each of them carries on his faith. Each of them is an invincible force of loyalty and affirmation. Each of them is an incalculable threat to the condemning republic.

Then one led the „high traitors“ to the fortress at Lech. And the victors were happy that the bearers of German unrest would supposedly for years be shut off from the only places where they could have an effect. But again, the calculation proved itself wrong. For while the system now proceeded, with all tricks and all terror, to put into effect the *Dawes Plan*, the new pariah pact that one had tried to force upon the folk with golden talk, in Landsberg a tenacious will forged new weapons. But behind the walls, a restless prisoner walks up and down and dictates a *book*. A time will come when the system realizes with horror that this book represents a most dangerous weapon: that here the weapons are stockpiled that will smash all old walls; that here the foundation stones are hewn from which one day a new order will rise over

Germany. They still mock and revile, the powers of right and left, the reds and the blacks [conservative Catholic Centrum] and the masters of big business. But with a solemn ardour, in the solitude of his cell, an imprisoned man pieces together the plan that will one day smash the rotten and shape the new. Like from the trumpets of Jericho, it echoes in the Jew related world: Victory, victory, the enemy has been destroyed. But the traders have never known that danger still threatens, *if just one single brave heart carries its faith forward like a flag.*

