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Who Burnt the Reichstag? The Story of a Legend

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The conflagration of the Reichstag provided Hitler with a heaven-sent opportunity. But, writes A.J.P. Taylor, the theory that the Nazis had planned it themselves now appears to be entirely baseless.

Firemen work on the burning Reichstag.

On the evening of February 27th, 1933, the Reichstag building in Berlin was set on fire and went up in flames. This was a stroke of good fortune for the Nazis. Although Hitler had been appointed Chancellor by President Hindenburg on January 30th, the Nazis did not have a parliamentary majority, even with their Nationalist allies.

The Reichstag was dissolved; and the Nazis began a raging electoral campaign. They were still doubtful of success. They badly needed a 'Red' scare. On February 24th the police raided Communist headquarters. It was announced that they had discovered plans for a Communist revolution. Evidently they did not discover much: the alleged subversive documents were never published.

Then came the burning of the Reichstag. Here was the Red scare ready-made. On the following day, Hindenburg promulgated an emergency decree 'for the protection of the People and the State.' The constitutional guarantees of individual liberty were suspended. The Nazis were able to establish a legal reign of terror.

Thanks largely to this, they and the Nationalists won a bare majority at the general election on March 5th; and, thereafter, first the Communist party, and then all parties other than the National Socialist, were made illegal. The burning of the Reichstag was the vital preliminary to Hitler's dictatorship.

Who then committed the decisive act? Who actually started the Reichstag fire? The Nazis said it was the work of Communists. They tried to establish this verdict at the trial of the supposed incendiaries before the High Court at Leipzig. They failed. Hardly anyone now believes that the Communists had a hand in the Reichstag fire.

If not the Communists, then who? People outside Germany, and many inside it, found a

simple answer: the Nazis did it themselves. This version has been generally accepted. It appears in most textbooks. The most reputable historians, such as Alan Bullock, repeat it. I myself accepted it unquestioningly, without looking at the evidence.

A retired civil servant, Fritz Tobias – an anti-Nazi – recently looked at the evidence. He published his results in an illustrated German weekly, *Der Spiegel*, from which I take them. They are surprising. Here is the story.

Shortly before nine o'clock, on the evening of February 27th, a student of theology called Hans Floter, now a lecturer in Bremen, was going home after a day in the library. As he crossed the open space in front of the Reichstag, he heard the sound of breaking glass. He looked up, and saw someone climbing into the Reichstag through a window on the first floor. Otherwise, the place was deserted.

Floter ran to the corner, found a policeman. 'Someone is breaking into the Reichstag.' The two men ran back. Through the window they saw not only a shadowy figure but flames. It was three minutes past nine. Floter had done his duty. He went home to his supper and out of the story. Another passer-by joined the policeman: a young printer called Thaler, who was incidentally a Social Democrat. He died in 1943.

Thaler shouted out: 'Shoot, man, shoot.' The policeman raised his revolver, and fired. The shadowy figure disappeared. The policeman ran back to the nearest police-post, and gave the alarm. The time was recorded as 9.15. Within minutes police poured into the Reichstag. At 9.22, a police officer tried to enter the Debating Chamber. He was driven back by the flames. At 9.27, the police discovered and arrested a half-naked young man. He was a Dutchman called Marinus van der Lubbe.

Meanwhile, the fire brigade had also been alarmed. The first report reached them at 9.13. The first engine reached the Reichstag at 9.18. There were inevitable delays. Only one side-door was kept unlocked after eight o'clock in the evening.

The firemen, who did not know this, went to the wrong door. Then they wasted time putting out small fires in the passages. There was confusion as one alarm crossed another. The full strength of the Berlin fire-brigade – some sixty engines – was mobilized only at 9.42. By then, the whole building was irreparably lost. It still stands, an empty shell.

There was an alarm of a different kind. Just across the road from the Reichstag was the house of its President, the Nazi leader Goering. But Goering had not moved in. The house, or Palace, was unoccupied except for a flat at the top which Goering had lent to Putzi Hanftstaengel, an upper-class hanger-on of the Nazis. Hanftstaengel looked out of his window and saw the Reichstag burning. He knew that Hitler and Goebbels were at a party near by. He telephoned Goebbels.

Goebbels thought this was one of Hanftstaengel's practical jokes and put down the phone. Hanftstaengel rang again. Goebbels checked with the Reichstag and found the report was true. Within a few minutes he and Hitler and a swarm of Nazi attendants were also in the Reichstag.

An English journalist, Sefton Delmer, managed to slip in with them. Hitler was beside himself with frenzy: 'This is a Communist plot, the signal for an uprising. Every Communist official must be shot. The Communist MPs must be hanged.'

