

THE DISCREET CHARM OF THE POLICE STATE

THE *LANDPOLIZEI* AND
THE TRANSFORMATION OF BAVARIA

1945-1965

JOSE RAYMUND CANOY



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This book is dedicated to my parents.

ABBREVIATIONS

BayHStA	Bayerisches Hauptstaatsarchiv (Main Bavarian State Archives)
BfV	Bundesamt für Verfassungsschutz (Federal Office for Constitutional Protection—the internal political security investigation service of the Federal Republic of Germany)
BLfV	Bayerisches Landesamt für Verfassungsschutz (Bavarian State Office for Constitutional Protection)
BS-1948	“Biographical Sketches” of key Bavarian political leaders and government officials
BstMdl	Bayerisches Staatsministerium des Innerns (Bavarian State Ministry of the Interior). <i>See also</i> MIInn
BVP	Bayerische Volkspartei (Bavarian People’s Party)
CIC	U.S. Army Counterintelligence Corps
CID	U.S. Army Criminal Investigation Division
CSU	Christlich-Soziale Union (Christian Social Union)
DB	Deutsche Bundesbahn (German Federal Railways)
DII	“Referat Verfassungsschutz”—the desk or section of the Landpolizei Presidium responsible for political surveillance and enforcement. <i>See also</i> IId
DNVP	Deutschnationale Volkspartei (German National People’s Party)
DP	Displaced or Stateless Person
FDJ	Freie Deutsche Jugend (Free German Youth)
GSK	Generalstaatskommissariat für die Aufrechterhaltung der öffentlichen Ordnung (General State Commission for the Preservation of Public Order)
HICOG	Allied High Commission for Germany
IId	Alternate form of DII
KASt	Kriminalaußenstelle (field detective office)
KPD	Kommunistische Partei Deutschlands (Communist Party of Germany)
KriPo	Kriminalpolizei (Criminal Police—plainclothes detective police)
LaPoPräs	Präsidium der Landpolizei von Bayern (Presidium of the Rural Police of Bavaria)
LKA	Landeskriminalamt (State Criminal Investigation Office)
MIInn	Internal recordkeeping designation for BStMdl (Bavarian State Ministry of the Interior)
NSDAP	Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers’ Party)
OMGBY	Office of Military Government for Bavaria

OMGUS	Office of Military Government for Germany–US
OrPo	Ordnungspolizei (Order Police)
OSS	Office of Strategic Services
PAG	Gesetz zur Aufgaben und Befugnisse der Polizei von Bayern, or Polzeiaufgabengesetz (Law on Police Tasks)
POG	Gesetz über die Organisation der Polizei in Bayern (Law on the Organization of the Police in Bavaria)
PolPräsOB	Polizeipräsidium Oberbayern (Police Presidium for Upper Bavaria)
RB	Regierungsbezirk (in Prussia and Bavaria, the largest adminis- trative regional division below actual state government)
RG260	U.S. National Archives, Record Group 260
RSHA	Reichssicherheitshauptamt (Reich Main Security Office)
SBZ	Sowjetische Besatzungszone (Soviet Occupied Zone)
SchuPo	Schutzpolizei (Protective Police)
SD	Sicherheitsdienst (Security Service)
SED	Sozialistische Einheitspartei Deutschlands (East German Socialist Unity Party)
SiPo	Sicherheitspolizei (Security Police)
SPD	Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
SRP	Sozialistische Reichspartei (Socialist Reich Party)

INTRODUCTION

On the north side of Munich's old town is a stately cobblestoned square, the Odeonsplatz. At one end, between the royal *Residenz* and the court church of the Theatines, stands the Feldherrnhalle, a shrine to the heroes of the nineteenth-century Wittelsbach state. The square and monument have been the stage for many events and commemorations in the modern history of Bavaria and Germany.¹ On a cold and blustery afternoon in the spring of 1996, while rushing across the Odeonsplatz to catch a train home to the Munich suburbs, I stumbled into the middle of one such commemoration. The square was bright with Bavarian and Federal flags, service pennants, and the green uniform jackets and blue and white sleeve badges of the Bavarian police. The state was marking the fiftieth anniversary of the present-day force's beginnings after the Second World War. On 24 April 1946, the American military government had appointed Michael *Freiherr* (Baron) von Godin, an aristocratic anti-Nazi exile and former junior police officer from the Weimar Republic, to head the new occupation-sponsored Rural Police, or *Landpolizei*. Initially responsible for the smaller towns and the countryside, the *Landpolizei* would go on to absorb the rest of Bavaria's independent municipal police forces over the next three

¹ The Feldherrnhalle/Odeonsplatz site has seen everything from the victory celebrations after the 1870 war of unification to demonstrations against the Iraq wars in the 1990s and 2000s. Along the way, the site has been the stage for regular Wittelsbach court ceremonies, for the public declaration of war in 1914 (with an ecstatic young Adolf Hitler in the crowd), and for the 1923 Nazi Putsch. The 1930s witnessed the development of the site into a national center for Nazi cult activity. After the Second World War, the square and monument was the setting for events like state visits by foreign luminaries such as Charles de Gaulle, and the opening of the Catholic Eucharistic World Congress. Apart from its ceremonial associations, the site is also a favorite place to see and be seen by the Munich bourgeoisie. For an engaging discussion of the Feldherrnhalle's development into a major symbolic political and social space in modern Germany, see Hannelore Kunz-Ott and Andrea Kluge, "Die Feldherrnhalle—Historie eines Ortes von Macht und Selbstdarstellung," in Hannelore Kunz-Ott and Andrea Kluge, eds., *150 Jahre Feldherrnhalle: Lebensraum einer Großstadt* (Munich: Buchendorfer, 1994), 58–75, 142–144.

decades, evolving along the way into the core of the state's present-day centralized public-order and security system.²

For a celebration of the birthday of a German security agency, the 1996 festivities were remarkably populist and friendly in nature, more reminiscent of colorful *Oktoberfest* than gothic *Staatsakt*. Largely missing was the residual statist-paramilitary aesthetic still occasionally dusted off on such occasions at this site.³ The Odeonsplatz was instead filled with passersby examining traffic helicopters, children petting alpine rescue dogs, anti-drug propaganda vans, and lovingly restored vintage BMW patrol cars tended by equally vintage—if less well preserved—actors from *Isar 12*, a police procedural popular on Bavarian TV in the 1960s. In front of the Feldherrnhalle, photogenic police “specialists” of both sexes demonstrated mobile crime laboratories, horsemanship, and unarmed combat. After applauding stunts performed by highway patrol motorcyclists, the crowds of onlookers in well-cut loden or high-tech Thinsulate moved on eagerly to the beer, sausage, and pretzel stands inevitably found at south German popular celebrations.

All of this was a suitably citizen-friendly setting for the commemorative brochures being passed out to the crowd by a row of smiling officers standing in front of the Feldherrnhalle, wearing a very, very carefully incomplete series of nineteenth- and twentieth-century historical German police uniforms. Messages in the brochures from Bavaria's political and administrative leaders stressed an equally carefully vetted set of themes in their construction of a reassuring narrative about the place of the police in Bavaria's society since the war. Both Christian Social and Social Democratic politicians lauded the police as the “guarantee of orderly community life,” supported by the “broadest possible par-

² Bayerisches Staatsministerium des Innerns, “50 Jahre Bayerische Polizei: Im Dienste der Sicherheit,” Special Anniversary Edition, *Bayerns Polizei 2* (1996): 8.

³ The ceremonies of this latter statist-militarist type that still occasionally take place at this particular site include mass oath-taking recruitment ceremonies (put on by every German army that has ever stationed troops in modern Bavaria) and events such as the state funeral for the Bavarian minister-president Franz-Josef Strauß in the 1980s. On this occasion, there was a reappearance of court ceremonial that had not been seen since the 1955 state funeral for the Wittelsbach prince Rupprecht. Wearing cavalry jackboots and the 1940s Wehrmacht-pattern coal-scuttle helmet—never approved for postwar military service but adopted by the Federal German police—an honor guard of Bavarian riot police escorted Strauß's coffin. If one squinted hard, an alternative history of 1980s Germany would have been visible. See Kunz-Ott and Kluge, *150 Jahre Feldherrnhalle*, 104.

liamentary consensus.”⁴ As an essential element of the “liberal democratic basic order” for the past five decades, the Bavarian force was held by these messages to have “laid the foundations of social peace.” The statistics proudly cited in Minister-President Edmund Stoiber’s keynote greetings proclaimed that its policemen had made Bavaria the safest of all German states.⁵

Only two blocks north and around the corner from all this pink-cheeked official *Gemütlichkeit*, however, were the archives of the modern Bavarian state. There, in the former War Ministry complex on the Schönfeldstrasse, lies evidence of a far less tidy and less reassuringly convenient tale that could be told about the emergence, pedigree, and nature of policing and public order in post-1945 Germany’s largest state. By the time I stumbled onto the police anniversary celebrations on the Odeonsplatz, I had already been working for some months in the Schönfeldstrasse, gathering material for this book. The story that these documents reveal is one of the centrality long after the end of the Second World War of older police institutions, practices, and assumptions about society, less comfortable to recall, all derived from a tradition of bureaucratic authoritarianism that was one of the formative experiences of modern German history.

This book argues for the persistence of a regime of authoritarian policing in Bavaria during the first two decades after the Second World War. It examines the close relationship between this phenomenon and the modernization and transformation of postwar Germany’s largest and most historically “authentic” state, as Bavaria underwent a rapid passage from defeat and occupation to the swift emergence of a suburbanized, post-agricultural society after the catastrophes of the mid-twentieth century. In the chapters that follow, I describe the sources, practices, institutions, and social consensus involved in this surprisingly durable model of authoritarian policing. I document how they reemerged during the American occupation, drawing on older, pre-liberal democratic (but also pre- and anti-Nazi) security traditions to define the day-to-day reality of postwar public order. I then present evidence for the curiously dynamic and poorly understood role of author-

⁴ Anniversary message from Walter Schmidt Glaeser, president of the Bavarian Senate, in Bayerisches Staatsministerium des Innerns, “50 Jahre Bayerische Polizei,”

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⁵ Messages by Minister-President Edmund Stoiber and State Secretary for the Interior Hermann Regensburger, *ibid.*, 5.

itarian policing in the subsequent stabilization of Bavarian towns and countryside during the 1950s, when the economic miracle was helping to usher in the beginnings of a more open and mobile society. Finally, I examine how the very success of the police role in socioeconomic rehabilitation ironically led to the obsolescence and disappearance of authoritarian policing by the 1960s, as it finally outlived its role as a kind of temporary “scaffolding” in the emergence of the Germany we know today.

The archival records I had been examining in the Schönfeldstrasse that spring day were those of the same Landpolizei or Rural Police whose anniversary celebration I would happen upon down the street later that afternoon. Although given a limited rural geographical remit by its original American sponsors, the Landpolizei had gradually gained responsibility for public order and security in almost all Bavarian communities (except the very largest cities) by the middle 1950s. Existing quite comfortably alongside, but not under the direct control of, the emerging liberal democratic constitutional state, the force redeployed a set of nineteenth-century police practices that, together with some more recent innovations, constitute the phenomenon I describe as “classic Continental authoritarian policing.”⁶ I use this rather unwieldy formulation (or “authoritarian policing,” for short) to distinguish a particular strand in the pattern of modern policing that emerged more or less simultaneously in France and in German or German-influenced Europe in the decades between the Napoleonic wars and the 1848 revolutions. In these lands, as well as other areas of the Continent that experienced Napoleonic occupation, elements of this particular policing approach continued to exert considerable influence across a wide variety of government regimes and public-order situations, far into the twentieth century.

⁶ The development of my thinking on a particular Continental model of authoritarian policing has been greatly aided by discussions of related themes from the contributors to Clive Emsley and Barbara Weinberger, eds., *Policing Western Europe: Politics, Professionalism, and Public Order, 1850–1940* (New York: Greenwood Press, 1991), vii–xiii, and Hsi-Huey Liang, *The Rise of Modern Police and the European State System from Metternich to the Second World War* (New York: Cambridge University Press, 1992), 1–17. However, my concept of classic Continental policing as a particular Franco-German phenomenon does not coincide exactly with the discussions of the modern policing function in various national policing styles found in these works. In particular, I have greater reservations about the role actually played by liberalism in both the definition and enactment of much of nineteenth-century European policing.

