

LAW, JUSTICE, AND THE HOLOCAUST

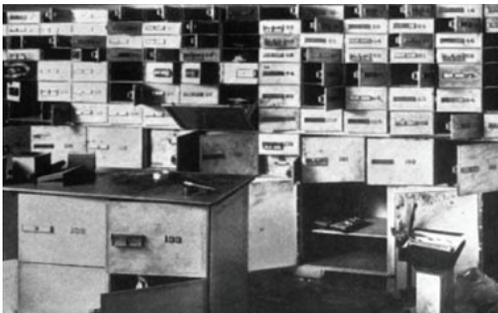
HOW THE COURTS FAILED GERMANY

CASE STUDY

The Sass Brothers and the aftermath of the Discount Bank Robbery in Berlin, 1929



Erich and Franz Sass were suspected of the crime but the police could find no proof.
Moabit District



Inside of the vault of the Discount Bank in Berlin. Thieves forced open numerous safety deposit boxes and made off with the valuables.
January 27, 1929.
Moabit District

In 1928 and early 1929 Berlin was plagued by a series of attempted bank robberies. The criminals broke into the banks at night but were repeatedly stymied by security measures employed by the banks. The criminals left no clues as to their identity, but with every failure their plans became more sophisticated. The crimes were planned with precision and carried out meticulously. The police feared that unless the perpetrators were caught they would soon succeed.

In March 1928, the police got a break. The robbers were interrupted during one of their break-ins and fled the scene, leaving behind a cutting torch used to gain access to the bank vault. Although the criminals had attempted to eradicate the registration number on the torch, police experts were able to raise the number, “409,” and traced it to a torch sold to two brothers, Franz and Erich Sass. While the investigation continued, and despite extensive police surveillance of the Sass family residence, a successful bank robbery occurred using the same methods as the previous attempts.

In January 1929, the Discount Bank on Wittenberg Square was robbed, in one of the most spectacular crimes in German history. The thieves could not get into the primary vault. Instead they ransacked the vault containing almost 200 safety deposit boxes. The thieves had entered the bank through the cellar—they constructed a tunnel from a neighboring house and gained access to the vault through an air shaft. The police estimated the thieves took 1.2-2 million Reichsmarks. The police were unsure of the exact amount because they suspected that the victims underreported their losses because they were hiding assets from the state tax authorities.

The police naturally blamed the Sass brothers for all the attempted robberies as well as the robbery of the Discount Bank since the methods used were so similar. The police investigation even turned up some of the items believed to have been stored in the safety deposit boxes in the possession of the Sass brothers, but none of the owners could specifically identify their property. When the police sought to charge them with the crimes, the police expert could not testify with certainty that the registration number of the torch was indeed 409 and not possibly 400. Thus the vital piece of evidence that led the police to the Sass brothers in the first place was worthless in court. The prosecutor therefore refused to press charges. The brothers were released from jail in April 1929. Although they grew up in poverty and had no means of support, they held a press conference in a fancy restaurant and proclaimed their innocence while accusing the police of mistreating them during questioning. They also announced that they had received offers to make their life story into a feature film. The investigating

officers were infuriated and were now more determined than ever to bring the brothers to justice.

In December 1929, police were alerted to a large mine-like shaft that had been dug in an unused part of a local Berlin cemetery. Nearby was a major bank. The shaft led to a carefully prepared hideout and the police decided to watch and wait for the criminals to return. The police spotted Franz Sass approaching the hideout but he spotted the police surveillance team and fled the area. He and his brother went directly to their lawyer's office. The police later arrested the brothers but could provide no specific evidence to the court. The brothers refused to make any statement other than demanding an immediate appearance before a judge, who was assigned, according to the rules of criminal procedure, to review and confirm all police arrests. Worse for the police, the Sass brothers' lawyer provided the brothers with an alibi for the night in question. They were again released.

A few weeks later the brothers were again arrested. The police accused them of attempting to break through a wall in the cellar of a house; they were carrying what the police described as burglary tools. The brothers claimed they were not trying to rob the house, but just looking for a safe place for their identity papers. The judge ordered them held for 30 days for damage to the property and disturbing the peace. Despite police suspicions, harsher charges could not be upheld; after all it was not against the law to carry burglary tools.

The press coverage of the case humiliated police. On April 30, 1930, for example, one Berlin daily published an article titled "The Sass Brothers Have Some Fun." The article poked fun at police theories in the case and the lack of progress in bringing the robbers to justice. The article stated, in part, "One assumes the Sass brothers are sitting in their dance cell, drinking lemonade and planning to dig mysterious holes in cemeteries..." The police found the ridicule by the press especially bitter. The investigators were made to appear incompetent while the Sass brothers were portrayed as ingenious for using their rights and the rules of criminal procedure to their advantage. The fact remains that not a single charge was upheld against the Sass brothers for the

crimes the police "knew" they had committed. For their part, the police complained about being stymied by the rule of law in their fight against professional criminals. They claimed that crime was on the rise and the guaranteed rights of the accused only impeded the fight against criminal gangs. They saw police authority and that of the state undermined by the ridicule of professional criminals and the soft-hearted response of the courts.

With the Nazi rise to power in January 1933, the Sass brothers decided it would be prudent to leave Germany. They moved to Copenhagen, Denmark. But, in 1934, they were arrested after a series of robberies in the city were linked to them. A Danish court sentenced them to four years in prison for robbery and for traveling under false documents. Contacted by the Danes, police investigators in Berlin searched the Sass brothers' parents' apartment in Moabit District, Berlin, where they found evidence of the brothers' involvement in the Berlin bank robberies. When the brothers were released from prison in March 1938 the Danes handed them over to German authorities. They faced trial in Germany for robbery and under the "Law against Dangerous Habitual Criminals" of November 1933, which did not require evidence linking the brothers to a specific crime for a conviction. A German court sentenced Franz Sass to 13 years and Erich to 11 years in prison in 1940. Despite this verdict, the State Secret Police (Gestapo) took the brothers to Sachsenhausen concentration camp north of Berlin, where they were immediately executed. The official report stated the brothers were "shot while attempting to escape." The official register of the deaths, however, stated simply "shot by order of the *Führer*." The money and property from the Discount Bank robbery has never been recovered.

SOURCES:
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