Maybe he already saw the advantages. If so, those standing by were all taken in. To them Hitler appeared as a man surprised, outraged, even fearful.

Van der Lubbe was taken to the nearest police station. He was interrogated until three in the morning. Then he slept, was given breakfast, and at 8 a.m. questioned again. He gave clear, coherent answers. He described how he had entered the Reichstag; where he had started fires, first with the aid of four firelighters, then by stripping off his garments and setting light to them.

The police checked his story by going round the Reichstag according to his statement with a stop-watch. They found that it fitted precisely up to the moment of his arrest.

Van der Lubbe was clear about his motive. He had hoped that the entire German people would protest against the Nazi government. When this did not happen, he determined that one individual at any rate should make his protest.

Although the burning of the Reichstag was certainly a signal for revolt – a ‘beacon’ he called it – he had given the signal alone. He denied steadily that he had any associates. He knew no Nazis. He was not a Communist – that is, he was not a member of the Communist party. He was, in fact, a Socialist with vaguely left-wing views.

Van der Lubbe also described his movements during the previous weeks, drifting across Germany from one casual ward to another; he even described the shops where he had bought fire-lighters and matches. Here, too, the police checked his story. Every detail was correct. The police-officers concluded that he was unbalanced, but more than usually intelligent, with an exceptionally accurate sense of place and direction.

His interrogators were experienced men, without political commitment. They were convinced that he was speaking the truth and that he had set fire to the Reichstag all alone. The officers of the fire-brigade were also agreed that, so far as they could tell, the Reichstag had burnt exactly as van der Lubbe said it had.

This did not do for Hitler and the other Nazi leaders. They had committed themselves from the first moment to the view that the burning of the Reichstag was a Communist plot. Whether they believed this, or not, it had to be sustained before the German public.

When van der Lubbe came to trial, four others stood in the dock with him: Torgler, leader of the Communist group in the Reichstag, and three Bulgarian Communists who were living in Germany, one of them the famous Dimitrov.

The trial before the High Court at Leipzig had little to do with van der Lubbe. He had been found in the Reichstag; he had started fires; the case against him was so clear as to be hardly worth making. The public prosecutor and the Nazi government behind him were concerned to pin the guilt on the four Communists. They failed entirely.

Torgler had been in his room in the Reichstag until 8pm. Then he left; witnesses saw him go. All was then quiet in the Reichstag. There was no evidence to connect him with van der Lubbe. As to Dimitrov and the two other Bulgarians, there was no evidence to connect them either with van der Lubbe or with the fire. This was awkward for the High Court judges. They were conscientious lawyers, not Nazis. They would not condemn individuals without evidence. But they were willing to please the Nazi government where no flagrant

injustice to individuals seemed to be involved.

The High Court therefore listened complacently while so-called experts demonstrated that the fire could not have been started by one man on his own. Perhaps the High Court even believed the experts, as judges sometimes do. These experts were not fire-officers, policemen, or fire-assessors. They were professors of chemistry and criminology, who laid down theories about the fire, without even visiting the Reichstag.

Van der Lubbe was in despair. He had meant to shake Nazi rule. Instead, he had consolidated their dictatorship and, as well, involved innocent men. For most of the time he remained broken and detached, his head sunk on his chest. Some people attributed this to drugs. Independent psychologists who examined him thought that there was nothing wrong with him except despair.

Once he came to the surface. For six hours he tried to convince the judges that he had started the fires all alone. He spoke clearly, coherently, accurately. A Dutch observer – himself an experienced criminal judge – was persuaded that van der Lubbe was speaking the truth.

The German judges thought otherwise. With unshakable prejudice, they stormed and bullied. How, they asked, could he withstand the evidence of expert witnesses? Van der Lubbe answered: 'I was there, and they were not. I know it can be done because I did it.'

The High Court arrived at a strange verdict. Van der Lubbe was found guilty, and, though arson was not a capital crime when he committed his offence, Hitler made it so by retrospective law. Van der Lubbe was duly sentenced to death and executed by beheading with an axe.

The four Communists were acquitted, but the judges recorded that van der Lubbe must have had assistants. The Reichstag therefore was burnt by persons unknown; and the Nazis had to be satisfied with the implication that these mysterious persons, never seen and vanishing without trace, were Communists.

Hardly anyone now accepts this verdict. If the Nazis, with all the resources of dishonesty and of the German state, failed to produce any real evidence against the Communists, we may safely conclude that the Communists had nothing to do with the burning of the Reichstag. But nearly everyone accepts part of the High Court verdict. They agree that van der Lubbe could not have set fire to the Reichstag all on his own. And, since his associates were not Communists, who could they be? Who but those who benefited from the fire – Hitler and the Nazis themselves?