We can grasp the essence of the classic modern authoritarian Continental European “police state” by linking a description of its organization and functions to an appreciation of the ways it interacted with the rest of the government and with civil society. One important function was surveillance and repression against possible enemies of the regime, a role systematized by the Fouchéist political police in Napoleonic France (the so-called *haute police*) and its counterparts in Habsburg Austria and the rest of the states of the Metternich System.⁷ Another building block consisted of the separate (and older) cameralist tradition of the “well-ordered police state” and its detailed, paternalistic oversight, regulation, and registration of the population and of a wide range of everyday non-criminal socioeconomic activity. A third important characteristic was a concept of the police as responsible for the moral welfare and rectitude of the population. The fourth and final component of this authoritarian police complex was a strong association with military or military-derived models of organization and operations. These features predisposed the career state officials who employed this model of policing to strive for an ambitious synergy between the diverse tasks of public order, state security, social discipline, and economic mobilization. All of this would belong to the remit of internally self-regulating, autonomous police apparatuses, shielded as part of the bureaucracies of powerful centralized regimes from the direct influence of whatever parliamentary powers were emerging in the civil societies of the Continent in the course of the nineteenth century.

The model of authoritarian policing I am concerned with here was only one component of the broader modern European policing experience. Nineteenth-century Continental European police systems had many practical order-control responsibilities in common with the patchwork of urban and rural police traditions that characterized contemporary Britain and North America. Particularly in the case of municipal policing, both the Continental and the Anglo-Saxon traditions underwent comparable experiences in the professionalization and bureaucratization of workaday institutions and practices such as beat

⁷ The most comprehensive treatment of the German-speaking experience in this regard is still Wolfram Siemann, *Deutschland's Ruhe, Sicherheit, und Ordnung: Die Anfänge der politischen Polizei 1800–1866* (Tübingen: Max Niemeyer, 1985), esp. 2–5, 20–31, 460–468. For France, useful works include the anthology by Jacques Aubert et al., *L'Etat et sa Police en France (1789–1914)* (Geneva: Droz, 1979), and Georges Carrot, *Le Maintien de l'ordre en France: Depuis la fin de l'Ancien Regime jusqu'au 1968* (Toulouse: Presses de l'Institut d'études politiques de Toulouse, 1984).

patrol, property protection, control of violent crime and of the “dangerous classes,” precinct organization, investigative detective work, penology, “scientific” criminology, forensics, and other technical strategies involved in the maintenance of an urban bourgeois concept of public order.⁸ In none of these fields is a separate “authoritarian Continental” tradition particularly isolatable. Conversely, given sufficient amounts of strain or perceived regime insecurity, the kinds of arbitrary, authoritarian, and oppressive features and practices that have come to be included in the loose popular conception of a “police state” can emerge and become institutionalized in the security and public-order culture of any state, Western or non-Western, *dirigiste* or *laissez-faire*, constitutional or autocratic. This accretion of “police state” characteristics has occurred, for example, in tsarist Russia, the world’s various twentieth-century secular dictatorships and theocracies, and the caudillo and junior officer regimes of the Latin world, Africa, and the Middle East, and it may be happening in the Western democracies themselves in the early twenty-first century.⁹

The term “police state” has therefore become an all-purpose and carelessly applied pejorative, particularly in Anglo-American common usage. However, there are important differences between the classic Continental European authoritarian police tradition and the police of arbitrary autocracies or ideological totalitarianisms. Perhaps the best theoretical yet historically informed English discussion of the relationship between the term’s globally inflated sense and its more specific and technically accurate grounding in the European transition from late absolutism to the beginnings of bureaucratic modernity can be found in the work of Brian Chapman. He traces the concept’s ori-

⁸ See the following essays in Emsley and Weinberger, *Policing Western Europe*: Barbara Weinberger, “Are the Police Professionals? An Historical Account of the British Police Institution”; Jennifer Davis, “Urban Policing and Its Objects: Comparative Themes in England and France in the Second Half of the Nineteenth Century”; Jean-Marc Berlière, “The Professionalization of the Police under the Third Republic in France, 1875–1914,” 36–54; Herbert Reinke, “‘Armed as if for a war’: The State, the Military, and the Professionalization of the Prussian Police in Imperial Germany”; and Richard Bessel, “Policing, Professionalization, and Politics in Weimar Germany,” 187–218.

⁹ In the nineteenth-century Russian case, and in some of the other dictatorships, the influence of the politicized “haute police” was ubiquitous, but the element of comprehensive routine oversight and regulation of community life by the “administrative police” tradition did not flourish. For Russia, see P.S. Squire, *The Third Department: The Establishment and Practices of the Political Police in the Russia of Nicholas I* (New York: Cambridge University Press, 1968).

gins to the redeployment of Greco-Roman administrative concepts (in which the term “police” signified the sum of all state activities aside from defense and foreign relations) in French, Italian, and Imperial jurisprudence during the Renaissance. This essential unity of internal administration and coercive enforcement implied in the cameralist-era *Polizeistaat* underlies Chapman’s concept of the “traditional police state” of pre-revolutionary times. By the time the “modern police state” had acquired a new degree of internal systematization and bureaucratic autonomy from governments of the day (but certainly not the ideological “disinterestedness” or “impartiality” so central to nineteenth-century policemen’s self-understandings) by the 1850s, Chapman can point to a developing gap between the French and the Habsburg/German versions. Although a strong tradition of arbitrary police authoritarianism continued to operate in both cases, a cultural-political shift in the French understanding of the sources of sovereignty gradually encouraged the courts, the legislature, the press, and other agents of public scrutiny and oversight in that country to challenge the legal and informal prerogatives of the administrative police state. By the 1880s, this was happening to a much greater degree in France than in central Europe, despite the emergence of legal doctrines of the *Rechtsstaat* (a state based on constitutional law) or the *Justizstaat* (a state based on the primacy of judicial review) in the German Empire.¹⁰

In both nineteenth-century France and the German lands, however, with their patchy but intensifying experiences of constitutionalism interspersed between the refractory periods of authoritarian rule, the neo-absolutist-style bureaucratic police state was all the while paradoxically able to continue building on its preexisting record of performance in order control and regime security, a record often hostile to the ongoing and accelerating liberal project of constructing a more dynamic and open society. Between about 1830 and 1860, both the forces of movement and the forces of order in these societies were to discover to their mutual convenience that many of the surveillance and regulatory practices of authoritarian policing could also serve the aspi-

¹⁰ Brian Chapman, *Police State* (New York: Praeger, 1970), esp. 33–49. Chapman goes on to explore what he sees as a twentieth-century transition from the “modern police state” to the “totalitarian police state” most prominently in Germany and the Soviet Union, in which the police have become the champions of a particular ideology against both the population and the rest of the state apparatus; however, it is his discussion of the transition from the “traditional” to the “modern” police state that has been most useful in my own analysis.

rations of maturing liberalism for enhanced social discipline. Across the tumult and uncertainty of frequent regime change, revolutionary upheaval, and occasional interstate war, authoritarian police traditions in nineteenth-century Continental Europe helped perpetuate a particular concept of the police's responsibility for public guidance, correction, and supervision (*polizeiliche Betreuung*).¹¹ This implied a concept of state police power above and separate from the pressures, political currents, and partisan critiques of liberal civil society. This concept of police power was often hard to reconcile with an emerging liberal constitutionalism that advocated the principles of separation of powers and oversight of responsible administration by courts and legislatures. Nevertheless, a rough-and-ready symbiosis, or perhaps only a guarded truce, developed between the two traditions in the nineteenth century. In the German case, the course of social, political, and administrative development taken by the separate regional state governments responsible for internal affairs managed to defer a decisive confrontation between the classic authoritarian police state and the model of police minimalism implicit in the slow and contested emergence of a liberal democratic Rechtsstaat, all the way up to the middle of the twentieth century.¹² A partial exception to this situation is discernible

¹¹ See Bessel, "Policing, Professionalization, and Politics," and Berlière, "The Professionalization of the Police."

¹² The subject has been most extensively covered in the case of Prussia, with the southern states less well studied. See Alf Lüdtke, "*Gemeinwohl, Polizei, und 'Festungspraxis'*": *Staatliche Gewaltsamkeit und innere Verwaltung in Preußen, 1815–1850* (Göttingen: Vandenhoeck & Ruprecht, 1982), and Albrecht Funk, *Polizei und Rechtsstaat: Die Entwicklung des Staatlichen Gewaltmonopols in Preußen, 1848–1914* (Frankfurt: Campus, 1986). With the possible exception of Meiji Japan, the absence of a preexisting stable, legally codified, competent, and supposedly incorruptible indigenous "administrative police" tradition as a catalyst in defining the relations between society and state at the outset of their various paths to modernity distinguishes any number of other "political police" regimes in the developing world (which have historically featured far higher degrees of autocratic arbitrariness) from the Continental European model of authoritarian policing under consideration here. In very broad terms, the same lack of a powerful preexisting centralized autonomous bureaucracy probably predisposed the Enlightenment states of the Anglo-Saxon common-law tradition to the reification in the course of the nineteenth century of a minimalist and often community-based and -controlled model of "night watchman" policing theoretically limited to crime control and basic public safety—in time to be integrated into emerging liberal concepts of the minimalist laissez-faire political economy. The subsequent accretions of political/state security surveillance functions and of behaviorist and supervisory social prescriptiveness that did develop in the Anglo-American policing tradition around the beginning of the twentieth century have had to assert themselves in an environment of constant questioning by a fundamentally skeptical legal or constitutional tradition.

in the Social Democratic (and *rechtsstaatlich*) ascendancy in some state bureaucracies, including that of Prussia, in the 1920s. In Bavaria's case, one of this book's arguments is that a reckoning between the classic police state and liberal constitutionalism had to wait until the 1960s.

Alongside the implications of authoritarian policing for political security and the maintenance of moral order and social discipline was its role in the routine management of public life. Bearing partly mythical traditions of efficiency, impartiality, and technical sophistication rooted in the experiences of pre-revolutionary cameralism and Napoleonic-era state reform, then given a comprehensive makeover in the years around 1848, extensive public-order bureaucracies encouraged the survival into the twentieth century in francophone and central Europe of major elements of a formerly global concept of "administrative police." Originally understood as the sum total of all the daily regulatory and supervisory functions performed by a state,¹³ this neo-cameralist concept of "administrative police" was to fight a long and remarkably successful rear-guard action in modern France and Germany, both against the takeover of particular regulatory functions by specialized technical bureaucracies with no police authority, and against an emerging narrower model of policing limited to the twin functions of crime control and securing basic public safety. In most Continental states based on the Franco-German model up until the end of the Second World War, regardless of the practical divisions of labor that perforce eventually grew up within the real existing administrative apparatus, a definitive philosophical shift from the first model of policing to the second never quite happened.¹⁴

¹³ A catalogue of some of these "police" functions that survived into modern times in Prussia includes "the police of strangers and the police of pubs and inns, the health-police and the life-insurance police, the medical police, the police of cults, the educational police, the police of morals and order, the trades and business police, the police of measures and weights, the building-police, the fire-police, the police of the roads, the market-police, the police of the hunt, the forest-, field-, and agricultural police, the river police, and the police of dogs." Reinke, "Armed as if for a war," 59. For the longer-term origins of "administrative policing," see Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600–1800* (New Haven, Conn.: Yale University Press, 1983); for general bureaucratic developments in the mid-nineteenth century contributing to perpetuation of older police models, see John R. Gillis, *The Prussian Bureaucracy in Crisis, 1840–1860: Origins of an Administrative Ethos* (Stanford, Calif.: Stanford University Press, 1991).

¹⁴ Lutz Raphael, *Recht und Ordnung: Herrschaft durch Verwaltung im 19. Jahrhundert* (Frankfurt: Fischer Taschenbuch, 2000), 130–144; Loyd E. Lee, *The Politics of Harmony: Civil*

Alongside officials' ambitions for technocratic "administrative police" regulation, salutary moral guidance, and panoptic "political police" surveillance, another long-lived component of the authoritarian Continental police tradition was the phenomenon of militarization, particularly in the countryside. This part of the tradition is particularly interesting because of my emphasis in this book on the role of police in the smaller communities of Bavaria during the fading of the rural-urban divide in the process of postwar restabilization. Until today, most national or state-level police agencies in Bavaria (and the rest of Continental Europe, for that matter) have derived a significant part of their lineage from military forces seconded from combat in the early 1800s to guarantee public order in the agricultural interiors of Napoleonic, allied, or copycat states. Originally associated with the operational securing of rural districts as military resource bases, corridors of movement and communication, and recruitment catchment areas, the various *Carabinieri*, *Guardia Civil*, *Landjäger*, and Gendarmerie forces set up along French lines in the Germanies, the Habsburg lands, the Iberian Peninsula, Italy, and elsewhere in northern and eastern Europe gradually became "an army of the interior," one of the preferred instruments of centralization available to bureaucratic states interested in consolidating their control over their internal territorial jurisdictions and in turning various traditional populations into productive and loyal modern citizens. The *Gendarme* (or his equivalent) was often one of the few key "men of the state" to be found in a local community, and the enforcement and information-gathering tasks required to meet diverse administrative objectives such as school attendance, army recruitment, residence and identity registration, tax collection, rural-to-urban movement control, and business supervision often fell to isolated representatives of an essentially militarized form of state authority. Much of the daily expression of state power in many communities of the German lands and the rest of Continental Europe was thus enacted through the commands, prescriptions, peremptory tone, and militarized ethos of a Gendarmerie that cultivated a tradition of distance from civil authority.¹⁵

Service, Liberalism, and Social Reform in Baden, 1800–1850 (Dover: University of Delaware Press, 1979).

¹⁵ Clive Emsley, *Gendarmes and the State in Nineteenth-Century Europe* (New York: Oxford University Press, 1999), esp. 1–9.

In the German lands, even after 1871, the nationalizing function of a Gendarmerie presence in local communities was perhaps less of a factor than elsewhere, because (with the exception of the Nazi era) regular policing until today has remained largely *Ländersache*—a prerogative of the separate states. Bifurcated chains of command linked such forces first to a military command structure and then to the descending echelons of civil administration controlled by the various state ministries of the interior, all invested for this purpose with the regulatory and supervisory powers of “civil police authorities” (*Polizeibehörden*). Some effort at greater local community control of police and de facto or (to a lesser extent) de jure separation of routine administrative regulation from police power did emerge in Germany in the nineteenth century, particularly in Prussia. However, the modest growth of a community-based policing tradition was a phenomenon limited primarily to the larger metropolitan areas of northern and western Germany. (None of Bavaria’s cities ever developed the kind of effectively autonomous municipal police that had emerged by the 1860s in the largest cities of some other German states.) Even the community-based police forces that did emerge in Berlin, the cities of the Ruhr, Hamburg, and elsewhere soon took on much of the same militarized ethos as the state-controlled Gendarmerie-type forces, sharing as they did a common recruitment base that favored former military personnel, both actual veterans and rural recruits entering police service after an initial stint in the ranks. For most communities and rural districts in post-1870s Germany, the pervasiveness of militarized police models linked to centralized state authority undoubtedly encouraged the much-remarked-upon social militarism characteristic of the Wilhelmine decades, and was a natural fit with the system of militarized home-front administration that developed in the wartime *Kaiserreich* by 1916.

The German experience of police militarization took a further turn in the unsettled aftermath of the First World War, as the state governments organized variations on a new model of heavily armed force known generically as *Sicherheitspolizei*, or “security police,” in addition to the existing Gendarmerie forces.¹⁶ The impetus for the develop-

¹⁶ It is important to distinguish this immediate post-1918 use of the term from the different use of “*Sicherheitspolizei*” in the Nazi period, the latter denoting the fusion by the late 1930s of the various state political police offices with the cadre of ideological security specialists in the *Sicherheitsdienst* (SD), the Security Service of the Nazi Party. See George Browder, *Foundations of the Nazi Police State: The Formation of SiPo and SD* (Lexington: University Press of Kentucky, 1990). It is also important to

ment of what amounted to barracked police armies under the control of the different state governments appears to have been a combination of the heightened threat of large-scale civic disorder posed by the rise of private paramilitary forces on the left and right, a joint effort with the national *Reichswehr* to keep and train men in a kind of armed reserve that could circumvent the armistice agreements on demilitarization, and, in some cases like Bavaria's, a particularist desire to have a local source of armed strength for any eventuality that was independent of the national government's control. Johannes Schwarze and Harold Gordon have investigated how, in the unsettled Bavaria of the early Weimar Republic, a paramilitarized barrack police organization of this type known as the *Landespolizei* joined the preexisting arsenal of authoritarian regulatory powers wielded by the state's police over the population. In this case, the Bavarian *Landespolizei*'s ability to deploy large amounts of repressive force and the ability of the rest of the state's public-order apparatus to monitor the population were used as political capital by the leadership of a discreetly quasi-constitutional public-order dictatorship known as the "Order State" (*Ordnungsstaat*). This bureaucratic security "state within a state" attempted to carve out a popularly supported power base independent of the existing constitutional government in Munich, which was itself anxious to restore order in the state and not overly fastidious about the means that would be necessary.¹⁷

With the coming of the Nazis to power, the various components and functions of the German tradition of authoritarian policing were now at the disposal of a regime with radically new ideas about the ultimate goals to be served by the armed instrumentalities of security, public-order surveillance, identity and residence registration, and regulatory administration. A discussion of the Nazi impact on German policing, and an assessment of the dictatorship's significance as a disruption of police development versus its role as a selective transmitter

distinguish the Bavarian Land(es)polizei of the 1920s and 1930s—a heavily armed state paramilitary police force—from the Landpolizei of the post-1945 period, a rural police that was definitely not paramilitary occupying the same functional niche as the defunct Gendarmerie.

¹⁷ Johannes Schwarze, *Die Bayerische Polizei und ihre historische Funktion bei der Aufrechterhaltung der öffentlichen Ordnung in Bayern von 1919–1933* (Munich: Kommissionsbuchhandlung Wölfe, 1977), 50–86; Harold J. Gordon, *Hitler and the Beer Hall Putsch* (Princeton, N.J.: Princeton University Press, 1972), 120–139.

of exploitable continuities, appears as part of this book's first chapter. However, the emergence of a specifically Nazi apotheosis of the totalitarian police state out of the preexisting authoritarian tradition is the subject of a large and separate literature and not the central focus of this book.¹⁸ Of more immediate concern here is understanding how some elements of the classic authoritarian policing heritage from pre-Nazi times reemerged in post-1945 Bavaria.

An educated observer in the U.S. occupation bureaucracy could have noted that, perhaps even more than the revolutions and counterrevolutions of 1918–1919, the post-1945 occupation was the most significant period of sustained disruption experienced by the Bavarian interior since the Napoleonic wars and the rise of the neo-absolutist bureaucratic state and its introduction of classic modern authoritarian police. During both the Napoleonic period and the U.S. occupation, military and/or foreign-derived sources of police authority were preponderant over a Bavarian civil administration either deactivated by defeat or still being erected in the wake of a fundamental change in the nature of the political regime. Despite occupation policies ostensibly devoted to rooting out all traces of more generic authoritarianism and militarism along with the specific Nazi dictatorship, the Americans' particularly intense focus on eliminating what they understood to be the uniquely Nazi elements in police affairs (together with the somewhat simplistic U.S. conflation of Nazi policing as a culmination of all previous authoritarian traditions) initially caused the occupiers to pay little direct attention to the pre-Nazi tradition. This delayed the development of a clear American policy regarding the advisability of reexamining these pre-Nazi traditions for usefulness in the current emergency. In this environment, the political capital derived from having opposed Nazism eventually combined with the pressing security needs of the period to help ex-Landespolizei cadre rise to leading positions in the postwar Bavarian Landpolizei, the new American-sponsored rural security organization.

Although deploying heavily paramilitary police power as a political bargaining chip with an insecure civilian regime was obviously no

¹⁸ Recent literature on the Nazi police is reviewed in Gerhard Paul and Klaus-Michael Mallman, eds., *Die Gestapo: Mythos und Realität* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995); in addition to his above-mentioned work on the SiPo and SD, see George Browder, *Hitler's Enforcers: The Gestapo and the SS Security Service in the Nazi Revolution* (New York: Oxford University Press, 1996).

longer an option in an environment of foreign military occupation and total defeat, post-Nazi Bavaria's police leaders were nevertheless able to again carve out a significant degree of bureaucratic autonomy. As they played the American public safety bureaucracy against the civilian constitutional state government, the Landpolizei also began to redeploy the familiar authoritarian police powers of surveillance, regulation, and control over a rural Bavarian society still largely structured around self-contained agrarian communities.

From the pre-Nazi past thus reemerged compulsory residence and identity registration, the administrative police supervision of various aspects of routine daily business, and the monitoring of politics and "the popular mood." Joining these were authoritarian innovations not common in the German homeland before 1945, such as mass searches and seizures and the routine control of population movements through extensive security cordons. Although worried American observers exaggerated somewhat in holding Bavaria's emerging police system to be a "state within a state," the Landpolizei apparatus managed to evade effective oversight by the civilian government and legislature throughout the occupation and the succeeding Adenauer era, while its leadership personnel reflected an important continuity with the police apparatus of the earlier authoritarian and anti-Nazi "Order State" that had operated in the Bavaria of the 1920s Weimar Republic.¹⁹ Regardless of the disappearance of specifically Nazi elements from police practice, institutions, and personnel in the wake of the especially thorough American denazification efforts in this particular institution, the evidence from the early postwar period in Bavaria thus suggests that neither the collapse of the Nazi dictatorship nor the early reformist intentions of the Allied military occupation actually represented a decisive break in the Bavarian population's ongoing 150-year experience of pervasive police intrusion into important aspects of routine daily life. Such authoritarian survivals and latter-day innovations were to have broad implications not only for everyday life during the occupation, but also for the relationships between society and state in the early decades of the Federal Republic and beyond.

¹⁹ Herbert Speckner, "Die Ordnungszelle Bayern: Studien zur Politik des Bayerischen Bürgertums insb. der Bayerischen Volkspartei von der Revolution bis zum Ende de Kabinetts Dr. v. Kahr" (Ph.D. diss., University of Nuremberg, 1955); David Clay Large, *The Politics of Law and Order: A History of the Bavarian Einwohnerwehr, 1918–1921* (Philadelphia: American Philosophical Society, 1980), 5–22.

This reemergence in the late 1940s of a police authoritarianism transcending any particular ideological regime of the past one hundred years is perhaps intuitively understandable in the context of the emergency conditions and the alien military government that were features of the occupation period. However, in the search for an interpretive framework for the period after 1949, what is the historian to make of the persistence of authoritarian policing in the liberal democratic, constitutionally based Bavarian political system of the Adenauer period—beyond a basic recognition of the time lag that usually ensues as any bureaucratic culture adjusts to a new political regime? In addressing this question, it is wise to avoid a simplistic polemic of illiberal restoration versus failed reform. All through the late 1940s and into the 1950s, authoritarian policing served important agendas of socioeconomic reconstruction enjoying a broad public consensus: overcoming the mass quasi-criminality of the occupation and its black market; integrating a vast German refugee population into small-town Bavarian society; separating out (and sweepingly criminalizing) non-Germans such as Gypsies and displaced persons held by the mainstream society to be fundamentally unintegrable; and marginalizing political tendencies deemed “extremist” by the Bavarian state and, later, the Federal government. In trying to make sense of the repressive components of such a record, this book suggests that in the years immediately before and during the economic miracle, the reappearance in Bavaria of key elements of the traditional German police state was part of a complex process by which older forms of relations between centralized bureaucratic power and traditional communities were first restabilized, before gradually giving way to less intrusive and more technologized forms of policing better suited to the new, automobilized and anonymous suburban society that was simultaneously emerging. The regional postwar policing culture initially drew on rehabilitated traditions of pre- (and anti-) Nazi authoritarianism to restore postwar social stability; however, this very success in restoring an old-fashioned kind of “order” by the early 1950s was also helping to make possible a new kind of social and physical space, one in which a subsequent series of sweeping demographic and behavioral changes in the society of late Adenauer-era Bavaria would make the future of authoritarian policing itself uncertain.

At a certain point in the later 1950s, the evidence suggests that this authoritarian police “scaffolding” began to outlive its usefulness. Ironically, it seems that the techniques of traditional authoritarian policing

that had proven to be highly functional in the restabilization interim were too successful for their own long-term survival. By the 1960s, this tradition finally gave way to less authoritarian-seeming forms of technology-dependent, motorized policing, better suited to the stabilized, increasingly mobile, more prosperous, and less deferential society now emerging—one that the Landpolizei had ironically helped to midwife back in the early postwar period. I argue that older authoritarian policing traditions of close community surveillance based on intimate police knowledge of the habits and lives of the local inhabitants gradually became impossible to sustain, thanks to the emergence of a new, more anonymous and suburbanized landscape out of the earlier reality of inward-looking, relatively small, and largely agricultural communities.