Dimitrov already seized on this interpretation while the trial was proceeding. As a good Communist, he was concerned to attack the Nazis, not to save himself. Therefore he hardly bothered to demonstrate his own innocence, which was indeed obvious enough. He grasped at the evidence of the experts, endorsed it, underlined its implications. When Goering was in the box, Dimitrov said to him more or less straight out:

'Van der Lubbe had help. He did not get it from me. Therefore he got it from you.'

Goering found it difficult to beat off this charge without repudiating the expert evidence which the Nazis were putting forward. Hence his almost inarticulate rage.

Nor was this all. German Communists in exile, led by the redoubtable Willi Münzenberg, took up the Reichstag fire as a wonderful instrument for anti-Nazi propaganda. They

published a Brown Book of alleged evidence about it. They staged a counter-trial in London that duly brought in a verdict of guilty against the Nazis.

Münzenberg and his collaborators were a jump ahead of the Nazis. Not only had they the evidence of the experts, demonstrating that van der Lubbe could not have done it alone and therefore implicating the Nazis; they also produced a mass of evidence to show how the Nazis had done it. The vital point here was an underground passage from Goering's house to the Reichstag, which carried electric and telephone cables and pipes for central heating. Through this passage some S.A. men (Brown Shirts) were supposed to have entered the Reichstag.

Then they either soaked the curtains and woodwork in some inflammable material, which caught fire when van der Lubbe set to work; or – in an alternative version – they started the fires themselves. At the last minute, when all was ready, van der Lubbe was pushed through the window by some unknown and unseen companion, there to be picked up by the police.

The compilers of the Brown Book also showed that van der Lubbe, far from being a Socialist of some intelligence, was a degenerate half-wit, and a homosexual prostitute, kept by the S.A. leader, Roehm.

This is the story that we all believed in 1933 and that most have gone on believing from that day to this. The evidence for it has now been examined by Herr Tobias. The result is very like the Sheep's shop in *Alice Through The Looking-Glass*:

Whenever Alice looked hard at any shelf, to make out exactly what it had on it, that particular shelf was always quite empty, though the others round it were crowded as full as they could hold.

Each piece of evidence dissolves when closely examined; yet all the time you have the impression that the rest of the evidence must be solid. Take, for instance, the allegation that the fire-brigades were deliberately delayed. This is disproved by the service-books at brigade headquarters.

Again, nearly all the books say that the records of van der Lubbe's interrogations by the police have mysteriously disappeared. Herr Tobias found them at the office where they had always been – in eight copies. The blackening of van der Lubbe's character was peculiarly unscrupulous. After all, he had done something to show his enmity to the Nazis, which is more than the compilers of the Brown Book had done.

They obtained a statement from a Dutch friend of his. One sentence read: 'I often spent a night in the same bed with him.' There was the proof of his homosexual character. As a matter of fact, the sentence originally went on: '... without observing any homosexual

tendencies in him.’

All the stories about van der Lubbe’s bad upbringing, about his disreputable family, about his lack of friends, were in fact lies, Communist forgeries.

The vital evidence, however, was about the tunnel and its use by the party of Brown Shirts. This evidence was supposed to have been provided by unnamed Brown Shirts who repented and confessed secretly to the Communist exiles in Paris. One Brown Shirt appeared before the counter-trial, muffled to the eyes. This was a wise precaution: he was in fact a well-known Communist, and unmistakably Jewish.

The most important confession was not anonymous. It claimed to be the work of Karl Ernst, Brown Shirt leader in Berlin. Very conveniently it only turned up when Ernst was dead – killed by Hitler in the great purge of June 30th, 1934. Even more convenient, Karl Ernst went out of his way to improve on earlier versions, where these had been shown to be inaccurate.

For instance, the anonymous Brown Shirt informers had confessed that they were led by Heines, another Berlin Brown Shirt chief. Heines was far away from Berlin, making an election speech in his constituency; and this could be proved from the newspapers. So Ernst kindly named himself as leader. Again, the Brown Shirt men said they came through the tunnel. Evidently they did not know that the tunnel was lined with steel-plates and that anyone going through it in ordinary shoes made a noise like thunder; the night-porter would certainly have heard them. So Ernst added the detail, surprisingly left out of earlier accounts, that they all changed into plimsolls.

There was one thing Karl Ernst got wrong. He agreed with the other confessions that the Brown Shirts entered the Reichstag at 8.40 p.m. This had to be the time if they were to do their work before van der Lubbe was pushed through the window at 9.03.