We cannot generalize this Bavarian experience of continuity across the Nazi interlude with older traditions of authoritarian policing without further research into the specific experiences of other states. While all the post-1945 western German states eventually raised their own centralized police forces, most of these Allied-authorized governments and bureaucracies had shallow roots as relatively traditionless products of the breakup of Prussia and the novel postwar reconsolidations of the southwestern and central German territories. Bavaria, by contrast, was the only post-1945 German state that managed to maintain institutional continuity with a coherent prewar corporate identity and bureaucratic tradition, remaining until today one of the oldest continuously functioning administrative and policing entities in Continental Europe.²⁰ Despite the general crisis in national state legitimacy after 1945, it is possible that in the police system of postwar Bavaria, older pre-Nazi regional bureaucratic traditions were able to maintain and develop a role in the construction of public order much more systematically than in other regional police organizations in the western half of the divided and occupied country. However, I do not wish to argue for a complete contrast between Bavaria and the rest of the postwar German states on the question of continuities in authoritarian policing. Pending further detailed research into the nearest comparable situation—the rel-

²⁰ For a general overview, see Max Spindler, ed., *Handbuch der Bayerischen Geschichte*, vol. 4: *Das Neue Bayern 1800–1970*, pt. 1 (Munich: C.H. Beck, 1974), and Alexander Mayer, “Die Aufgaben und Befugnisse der Polizei in Bayern Gestern und Heute: Teil I,” *Die Neue Polizei* 11 (1954): 177–178. See also Raphael, *Recht und Ordnung*, 51, and Peter Jakob Kock, *Bayerns Weg in die Bundesrepublik* (Stuttgart: Deutsche Verlags-Anstalt, 1983), 27–33.

atively, not absolutely, intact bureaucratic pedigree of other southern German states in the early postwar period, such as Baden and Württemberg, for example—the issue must be left as a matter of degree. The recent scholarship on the postwar policing of western Germany has tended with few exceptions to focus either on the northern areas (i.e., the former British Zone) or on the period after the late 1960s. The particular issues raised by the conditions of the occupation and the early Adenauer period in non-urban or southern Germany need more attention.²¹

In the broader scholarship about postwar Germany that has emerged over the last two or three decades, the general debate over continuity versus change that underlies the particular concerns of my work is of course nothing new. The early notion of a collective national slate somehow wiped more or less clean by a mythical Zero Hour in the summer of 1945 has long since been replaced by our increasing recognition of the deep continuities in institutional structures, social relations, cultural patterns, and bureaucratic *habitus* across the political caesura of the mid-twentieth century.²² However, our accompanying understanding of the implications of such early postwar transitions, continuities, and discontinuities for subsequent German social and political development remains in pressing need of both further empirical corroboration and rigorous conceptual analysis. By examining the longer-term prewar and post-Adenauer context surrounding a regional experience of police affairs centered on the first two postwar decades, we can con-

²¹ For a useful but dated postwar narrative about the southwest, see Eugen Raible, *Geschichte der Polizei: Ihre Entwicklung in den alten Ländern Baden und Württemberg und in dem neuen Bundesland Baden-Württemberg* (Stuttgart: Richard Boorberg, 1963).

²² Useful surveys of the wider literature and the state of the general cultural debate can be found in Robert G. Moeller, ed., *West Germany under Construction: Politics, Society, and Culture in the Adenauer Era* (Ann Arbor: University of Michigan Press, 1997), 1–30, 413–443; Hans-Peter Schwarz, “Modernisierung oder Restauration? Einige Vorfragen zur künftigen Sozialgeschichtsforschung über die Ära Adenauer,” in Kurt Düwell and Wolfgang Köllman, eds., *Vom Ende der Weimarer Republik bis zum Land Nordrhein-Westfalen: Rheinland-Westfalen im Industriezeitalter*, vol. 3 (Wuppertal: Peter Hammer, 1984), 278–293; and Anselm Doering-Manteuffel, “Deutsche Geschichte nach 1945: Entwicklung und Problemlagen der historischen Forschung zur Nachkriegszeit,” *Vierteljahrshefte für Zeitgeschichte* 41, no. 1 (1993): 1–29. For the particular issue of bureaucratic and elite continuity, see Michael R. Hayse, *Recasting West German Elites: Higher Civil Servants, Business Leaders, and Physicians in Hesse between Nazism and Democracy, 1945–1955* (New York: Berghahn Books, 2003), and Curt Garner, “Public Service Personnel in West Germany in the 1950s: Controversial Policy Decisions and Their Effects on Social Composition, Gender Structure, and the Role of Former Nazis,” in Moeller, *West Germany under Construction*, 135–195.

front in a systematic way the challenge articulated by Detlev Peukert (and further explicated by Robert Moeller in his 1996 anthology on West Germany in the Adenauer era) of effectively linking the developing narrative of the 1950s with the larger processes of social, cultural, and political modernization—and the “accelerated tensions” generated by these processes—that operated in Germany across the entire arc of the nineteenth and twentieth centuries.²³

This book thus sets out on a search for the elusive place of a period from the late 1940s to the early 1960s in the longer-term evolution of the relationship between social experience and public authority in modern German development. The interlude of revived authoritarian police practice in the Bavaria of the 1940s and 1950s, disarticulated as it was from its original political matrices in the royal Bavarian and Imperial eras and in the quasi-authoritarian Munich-based “Order State” of the Weimar era, ultimately did *not* represent a fundamental threat to the emerging “liberal democratic” constitutional system in the late 1940s and early 1950s. However, neither was it simply an atavistic holdover that gave way in due course to consciously willed reform. Ultimately, it seems that authoritarian policing inadvertently disappeared in this part of Germany not because of any ideological change of heart among (nonexistent) diehard political reactionaries on the police force, but thanks largely to the operational consequences of its very success in helping to incubate a new suburbanized, economically expanding, mobile, and less traditionally “policeable” or deferent social landscape. In the end, a fundamental if belated shift in the relations between a modernizing German regional society and an older apparatus of state coercion, surveillance, and regulation was triggered by the increasingly apparent obsolescence of this historically contingent authoritarian policing in the “real existing” communities of the early 1960s. This obsolescence set off a Landpolizei project designed to preserve the effectiveness of police operations in a new post-agricultural economic and physical landscape through technology and motorization, at the cost of making face-to-face contact between policemen and most members of the non-criminal population increasingly rare in normal daily life. Order of precedence and causality are important here. The conscious and spirited public debates about the nature of police

²³ Robert Moeller, “Introduction: Writing the History of West Germany,” in Moeller, *West Germany under Construction*, 29; Detlev J.K. Peukert, *The Weimar Republic: The Crisis of Classical Modernity* (New York: Hill and Wang, 1992), 83.

authority that eventually emerged in the Federal Republic of the later 1960s took place *after* the eclipse of authoritarian policing in daily practice had already occurred in places such as Bavaria. Conscious public reassessment of the role of police power in everyday life was an artifact of the 1970s, not of the economic miracle years and most of the 1960s.

While addressing such themes in the longer-term experience of the relationship between German state authoritarianism and public order, care must be taken to place the theme of authoritarian policing in the specific context of the postwar experience of the western part of the country. In this regard, by describing the conditions under which this traditional police authoritarianism became obsolete at the close of the Adenauer period, my work joins a growing body of scholarship suggesting that a sociopolitical caesura took place in west Germany at the end of the 1950s that was just as fundamental a break with the past as the more familiar successive political discontinuities of the middle 1940s.²⁴

Alongside its engagement with themes driving the general scholarship on the German postwar period, my work also addresses other questions that have developed in the separate historiography dedicated to modern German policing. Here three main lines of inquiry have developed. First of all, there is by now a substantial body of work (which I have already referred to earlier) on the central role of the police in the nation's slide into Nazi dictatorship, state terror, and genocide in the middle of the twentieth century. However, the centrality of the SS-dominated police system to the criminal excesses of the Nazi regime triggered a consequent thoroughness in the postwar Allied denazification of the police, and thus, at least in Bavaria's case, little or no demonstrable continuity in terms of personnel, ideological policies, and institutions in police affairs before and after May 1945.²⁵ It is therefore

²⁴ Examples of recent scholarship on this general theme include work on the break between Catholic public culture and the secular materialist mainstream in the Adenauer period—e.g., Mark Edward Ruff, *The Wayward Flock: Catholic Youth in Postwar West Germany, 1945–1965* (Chapel Hill: University of North Carolina Press, 2005); and on the role of economic “burden equalization” in the construction of a new social consensus after 1950—e.g., Michael L. Hughes, *Shouldering the Burdens of Defeat: West Germany and the Reconstruction of Social Justice* (Chapel Hill: University of North Carolina Press, 1999).

²⁵ For the Bavarian origins and contribution to the Nazi SS-Police state, see Shlomo Aronson, “The Development of the Bavarian Police as the First SS and State Authority in Nazi Germany in 1933,” in Aronson, *Medinah, miflagah u-minhal be Germanyah ha-natsit* (Jerusalem: Hebrew University Press, 1967), and Browder, *Foundations of the Nazi Police State*.

difficult to link the existing Nazi-era police historiography directly and in a concrete way via any institutional, ideological, or even personal continuities to the conceptual problems in the interpretation of postwar policing that are a main concern of my book. A few issues of continuity or discontinuity in daily police practice across May 1945 do exist, and they are addressed in chapter 3. However, this work focuses more on the relationship of postwar policing to *pre-Nazi* patterns of traditional authoritarianism; there is still much room for future work seeking to establish the long-term impact of the Nazi-era police experience on the relationship between policemen and policed in Germany after 1945.

Apart from the work focusing on the Nazi period, a smaller but growing shelf in German police studies includes the results of recent serious research on rehabilitated police systems and public-order philosophies between the occupation and the end of the 1960s. My book joins the anthology *Nachkriegspolizei* edited by Gerhard Fürmetz, Herbert Reinke, and Klaus Weinbauer; Klaus Weinbauer's monograph titled *Schutzpolizei in der Bundesrepublik*; recent work by Christian Groh, Stefan Noethen, and Stephan Linck on community and state police forces in Baden (Pforzheim), Württemberg (Heilbronn), Schleswig-Holstein (Flensburg), and the entire state of North Rhine-Westphalia; and the monograph *German Police: Ideals and Reality in the Postwar Years* by the political scientist Erika Fairchild in this genre.²⁶ The latter work provides a good overview of post-1945 policy challenges in police affairs at the federal level. As I have, Fairchild also recognizes the implications for post-1945 developments of the fact that policing in modern Germany has historically been a prerogative of the separate states, not the national government. Despite the attempt by Prussia's Social Demo-

²⁶ Gerhard Fürmetz, Herbert Reinke, and Klaus Weinbauer, eds., *Nachkriegspolizei: Sicherheit und Ordnung in Ost- und Westdeutschland 1945–1969* (Hamburg: Ergebnisse, 2001); Klaus Weinbauer, *Schutzpolizei in der Bundesrepublik: Zwischen Bürgerkrieg und Innerer Sicherheit: Die turbulenten sechziger Jahre* (Paderborn: Ferdinand Schöningh, 2003); and Erika Fairchild, *German Police: Ideals and Reality in the Post-war Years* (Springfield, Ill.: Charles C. Thomas, 1988). Another important representative of such efforts is the various group projects and conferences led by Reinke and Manfred Brusten at the University of Wuppertal from 1995 to 1998 under the rubric "Polizei im politischen und sozialen Wandel," which have produced a large body of work accessible at <http://www.verwaltung.uni-wuppertal.de/forschung/1999/fb01/brusten01.htm>. Christian Groh, *Kommunale Polizei im Wiederaufbau: Sozialgeschichte der Pforzheimer und Heilbronner Polizei von 1945 bis 1959* (Ubstadt-Weiher: Verlag Regionalkultur, 2004); Stefan Noethen, *Alte Kameraden und neue Kollegen: Polizei in Nordrhein-Westfalen 1945–1953* (Essen: Klartext, 2003); Stephan Linck, *Der Ordnung verpflichtet: Deutsche Polizei 1933–1949. Der Fall Flensburg* (Paderborn: Ferdinand Schöningh, 2000).

cratic interior minister Carl Severing to recast that state's police during the Weimar Republic as an innocuous national "friend and helper," a case can be made that the regionally structured nature of Germany's police administration contributed to the persistence after 1918 (and, Fairchild and I argue, after 1945) of many traditional authoritarian features in the various state-level apparatuses directly responsible for policing the country's communities. However, Fairchild does not consistently deliver the kind of archivally grounded narrative plus analysis of change over time based on a specific state's document holdings that would be of particular interest to historians seeking to establish empirical evidence of the claim; her book is more focused on the period after 1970.²⁷ The anthology by Fürmetz et al and the monographs by Linck, Noethen, and Groh do provide these kinds of valuable regional archive-based analyses of postwar police issues, but the three local regional studies as well as the anthology concentrate on developments in the newly formed and relatively "artificial" states of the former British, Soviet, and French zones or Württemberg. These projects are thus perhaps not ideally positioned to focus consistently on the question of continuity with a state's prewar police tradition. A work such as mine, directly based on the experience of the more historically "authentic" postwar administrative state found in postwar Bavaria, can attempt this more directly. Weinbauer's examination of postwar police development in the largely urban milieux of postwar North Rhine-Westphalia and Hamburg makes good use of Pierre Bourdieu's concept of cultural habitus in examining changes in bureaucratic and operational police practice, and is one of the few to take the analysis back deep into the middle twentieth century. It has been particularly insightful in helping me think about police corporate identity and the interaction between organizational ethos and received bureaucratic tradition.

This scholarship on the postwar police has been a useful inspiration in its linking of postwar police affairs to the evolution of regional administrative policy, and it has also pointed out the importance of studying the impact of policing on daily lived experience. However, I believe that my work has a further contribution to make to the understanding of modernization in the West German 1950s, in connection with postwar rural Bavaria's particular experience of transition within less than a generation from political collapse, material and social crisis,

²⁷ Fairchild, *German Police*, 33.

and rural isolation to successful suburbanization, economic prosperity, and the beginnings of a post-ideological consumer society. In particular, I seek to link our developing understanding of the nature of public order in this changing milieu with the investigations of contemporary processes of mobility, suburbanization, and socioeconomic landscape change that have been undertaken by Axel Schildt and Arnold Sywottek, among others.²⁸

Despite the conservative ideology of an aloof, superior state that is implicit in the concept of authoritarian policing, its actual practice has never been a merely technical, value-free intervention by a bureaucracy somehow standing sovereign above society. Even the most oppressive of police regimes requires a kind of tacit consent deriving from an inherent “policeability” in the structure and the dynamics of the populations and communities being supervised.²⁹ Ever since the beginnings of the modern police state in Continental Europe, police officers have constantly had to renegotiate with the communities they regulated and to monitor the proper fit between the underlying values reflected in police structure, operations, and definitions of public order and the changing realities of social and demographic development. Police organizations are constantly subject to external pressures for institutional change stemming from such negotiations. In order to function properly, authoritarian policing of the classic Continental European variety required a specific kind of social and physical environment. From the perspective of the postwar Bavarian police, the effort to overcome the crisis conditions of the late 1940s had as its objective the reestablishment of this kind of landscape. Regardless of the actual social and economic changes that had been building in the countryside of Bavaria and the rest of Germany since the First World War, by the 1940s, enough remained of this world of relatively homogeneous and stable, internally self-sufficient and geographically bounded communities to constitute the ideal type of a traditionally “policeable” community. Here, the levels of personal and social mobility existing among long-term inhabitants were sufficiently modest to be successfully monitored and regulated by a police apparatus whose dispersed basing structure was little changed from the Gendarmerie format laid down in the 1810s and 1820s. By the later 1950s, however, the effects of long-

²⁸ Axel Schildt and Arnold Sywottek, eds., *Modernisierung im Wiederaufbau: Die westdeutsche Gesellschaft der 50er Jahre* (Bonn: J.H.W. Dietz, 1993).

²⁹ George L. Mosse, *Police Forces in History* (Beverly Hills: Sage Publications, 1975).

delayed but now rapid waves of decentralized industrialization and the rationalization of agriculture—the twin local components of a wider western German economic miracle—were beginning to level the profound social and material gulfs between city and countryside that had still characterized much of pre-1950s Bavaria.³⁰ In the later Adenauer era, increases in personal geographic and career mobility joined higher motorization rates, suburbanization of rural acreage, innovations in consumption patterns, expanded recreational possibilities, and other manifestations of 1950s prosperity and modernization to depersonalize and speed up the texture of daily life in many Bavarian communities.³¹ Soon after stability had been successfully reestablished, the traditional authoritarian methods of detailed community regulation and surveillance by locally based policemen possessing intimate knowledge of local conditions ironically became increasingly unworkable. What Paul Erker has termed the demographic and economic “deprovincialization” of rural Bavaria as it joined the increasingly mobile and consumer-oriented mainstream of the Federal Republic eventually produced a dispersed and anonymized physical and social environment in the former countryside in which the older authoritarian forms of policing became increasingly obsolete.³² The neo-traditional approach of the first two postwar decades was eventually replaced by more technologized and mobile, but also in effect less intrusively authoritarian forms of police practice, better adapted to the post-agricultural commuter world that was emerging in the area by the end of Konrad Adenauer’s time in office.

³⁰ A typical study of this kind of process at the community level in the Rhineland is Franz Kromka, *Soziokulturelle Integration und Machtverhältnisse in ehemals kleinfäuerlichen Dörfern* (Bonn: Forschungsgesellschaft für Agrarpolitik u. Agrarsoziologie e.V., 1975).

³¹ See Thomas Südbeck, *Motorisierung, Verkehrsentwicklung, und Verkehrspolitik in der Bundesrepublik Deutschland der 1950er Jahre: Umrisse der allgemeinen Entwicklung und zwei Beispiele—Hamburg und das Emsland* (Stuttgart: F. Steiner, 1992), esp. 342–343; for Bavaria, the topic has so far been dealt with largely by economic and social geographers, not historians. See in particular the work of the Institut für Wirtschaftsgeographie at Ludwig-Maximilians-University, Munich; representative examples are Peter Lintner, *Flächennutzung und Flächennutzungswandel in Bayern: Strukturen, Prozeßabläufe, Erklärungsansätze* (Regensburg: M. Lassleben, 1985), and Jörg Maier, *Zur Geographie verkehrsräumlicher Aktivitäten: Theoretische Konzeption und empirische Überprüfung an ausgewählten Beispielen in Südbayern* (Regensburg: Lassleben, 1976).

³² Paul Erker, “Der lange Abschied vom Argrarland: Zur Sozialgeschichte der Bauern im Industrialisierungsprozeß,” in Matthias Frese and Michel Prinz, eds., *Politische Zäsuren und gesellschaftlicher Wandel im 20. Jahrhundert: Regionale und vergleichende Perspektiven* (Paderborn: Ferdinand Schöningh, 1996), 327–360.

In this regard, my work also has affinities with a third shelf of German police historiography that examines the transformative role of policing in communities and societies undergoing comparably rapid socioeconomic change during earlier eras of modern German history. Studies of nineteenth-century Prussian policing, in particular, have attempted with some success to describe the repositioning and development of the policing function in the shifting relations between authoritarianism and liberalism, society and state, urbanization, class formation, the rise of the welfare state, and other “modernization” processes during Germany’s long nineteenth century. Alongside Alf Lütcke’s work, among the most useful of this latter shelf of works in helping me think through the broader implications of my own project (and in helping me meet Moeller’s challenge of linking the postwar period more firmly with the rest of the surrounding century and a half of modernization) has been Elaine Glovka Spencer’s *Police and the Social Order in German Cities: The Düsseldorf District, 1848–1914*.³³

My book is thus primarily about a process—the shifting interactions between state and society as older visions of order, authority, and power met the new post-ideological and socioeconomic realities of the postwar period. In describing this encounter, and in evaluating its outcome in one regional context, I touch on such specific material topics as law, constitutionalism, police institutional and personnel structures, and the related but ultimately separate histories of crime and criminology. However, the main focus remains a better understanding of the history and impact of police practice—the actual enactment of authoritarian policing in the course of daily operations. Therefore the book does not pretend to be an exhaustive history of the legal, constitutional, or bureaucratic framework of postwar Bavarian or German policing. It provides neither a full history of criminological trends or patterns during this period nor a sociological breakdown of the police force, except as these various topics illuminate the specific problems of authoritarian police praxis raised in its eight chapters.³⁴

³³ Elaine Glovka Spencer, *Police and the Social Order in German Cities: The Düsseldorf District, 1848–1914* (DeKalb: Northern Illinois University Press, 1992).

³⁴ The archival sources for this study include material generated by police agencies and other administrative authorities from all the Bavarian administrative regions (*Regierungsbezirke*) and elsewhere in the U.S. occupation zone and eventually Bavaria’s neighboring states in the Federal Republic. However, truly detailed coverage of the Landpolizei force itself, including information about its day-to-day operations and its relationship to Bavaria’s communities, is largely restricted to records from the Police

In chapter 1, I examine the pre-1945 development of the modern Bavarian tradition of authoritarian policing. Chapter 2 describes American efforts to dismantle the Nazi police system in Bavaria in the middle of 1945, and examines successive U.S. efforts into the spring of 1946 to improvise a new postwar police system. Chapter 3 examines Landpolizei operations during the occupation in detail, and pays particular attention to a process by which associating disorder and crime with the presence of foreigners in both police and public perceptions could justify authoritarian practices applied to everybody. Chapter 4 addresses the Landpolizei's efforts to perpetuate into the Federal Republic the bureaucratic autonomy it had achieved during the occupation. Chapter 5 describes the intimate presence of the Landpolizei in community life in the first decade of the Federal Republic, as the force continued to perform authoritarian functions beyond the maintenance of basic public safety. Chapter 6 takes a closer look at the phenomenon of political policing in the Landpolizei. Chapter 7 describes a growing awareness on the part of Bavarian police in the late Adenauer era of the impending obsolescence of their model of public order, reflected in a wave of disapproving polemic coming from Landpolizei officials in the 1950s, as Bavaria shifted from an era dominated by what police journals termed "crime derived from misery" to one featuring the "criminality of prosperity." Finally, chapter 8 examines the Landpolizei organizational reforms of 1958–1962 and the passing of the old model of authoritarian policing. The conclusion reflects on the longer-term impact of these developments after 1968.

In the midst of the chaos induced by war and defeat, the Bavarian Landpolizei reinstated a regime of watchfulness that can fairly, if unsurprisingly, be described as bearing many of the hallmarks of authoritarianism. In this period, and in the succeeding phase of eco-

Presidium of Regierungsbezirk Oberbayern, an administrative region composed of twenty-six *Landkreise* (country districts) surrounding Munich. Curators of the Bavarian state archival system, as well as custodians of not-yet-accessioned records still held by the Interior Ministry and police agencies in Munich, report that comparable records from the state's other Regierungsbezirke did not survive the modernization and consolidation of the state police system in the 1970s. Similarly, they report that the actual personnel files that could be used as the basis for demographic and similar analyses of the force's makeup no longer exist. This makes it difficult to undertake, among other things, the kind of analysis of the force's internal culture done for the municipal forces of Hamburg and North Rhine-Westphalia in the same period by Klaus Weinbauer.

conomic recovery and growth, elements of continuity or restoration in state and society such as authoritarian policing did not operate at cross-purposes or even merely coexist uneasily alongside incompatible new departures into late capitalist liberalism. Bavaria's experience rather underscores the unsettlingly foundational role played by preexisting legacies of state authoritarianism in the establishment of prosperous twentieth-century middle-class consumer societies. Although this relationship can be readily and sometimes smugly noted by Western observers in such cases as Singapore, China, and various parts of Latin America, something similar was going on in Europe during the Cold War and the economic miracle—with all this means for our understanding of how this particular recent chapter in the history of core Western modernity actually unfolded.

The thoughts I have attempted to summarize here were developing in my mind on that overcast afternoon in the cold spring of 1996, as I left the archives in downtown Munich after yet another day spent gathering the makings for this story of the discreet charm of post-1945 Bavaria's police state. On the hour-long train ride to my modest garret in the outer suburbs, my thoughts about this emerging tale made a somewhat discordant counterpoint to the cheery brass bands, the cute police dogs, the savory sausage, and the self-satisfied consensus behind the comfortable constitutional-democratic celebration of "50 Years of the Bavarian Police" that I had encountered on the way to the subways at the Odeonsplatz. Nevertheless, perhaps the best way to begin our story is to return to two earlier moments at that very same Odeonsplatz, first briefly in the summer of 1946 and then further back to another cold day, this time in November 1923. As Adolf Hitler's insurrectionary forces faced a defensive cordon formed by the men of an earlier police state that had guarded interwar Bavaria, the young lieutenant commanding the company of police troopers facing the Nazis that day was none other than the future Landpolizei chief of 1946, Michael von Godin. Not only was Godin's walk-on role during the Hitler Putsch a primal scene in the construction of a "democratic" mythology for the post-1945 Landpolizei, but the 1923 encounter with the Nazis also provides a handy focus with which to examine the pre-Nazi authoritarian police tradition at a moment when it was taking a nineteenth-century heritage into a new, Weimar-era Bavaria facing the disruptions of the twentieth century's first lost war and first uneasy peace.