Unfortunately, Ernst – or the Communist forgers – did not know one little event in the Reichstag routine. At 8.45 p.m. a postman came through the side-door to collect the deputies’ mail. On February 27th, he entered as usual; walked through the deserted building; and left at 8.55 p.m. He saw nothing out of the ordinary – no shadowy figures, no smell of petrol or other inflammable liquid.

The worthy postman, in fact, demonstrates the falsity of all stories about the Reichstag which assume that there was anyone present before van der Lubbe broke in at 9.03. It seems equally unlikely that the Brown Shirts could have got in at 9pm and have escaped, their work finished, before the police began to search the building at 9.22.

The mysterious tunnel presents some other odd features. Immediately Goering arrived in the Reichstag building, at 9.35pm, he exclaimed: ‘They [the fire-raisers] must have come through the tunnel.’ He went off with policemen – not with Nazis – to examine it. They

found the doors at either end securely locked.

It was surely risky of Goering to search the tunnel if he was in the plot and knew that the Brown Shirts were on the way out. He and the police might have caught them. On the other hand, it was highly incompetent of the Brown Shirts, if there were any, to lock the doors. They ought to have left some indication of how the supposed Communists came in and went out.

The very fact that no serious evidence was ever produced against the Communists really acquits the Nazis also. For if the Nazis had, indeed, set fire to the Reichstag, they would have manufactured evidence against the Communists – as the Communists later tried to manufacture evidence against them.

All the evidence of the Brown Book breaks down, in its turn, on close examination. After all, it was not designed to be presented at a real trial. If it achieved a propaganda effect against the Nazis, Münzenberg and his assistants were satisfied. The more we look at the story, the clearer it becomes that, whatever else happened that night, no one came through the tunnel. There was no other way to enter the Reichstag, except past the night-porter; or by breaking a window. No one went past the porter. Only van der Lubbe broke a window.

Those who have tried to defend the 'traditional' version are now inclined to admit that there is no clear or satisfactory explanation of how the Nazis got into the Reichstag. But they still point to the evidence of the experts at the trial that van der Lubbe could not have done it alone. Yet this expert evidence is the shakiest part of the story.

The most emphatic expert was a crank distrusted by his colleagues. He claimed to be an authority on a strange 'fluid' which, he said, was necessary for starting fires. He alleged that this 'fluid' had a distinctive smell. No fireman, no policeman, noticed any smell except smoke – no 'fluid,' not even petrol. Against this rigmarole, we can set the solid opinion of the police and of the fire-officers that van der Lubbe's story was perfectly consistent with the facts as they knew them.

At first sight, it seems astonishing that one man could have set fire to this huge building. As a matter of fact, these gaudy public buildings burn easily. Dusty curtains, wooden panelling, high ceilings, draughts under the door – they were made for fires. In 1834 the Houses of Parliament at Westminster were entirely destroyed by fire, simply from one stove-pipe becoming too hot. Or if this be thought an antiquated story, the Vienna Stock Exchange was burnt out in 1956 as the result of one smouldering cigarette-end in a wastepaper basket. Van der Lubbe had over twenty minutes in which to start fires. This was more than enough.

The conclusion is clear. Van der Lubbe could have set fire to the Reichstag by himself; there is a good deal of evidence that he did so; there is none that he had any assistants. Of course, new evidence may turn up to disturb these conclusions. So far, none has done so.

There is one worrying point. The postman left the Reichstag at 8.55. Van der Lubbe broke

in almost immediately afterwards, within a matter of minutes. How did he know when it was safe to break in? The only answer can be: he did not know. We have to assume a lucky coincidence, from his point of view. It is a smaller assumption than that demanded by any other story.

There has been an outcry in Germany, and still more in Communist countries, that Herr Tobias, by making this case, has whitewashed the Nazis. Even if this were true, it would be the fault of those who manufactured the Brown Book, not of Herr Tobias. That is the worst of forgeries: ultimately they come home to roost.

But the new version does not, in fact, acquit the Nazis. Even if they had nothing to do with the fire, even if they genuinely believed that it was the work of Communists, this does not justify their subsequent illegalities and the reign of terror. They remain the evil men they always were.

But the affair should change our estimate of Hitler's methods. He was far from being the far-sighted planner that he is usually made to appear. He had a genius for improvisation; and his behaviour over the Reichstag fire was a wonderful example of it. When he became Chancellor, he had no idea how he would transform his constitutional position into a dictatorship. The solution came to him in a flash as he stood among the smouldering ruins of the Reichstag that February evening.

It was, in his own words, 'a heaven-sent opportunity'; and we can agree with him that it came to him by chance from outside, though hardly from heaven. That is the way of history. Events happen by chance; and men then mould them into a pattern. Van der Lubbe set fire to the Reichstag; but the legend that the Nazis did it will probably prove indestructible.

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