CHAPTER ONE

THE EARLY CAREER OF BAVARIA'S POSTWAR POLICE CHIEF AND THE ORIGINS OF THE MODERN BAVARIAN POLICING TRADITION

In late June of 1945, after a decade in Switzerland, the anti-Nazi exile Michael von Godin returned to the bombed-out ruins of downtown Munich, arriving in a staff car provided by Allen Dulles of the American Office of Strategic Services (OSS). Almost immediately, he was sworn in as chief of the Landpolizei, the Rural Police, a new public safety agency the Americans had created in the administrative region of Upper Bavaria. By April of the next year, Godin would become chief of an enlarged Landpolizei organization that stretched across the entire state. By the end of the occupation, the Landpolizei would absorb almost all of the rest of Bavaria's municipal police forces, a process mostly completed by the time Godin retired in 1958.¹

In that first postwar summer, however, this bureaucratic success story still lay in an unknowable future. In those first months after the end of the Nazi regime, the task of improvising a police force amidst the material shortages, political purges, policy confusions, and physical chaos marking the outset of occupation still stretched ahead.² From the cramped living quarters in the central government district that he shared with other officials of the U.S.-sponsored administration, Godin would have had ample opportunities to stroll in the evening across the Old Town to the nearby rubble-strewn Odeonsplatz and the ruined Feldherrnhalle. There, facing his current challenges, he would have had the chance to summon up encouraging memories of a dramatic moment both in German history and in his own life that had unfolded at that very spot more than twenty years before.

¹ Ernst Binder, "Kurzer Abriß der organisatorischen Entwicklung der Landpolizei," *12 Jahre Bayerische Landpolizei* (Munich: Präsidium der Landpolizei von Bayern, 1958): 10–14.

² The best overall survey of the occupation period in Bavaria is Maximilian Lanzinner, *Zwischen Sternenbanner und Bundesadler: Bayern im Wiederaufbau 1945–1958* (Regensburg: Friedrich Pustet, 1996).

Around noon on 23 November 1923, a young lieutenant named Michael von Godin had ordered his platoon of riot-control troopers from the *Landespolizei* (Bavarian State Police) to move out from the adjoining royal *Residenz* on to the wide cobblestoned square.³ They had orders to confront a march on the government district by a group of right-wing radicals led by Adolf Hitler, who were intent on seizing power from the Bavarian state as a prelude to a nationalist revolution. The ensuing firefight spared Hitler, but killed several putschists and four *Landespolizei* men. Spearheading the conservative Bavarian government's suppression of the Putsch, Godin's stand at the *Feldherrenhalle* was the key moment in a series of police, military, and political actions that day that kept the Nazis from power in Bavaria, and indeed Germany, for ten more years.⁴ The Nazis' eventual seizure of power in 1933 was the end of this first chapter in Godin's saga. It turned Godin into a fugitive, and ultimately led to his exile from Germany in 1936, first to Dollfuss's Austria, then to neutral Switzerland and eventual contact with the Americans.

By the time of his return to Munich in the American baggage train, the man who was to preside over the re-creation of public order in Bavaria in the post-Nazi decades had thus already taken a dramatic walk-on role on history's stage. The younger Godin had been a junior officer in an interwar Bavarian police state that had emerged alongside the constitutional government in response to political extremism during the early years of the troubled Weimar Republic. The complex role played by the *Landespolizei* in the political forces at play in interwar Bavaria was in turn but another chapter in the longer history of an authoritarian policing tradition coeval with the emergence of modern Bavaria itself.⁵ The firm application of armed police power in 1923 may have temporarily prevented the breakthrough of fascism out of Bavaria into the rest of Germany. However, despite Godin's later tailoring of his past to the sensibilities of his eventual American

³ It is important to distinguish the term "*Landespolizei*," meaning "State Police," from "*Landpolizei*," or "Rural Police." "*Landespolizei*" denotes the heavily armed and barracked paramilitary police force from the Bavaria of the interwar Weimar Republic, which is the subject of a concise overview in this chapter. "*Landpolizei*" denotes the nonmilitarized police force dispersed across the towns and countryside of post-1945 Bavaria, which is the main topic of this book.

⁴ Gordon, *Hitler and the Beer Hall Putsch*, is the classic account.

⁵ Siemann, *Deutschland's Ruhe, Sicherheit und Ordnung*, and Raeff, *The Well-Ordered Police State*, discuss key aspects of the long-term origins of this tradition.

sponsors, the Landespolizei's response to the 1923 Putsch was not a defense of democracy per se. As a key component in the internal security apparatus of the conservative Bavarian "Order State" of the interwar period, the Landespolizei represented the latest step in the evolution of a pre-democratic tradition of centralized police authoritarianism that had first emerged in Bavaria along military lines in Napoleonic times. Despite a temporary eclipse during the Nazi dictatorship, this older police tradition was to survive to take on new forms in the 1940s and 1950s and play a key role in the post-Nazi recovery. Under Godin's leadership, a cadre of ex-Landespolizei subalterns from the 1920s would come to occupy leading posts in the post-1945 Landpolizei.

The transmittal of this authoritarian tradition into the 1950s capped a series of enduring compromises that a succession of leading policemen and officials in the field of public order and domestic security had forged with Bavaria's state and society through the material and political changes of the nineteenth and twentieth centuries. This culture of bureaucratic compromise left successive Bavarian police organizations and their leaders with a considerable degree of autonomy from meaningful external oversight. Continuing on into the era of the economic miracle and the end of postwar privation in the 1950s Federal Republic, this autonomy would continue to be justified by effective police solutions to successive waves of disorder and disruption stemming from Napoleonic hegemony, mid-nineteenth-century revolutions, the urban and industrial challenges to Bavaria's conservative and rurally based traditional society in the later nineteenth century, and then political apocalypse and defeat in two successive world wars.

An examination of the nineteenth-century origins of this modern Bavarian policing tradition provides a useful backdrop against which to set the personal story of Michael von Godin's early career in the Landespolizei right after the First World War. Following on after the circumstances that brought Godin face to face with the Nazis at the Odeonsplatz is the often murky story of his subsequent years in anti-Nazi exile. Along the way, the older police tradition to which Godin had belonged, the servant of a marriage of convenience between an authoritarian bureaucracy and a fragile conservative parliamentary state, went into eclipse with the triumph of the Nazis and the radical right. Godin's eventual return from exile to American-occupied Bavaria set the stage for new opportunities for the pre-Nazi Bavarian police tradition in the window between confused American reformism and the slow reestablishment of Bavaria's constitutional state.

The modern Bavarian administrative state emerged as a consequence of the major enlargements of the territory of the Wittelsbach dynasty in the course of the Napoleonic wars. The disappearance of the Holy Roman Empire in 1804–1806 and the elevation of Bavaria to a kingdom in its own right brought with it with the acquisition of more than half of the state's present territory. The first half of the nineteenth century witnessed the gradual integration of the old dynastic territories (known as *Altbayern*) in the alpine zone and the Upper Danube Valley with new areas of different linguistic, cultural, and even religious character. These new lands included Bavarian Swabia (*Bayerisches Schwaben*) in the southwest and the Franconian territories of central Germany.

By 1837, the seven official government regions, or *Regierungsbezirke* (RBs), of modern Bavaria had emerged; with some modifications these have formed the basis of the state's regional administration from then until the present. The RB of Bavarian Swabia forms a border zone between Altbayern and the Alemannic-speaking "Swabian" territories proper of neighboring Württemberg in southwest Germany. The cultural, linguistic, and religious core of the old Duchy, Altbayern was organized into the RBs of Upper Bavaria (*Oberbayern*), Lower Bavaria (*Niederbayern*), and the Upper Palatinate (*Oberpfalz*). Farther north, the complex patchwork of former ecclesiastical holdings, independent towns, and often Protestant princely territories in the Main Valley and the highlands of central Germany was organized into the RBs of Upper Franconia, Middle Franconia, and Lower Franconia (*Ober-, Mittel-, und Niederfranken*). Until 1933, a patch of non-contiguous territory on the left bank of the Middle Rhine Valley, confusingly known as the Rhineland Palatinate (*Rheinpfalz*), also remained part of Bavaria as a result of the post-Napoleonic settlement.⁶

Apart from Munich, the state and dynastic capital, Altbayern and Schwaben had relatively few major cities—mostly old administrative or trading centers such as Augsburg, Landshut, and Regensburg that later became the *Regierungsbezirk* seats. The somewhat larger number of major cities in Franconia, places such as Würzburg, Bamberg, Bayreuth, Aschaffenburg, Erlangen, Fürth, and particularly the large city of Nuremberg, was a legacy of the area's heritage of numerous prosperous free imperial cities and aristocratic or ecclesiastical seats

⁶ Spindler, *Handbuch der bayerischen Geschichte*, vol. 4: *Das neue Bayern 1800–1970*, provides a good overview.

from pre-modern times.⁷ The nineteenth and early twentieth centuries witnessed the moderate urbanization and industrial development of areas in and around Munich, Augsburg, and a Franconian complex centering on the towns around Nuremberg. However, nothing like the development of massive conurbations or linked industrial corridors as emerged in the Rhineland, the Ruhr, Berlin, Silesia, or Saxony took place in Bavaria before the Second World War.⁸ The Wittelsbach state's culture and society remained very much influenced by its hundreds of rural communities with origins in medieval market towns or agricultural settlements. These were places with horizons largely limited to the district (*Kreis*) they happened to be in.⁹

Bavaria's first modern government under Maximilian von Montgelas enthusiastically set about applying the bureaucratic Enlightenment's principles of administrative rationalization, secularization, and centralization to the task of integrating the disparate territories and populations into one modern state. In contrast to another major modernization project in Napoleonic-era Germany—Prussia's reform from above—Bavaria's effort included serious attempts at a functioning parliament and a written constitution. However, in contrast to temporary liberal ascendancies in other western and southern states such as Baden, middle-class and liberal forces of movement in Bavaria never quite broke through to secure constitutional government.¹⁰ Even after Montgelas's dismissal, the bureaucratic and courtly elite enjoyed a decisive freedom of action in running the state all the way down to the Revolution of 1848 and the decades of reaction afterward. As did the rest of the public administration, the state's emerging police forces remained servants not of parliaments but of an increasingly non-accountable bureaucracy governing on behalf of the dynasty.

The adoption of administrative modernity had been a consequence of a period of Napoleonic military hegemony. The imperial French example thus influenced the development of Bavarian policing and

⁷ Max Spindler, *Handbuch der bayerischen Geschichte*, 3rd ed., vol. 3: *Geschichte Frankens bis zum Ausgang des 18. Jahrhunderts*, ed. Andreas Kraus (Munich: Beck, 1997).

⁸ Jürgen Reulecke, *Geschichte der Urbanisierung in Deutschland* (Frankfurt: Suhrkamp, 1987); Clemens Zimmermann, *Die Zeit der Metropolen: Urbanisierung und Großstadtentwicklung* (Frankfurt: Fischer Taschenbuch, 2000).

⁹ A useful evocation of this milieu is Regina Schulte, *The Village in Court: Arson, Infanticide, and Poaching in the Court Records of Upper Bavaria, 1848–1910* (New York: Cambridge University Press, 1994).

¹⁰ Lee, *The Politics of Harmony*.

internal security in the early decades of the nineteenth century as three basic issues faced the architects of the state's system of internal order: the organization and composition of the responsible forces and authorities; the powers and prerogatives at the disposal of these forces; and the search for a command and control structure that would best combine the detailed local knowledge and resources of communities and district authorities with the preservation of the central government's authority.¹¹ The Bavarians, of course, faced these questions alongside other comparable states in Continental Europe, and most German-speaking territories had evolved broadly similar answers by the middle of the nineteenth century. By the 1950s, however, Bavaria would stand out because of the unusual continuity of its original police administrative arrangements across the disruptions of the Nazi period and the Second World War.

Throughout the previous emergence of centralizing early modern warfare-and-taxation states in the various seventeenth- and eighteenth-century territories that were to become modern Bavaria, town councils and other local authorities as well as princely administrations had maintained a variety of approaches to the needs of domestic security and order, variously employing court or ecclesiastical servants, municipal night watchmen, rural harvest guard organizations, and occasionally territorial and aristocratic armed forces for public-order tasks. It took the subsequent disruptions and reformulations of the Napoleonic wars for such forces to be gradually replaced by permanent electoral and then royal military units officially seconded from frontline service to the task of securing order in the expanding Wittelsbach territories. In 1812, assorted army formations that were already performing patrol duties in addition to their other tasks in the state's interior were formed into a separate mounted security organization, the Royal Bavarian Gendarmerie. This force remained organized—as did comparable forces across Napoleonic-influenced Europe—along the military lines provided by the French prototype.¹² Generally focused on the countryside and the smaller towns but available for assignment anywhere, the Gendarmerie was to exist in this form until 1945. Although formally organized into companies and regiments, Gendarmerie men actually operated from a widely scattered system of small duty stations

¹¹ Eric A. Arnold, *Fouché, Napoleon, and the General Police* (New York: Rowman and Littlefield, 1979); Jean Tulard, *Joseph Fouché* (Paris: Fayard, 1998).

¹² Emsley, *Gendarmes and the State*, 208–235.

(*Posten*) in rural areas, distributed according to local population density, but always thin on the ground. In many districts, the Gendarme was often the only “man of the state” for considerable periods of time, even years.

The local Gendarme had plenty to do at his isolated post. From early modern times, the untranslatable concept of *Polizey* in Bavaria, as in the rest of Germany, had historically included many other functions beyond crime-fighting, the execution of writs and instructions of legal courts, and the preservation of physical public safety and security in the narrow sense. In addition, the Gendarme was often the enforcer for “police authorities” (*Polizeibehörden*) of various kinds, embodied in the regular echelons of the civil administration. These police authorities (in an expanded sense) wielded full executive power over the supervision and regulation of many routine daily activities that in other contemporary modernizing societies—particularly English-speaking ones—came under the purview of agencies with no direct coercive authority.¹³ In Bavaria and other German-speaking lands, these regulatory police responsibilities included, but were not limited to, issuing building, travel, and business permits; enforcing regulations governing price controls, health, food, social welfare, and compulsory school attendance; authorizing organizations and public assemblies; and maintaining the residence registration and identity records of natives and foreigners. Collectively, these and similar activities constituted the function known in traditional German doctrine as *Verwaltungspolizei*, or administrative policing.¹⁴

Despite its local origins, nineteenth-century *Verwaltungspolizei* became the most direct expression in the daily lives of Germans of a certain concept of the centralized state, somehow standing sovereign about the public sphere and bearing a comprehensive claim to the ordering of daily life and the relations between economic and social interest groups. In much of modern Continental Europe, this concept of administrative police work inherited from cameralist times has outlived numerous radical upheavals in political regime. But perhaps nowhere else has this concept of the state and its police so strongly taken on a cul-

¹³ Christopher P. Wilson, “Stephen Crane and the Police,” *American Quarterly* 48, no. 2 (1996): 273–315; Jay Stuart Berman, *Police Administration and Progressive Reform* (New York: Greenwood Press, 1987).

¹⁴ For Bavaria, see Angela Rohde, “Die historische Entwicklung des Ordnungsrechts insbesondere die Anfänge der Kommunalpolizei im bayerischen Raum” (Ph.D. diss., Julius-Maximilians-Universität Würzburg, 1975).

tural life and folkloristic resonance of its own as in the German lands. Throughout the nineteenth and twentieth centuries, it was the combined activities of Verwaltungspolizei offices and the uniformed police formations (and the effect of those activities on the tenor of daily public life) that perpetuated the loose popular perception—certainly in the Anglo-Saxon world—of the various German lands and eventually the modern nation as a *locus classicus* of the bureaucratic police state.¹⁵

A central factor in the crystallization of this reputation was the abiding link between centralized policing and the government's system for registration of personal identity and place of residence (*polizeiliches Ausweis- und Meldewesen*), which was maintained jointly by the central states and local communities of nineteenth-century Germany. At some point in their development, of course, all modern centralizing states have evolved theoretically universal documentation mechanisms that enable policemen and other representatives of the state to reliably establish the particulars of most persons encountered in daily operations. This has been accomplished either with purpose-designed personal identity cards and residence registration systems (common in states with administrations founded on the Napoleonic model) or with the expedient and constitutionally contested use of personal information found on driver's licenses, social welfare system cards, commercial credit cards, and other financial instruments or comparable items originally designed for other purposes (until recently, the norm in the English-speaking common-law world).¹⁶ Regardless of the legal justifications underlying these different methods, the particular interplay between this ability to document people or track their movements and the other dimensions of police operations reveals much about the roles that the police force plays in a given society undergoing successive waves of change. The effective extent of these roles is not always circumscribed by the official definitions and limits on police powers found in laws or constitutional guarantees. In particular, police enforcement

¹⁵ Raymond B. Fosdick, *European Police Systems* (1915; reprint, Montclair, N.J.: Patterson Smith, 1969), 9, 21, 24–25, 35, 68–69; Morris Plesscowe, “The Organization for the Enforcement of the Criminal Law in France, Germany and England,” *Journal of Criminal Law and Criminology* 27 (1936): 317.

¹⁶ A good recent survey is Jane Caplan and John Torpey, eds., *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton, N.J.: Princeton University Press, 2001). See also the interesting theoretical discussion in “Conclusion: A Typology of ‘Papers,’” in John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (New York: Cambridge University Press, 2000), 158–167.

of increasingly comprehensive identification and residence registration systems in Continental Europe had a tendency to become the cornerstone of another durable tradition—at best only partially regulated by normative constitutional legislation—of permanent, politically motivated surveillance by the central government of a subject population.

This extra-constitutional tradition of political surveillance policing had been one consequence of the administrative reforms in most German states during the early 1800s, an approach perhaps most dramatically embodied in the paranoid, adversarial *Festungspraxis* (siege mentality) of the police state in Restoration Prussia as described by Alf Lüdtke.¹⁷ However, the actual bureaucratic procedures for registering the identities and residences of local inhabitants are rooted in medieval and early modern municipal practices of community management. They had already become a matter of concern to the emerging “police” authorities of early modern central Europe long before the Napoleonic and Reform eras spurred the rationalization, bureaucratization, and politicization of the practice. Although the degree of enforcement varied, and universal compliance remained an unattainable ideal, registering one’s place of residence with the “authorities” gradually became a familiar obligation in most German states over the course of the nineteenth century, despite the statutory freedom of internal movement guaranteed by a number of liberal state constitutions by the middle of the century. An argument can be made that a system of police residence registration was a necessary instrument as long as the concept of general *Freizügigkeit* (freedom of internal movement) was defined as a managed and rationed privilege granted to the population by liberal-bureaucratic constitutions.

After the internal and external means of projecting organized violence had been claimed as a monopoly by Weberian central authority, perhaps the most fundamental challenge that modern state-building projects such as those in nineteenth-century Bavaria faced was developing the technical and legal formats for documenting subject populations and thus making them open to systematic manipulation by administrative machinery.¹⁸ Perhaps even more so than taxation requirements, theoretically universal residence registration had been the most common way in which the average person in the German lands encountered police and state authority. From it flowed a whole host of implica-

¹⁷ Lüdtke, “*Gemeinwohl, Polizei, und Festungspraxis.*”

¹⁸ Rohde, “*Die historische Entwicklung.*”

tions for how the state regulated group and individual activity, allocated resources and sequestered surplus, and dealt with crime and disorder. Residence registration, as the key to a host of other state services, fundamentally affects mobility patterns in most societies in which it has been made compulsory and regulated as a routine police function.¹⁹

In the pre-Nazi period, the exact designations and nature of local and regional offices responsible for residence registration and issuance of identity documents had varied with the type and size of each community and the particular regional or state system concerned. All of them, however—from specialized registration authorities (*Einwohnermeldeämter*) in big cities to the *Landrat* and *Gemeinderat* rural and urban magistracy offices in rural areas that also doubled as residence registries—were before 1945 among the main components, in a functional sense, of the regional or local police authorities (*Landes-, Bezirks-, bzw. Ortspolizeibehörden*), complete with discretionary disciplinary powers over their target populations.²⁰ This was true regardless of whether the actual recordkeeping was in the hands of uniformed policemen or civilian employees retained for this task. If the actual processes happened to be done by civilian clerks, registration offices could call on uniformed policemen to assign punishments or levy fines and other penalties for failure to register. In turn, uniformed executive police forces either had direct access to the personal information collected by these offices or collected the information themselves in smaller localities.

Registering identity and residence with the police had become such an established practice in the public culture of central Europe by the 1860s that it even found its way into a species of etiquette handbook typical of the period, which offered guidelines for proper behavior by modeling scripts for the kinds of situations and conversations that insecure or aspiring members of the respectable middle classes might typically encounter. One such manual, *Salon Conversations: A Guide for the Bashful of Both Sexes*, contained a section entitled “*bei der Polizei*” that sought to steer its gentle readers through the daunting intricacies of police residence registration while maintaining some appropriate level of middle-class dignity. In the course of modeling one young

¹⁹ Spencer, *Police and the Social Order*, 19, 40–41, 111, 117; Fairchild, *German Police*, 98, 101.

²⁰ Records of the Office of Military Government for Germany-US [hereafter OMGUS], Box 271, Folder 603–4, “Police Jurisdictions,” Organizational summary of German police branches and functions prior to 1945 prepared by OMGUS legal division, 10 May 1946.

man's encounter with the Ausweis- und Meldewesen authority in the new town to which he is moving, the manual summarizes the basic requirements for becoming a legally registered inhabitant of a locality in the German lands: a clean criminal record; officially approved "de-registration" papers from a previous place of official residence; certificates of character and other documents attesting to occupation, current address, educational attainment, and religion; and bank or other documents demonstrating sufficient current and future means of support. Much of this list remains valid in the early twentieth-first century.²¹

In German states such as Bavaria, identity and residence registration was a key foundation on which the police bureaucracies of the Metternich System and the various neo-absolutist regimes of the 1850s and 1860s were able to construct a system of mass surveillance. In Wittelsbach times, state interest in the "mood of the population" (*Völkstimmung*) can be documented back to the surveillance reports submitted by postal, local administrative, and municipal police agencies in support of the Montgelas regime during the Napoleonic era.²² However, the existence of a system of routine surveillance of the broad, non-criminal or non-politically activist population cannot be substantiated until at least March 1848, when Regierungsbezirk administrators began submitting reports known as *Terminsberichte* to the interior minister every eight days. Distilled by the RB administrations out of hundreds of regular written reports by local magistrates, district officials, and Gendarmerie posts, the *Terminsberichte* monitored changes on the eve of a revolution—the attitude of the population toward the king and the monarchy, shifts in "party" affiliation and religious adherence, support for "democratic" associations or publications, reactions to specific recent laws or decrees, and the people's opinions about general issues of German national unification.²³ However, this system of reports from rural and urban subordinate offices stopped being a weekly routine responsibility in 1864.²⁴ For urban areas specifically, studies of other states and of Bavaria's cities do suggest that a system of regular periodic reports on popular attitudes and surveillance or censorship of public expressions of political views continued uninterrupted as a routine police activity in these geograph-

²¹ Leopold von Reinbeck, *Salon-Gespräche: Ratgeber für Schüchterne beiderlei Geschlechts* (1863; reprint, Weimar: DTV, 1970), 164–166.

²² Siemann, *Deutschland's Ruhe, Sicherheit und Ordnung*, 48–57.

²³ *Ibid.*, 428–429.

²⁴ *Ibid.*, 430.

ically limited jurisdictions from the disturbances of the mid-nineteenth century into the early twentieth.²⁵ These police practices both reflected and intensified the preoccupation of the political establishment with monitoring security problems in high-density urban populations, particularly those associated with political issues such as the anti-Catholic *Kulturkampf*, anti-socialist legislation, and anarchist scares. However, an in-depth study of policing in rural Bavaria in the late nineteenth century that addresses the extent of mass surveillance in smaller communities remains to be written.²⁶ Without that study, it is difficult to generalize about the regularity, coverage, and nature of broad population surveillance in the relatively quiet environment of this predominantly Catholic, relatively non-industrial and non-urbanized state during the later nineteenth century.²⁷

While the functions and composition of the executive forces for both uniformed public safety and *Verwaltungspolizei* were evolving in the first half of the nineteenth century, the command and control relationships between these different policing mechanisms and the geographic echelons of Bavaria's interior civilian administration were also on a parallel process of development. Separating executive police power from judicial authority had been one of the main items on the agenda of the Bavarian reform governments in the wake of the 1848 revolution, but this goal was first formally (and only partly) addressed with legislation on the court system (a *Gerichtsverfassungsgesetz* of 1861).²⁸ Despite the law's list of major crimes for which independent judicial authorization and review of all judgments and penalties were now required, the separate Police Penal Code (*Polizeistrafgesetzbuch*) promulgated in the same year

²⁵ Gerhard Fürmetz, "'Betrifft: Sicherheitszustand'—Kriminalitätswahrnehmung und Stimmungsanalysen in den Monatsbereichen der Bayerischen Landpolizei nach 1945," *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts* 12, no. 3 (July 1997): 39–54, 41; Spencer, *Police and the Social Order*, 76–88; see also Ludwig M. Schneider, *Die populäre Kritik an Staat und Gesellschaft in München (1886–1914): Ein Beitrag zur Vorgeschichte der Münchner Revolution von 1918/19* (Munich: Kommissionsbuchhandlung Wölfler, 1975).

²⁶ Spencer, *Police and the Social Order*, has provided a useful basis for comparison in the Prussian West.

²⁷ The particular attention given to surveillance of strikes in outlying industrial areas points to their exceptional character in the general policing of the rural milieu. Even here, the state seems to have taken a light hand prior to 1914. *Prinzregentenzeit* labor historians provide evidence of Gendarmerie officers having been reprimanded for exceeding their authority in ordering unauthorized surveillance against workers' meetings. See Elisabeth Jüngling, *Streiks in Bayern (1889–1914): Arbeitskampf in der Prinzregentenzeit* (Munich: Kommissionsverlag UNI-Druck, 1986), 201–202.

²⁸ Mayer, "Die Aufgaben und Befugnisse der Polizei," 7.

perpetuated (albeit in modified form) the summary powers over various crimes still at the disposal of regional administrations (*Bezirksämter*) and the various local Ortspolizeibehörden under them, as well as the separate chains of command in the Gendarmerie. It preserved an extensive list of lesser offenses that both uniformed police and Verwaltungspolizei remained free to adjudicate and penalize without any further recourse by the concerned individual to the court system proper.²⁹

This approach to policing required extensive knowledge of the boundaries of permissible police discretion and demanded a significant level of technical legal knowledge from policemen and other officials who were not trained primarily as jurists. Partly for this reason, and in contrast to the increasing devolution of police powers to municipal authorities in many urban areas of states such as Prussia after 1850, the last half of the nineteenth century witnessed a partial shift in Bavaria away from the system of partial indirect control by central authorities over local policing, particularly in larger communities.³⁰ In contrast to the earlier deputizing of local officials as Ortspolizeibehörden, a system of professional royal municipal police commissioners (*königliche Stadtkommissäre*) allowed the central government to appoint bureaucrats from the Ministry of the Interior to directly head police administrations in the larger cities beginning in 1869. However, the police directorates of small cities and towns continued to be led by officials of local origin, while the Gendarmerie continued to be responsible for the countryside. At the very end of the nineteenth century, specialized forces for urban police work began to appear in Bavaria. The first Royal Bavarian *Schutzmannschaft* (a municipally based force similar to the unit raised in the Prussian capital of Berlin) was formed in Munich in 1898 out of the Gendarmerie company stationed in the city, and became the model for similar forces in Nuremberg, Augsburg, and the cities of the Bavarian Palatinate.³¹

Although various pieces of legislation from 1808 onward formalized the traditional rights of communities to self-administration in matters of local significance, allowed municipal officials some advisory oversight over locally stationed Gendarmerie forces, and afforded town authorities some modest administrative police powers, Bavaria never devel-

²⁹ Ibid.

³⁰ Ludwig Saller, "Polizeiorganisation—im Wandel der Zeiten," *Bayerische Landpolizei* (1964/1965): 93–94.

³¹ Spencer, *Police and the Social Order*, 53.

oped a system of truly autonomous municipal or local police authority under the primary control of the communities themselves. Outside Bavaria, this older tradition had survived, updated into the modern period, in the “individualized country” of inward-looking and powerful hometowns studied by Mack Walker in neighboring Württemberg and farther north and west in the Rhineland. In contrast, in a solution more reminiscent of the Prussian alternative (definitively formulated in that state’s first comprehensive modern legal code, the *Allgemeines Landrecht* of 1794 and subsequent police instructions based on it), final power of command over both uniformed order control and bureaucratic administrative police in the small towns and country districts of the Wittelsbach lands throughout the nineteenth century remained with the central ministries in Munich.³²

Even before the Napoleonic wars, regulatory police powers, judicial functions, and general administrative tasks of government in Bavaria at levels transcending purely local community concerns were all to be found (with the exception of special arrangements in the largest cities) in the hands of a single system of rural magistrates (*Landrichter*) appointed by the electoral government. Even after an early wave of administrative reform concluded with the first Bavarian constitution of 1818, the *Landrichter*’s office continued to combine judiciary, police, and sundry administrative functions for most rural districts (*Landkreise*). The *Landrichter* ratified communally nominated officials (*Gemeindevorsteher*), often the mayor of the nearest substantial town or other prominent local individuals, to represent him in outlying areas for questions of public order. With the further systematization of administrative arrangements late in the nineteenth century, these types of deputized position eventually came to be counted among the “local police authorities” (*Ortspolizeibehörden*).³³

Such was the state of police power in the Wittelsbach lands as the man who was to become the head of the state’s post-Nazi police was born during the Bavarian fin-de-siècle (*Prinzregentenzeit*). Michael Reinhard Paul Ludwig, Freiherr von Godin, was born in Munich on 8 October 1896, into a family of traditional landowners and royal court retainers, part of the Bavarian service nobility. His father, Reinhard, held a

³² Franz Mayer, “Zur geschichtlichen Entwicklung von Polizei und Polizeirecht in Bayern,” “Bayern und seine Polizei,” 5–9.

³³ *Ibid.*, 7.

hereditary court position in the royal household's financial administration, and eventually retired from active service in the Bavarian army as a major. Godin grew up on the family estate in Possenhofen on the western side of the Starnberger See—an alpine lake south of Munich with almost its entire shoreline lined to this day with the retreats and villas of the fashionable Munich elite (the so-called *Schickeria*) as well as older, more established sections of Bavarian society.³⁴

Godin's early career fit the old aristocratic mold. Eschewing chances for cultural, commercial, or technocratic *embourgeoisement*, he completed his education at the equivalent of the high school (*Gymnasium*) level in 1914. He inherited the family's sinecure at the royal court, and in due course followed his father into military service in the Bavarian army officer corps. Godin fought in the First World War with the mounted dragoons of the *Schwere Reiter* and the royal household guards of the *Königliches Leibregiment*. In campaigns in France, South Tyrol, Serbia, and Russia, he received three combat injuries, including a gunshot wound to the stomach.³⁵

Both before and after the First World War, the experience of such military service continued to be a main source for the ethos of most Bavarian policemen. Together with their Gendarmerie colleagues in the countryside, the urban *Schutzleute* of the late nineteenth century and the period before 1918 were largely recruited from ex-military personnel who for reasons of age, physical condition, or personal preference had chosen reassignment to the police.³⁶ This military background helped successive generations of Bavarian policemen adjust to the system of regional and district military commanders responsible for linking the homeland to the war effort that was superimposed on Bavaria's civil administration in the First World War.

Demobilization came for Lieutenant and Battalion Adjutant Godin at the end of March 1920. In September of that year, he married for the first time, although the sources are not clear as to whether this first wife was the one with whom he spent the bulk of his married life, Antonie, Baroness (*Freiin*) Henn von Henneberg.³⁷ But after the armistice, Godin

³⁴ Landespolizei service records, *Personalbogen* Godin. See n. 54 for full information.

³⁵ Ibid. See also "Godin, Michael (Michel) Paul Ludwig Richard," in Sybille Claus and Beatrix Schmidt, eds., *Biographisches Handbuch der Deutschsprachigen Emigration nach 1933*, vol. 1: *Politik, Wissenschaft, Öffentliches Leben* (Munich: K.G. Saur, 1980).

³⁶ Liang, *The Rise of Modern Police*.

³⁷ There is some confusion about Godin's marriages. The *Personalbogen* service records indicate that his marriage to Antonie took place in 1920, and follow this up

the newlywed service aristocrat was only one of the millions of veterans all over Germany who were contemplating more compelling alternatives to civilian life in a defeated, confused, and materially precarious society. Many of these men eventually found temporary or permanent spiritual homes in the burgeoning subcultures of postwar paramilitary and insurgent activity. Count Anton Arco-Valley, Godin's fellow aristocrat and fellow confused junior cavalry officer from the Schwere Reiter regiment, wound up assassinating the leftist idealist Kurt Eisner, first minister-president of the postwar state, triggering the disorders of the Munich Soviet Republic and the subsequent counterrevolutionary White Terror. However, the paramilitary subculture could encompass a wide spectrum of pro- and anti-state organizations, ranging from illegal murder squads (*Organisation Consul*), private vigilante forces with murky relationships to legal authority (the mobile *Freikorps*, the *Zeitfreiwilligenverbände*, and the more locally rooted *Einwohnerwehr*, or citizens' militia), the paramilitary auxiliaries of various political parties (the Nazis' SA stormtroopers, the Jungdo of the German National People's Party [DNVP], the *Bund Bayern und Reich*, the *Reichsbanner Schwarz-Rot-Gold* of the Social Democrats [*Sozialdemokratische Partei Deutschlands*—SPD], the Communist *Proletarische Hundertschaften*), and on into the quasi-official system of covert training and support arrangements between the regular army and paramilitary entrepreneurs known as the Black Reichswehr.³⁸

Partisan activists were not the only ones affected by this wave of postwar social paramilitarization. All over Germany, the state and local governments themselves began to evolve more heavily armed solutions to the very public-order problems brought about by paramilitarized politics. In addition to the barracks attitudes and ethos absorbed by generations of police recruits with previous army service, the military's involvement in internal security during the 1914–1918 period also encouraged the postwar emergence of new, intensively militarized police organizations and operations as a response to the disruptions of the lost war's aftermath. In the case of Bavaria, the already authoritar-

with a further mention of the two by name in 1926. However, Claus and Schmidt, in *Biographisches Handbuch*, have an unknown woman as Godin's wife between 1920 and 1932, with Antonie listed as his second wife from 1932 to 1975, and finally Gila Wollenhaupt as his third wife, from 1975 to 1982.

³⁸ James M. Diehl, *Paramilitary Politics in Weimar Germany* (Bloomington: Indiana University Press, 1977).

ian and intrusive features of the police model that had evolved in the urban and rural patrol forces and Verwaltungspolizei authorities by the end of the nineteenth century found a new enforcement arm by 1920 in a new barracked police organization that reflected the state's commitment to paramilitary solutions to public-order problems—the Bavarian State Police, or Landespolizei.

The beginnings of the Landespolizei can be traced back to the heavily armed formations of emergency riot police that began appearing alongside regular municipal and rural patrol forces all over Germany soon after the armistice. On their own initiative, municipal governments and army garrisons in Munich, Nuremberg, Schweinfurt, and various other Bavarian cities had begun to organize locally available groups of demobilized soldiers as a form of urban security force in the aftermath of the counterrevolution against the Soviet Republic.³⁹ These so-called *Sicherheitspolizei* (Security Police) or *Polizeiwehr* (Police Defense) units appeared to many local, regional, and state governments to be useful a means of coping with the domestic disturbances that were occurring in the wake of the lost war, while also addressing the problem of employing some of the millions of ex-soldiers at loose ends in the Reich interior.⁴⁰ Sicherheitspolizei were to be the police counterparts of the Freikorps and other private militias. Barracked police soldiers employed combat tactics, heavy weaponry, and military-style organization in an effort to deal more effectively with armed paramilitary groups and large-scale riots than the lightly armed regular municipal police or Gendarmerie.

Throughout the summer of 1919, these independent local efforts gradually came under the coordinating hand of the commandant of the Munich Reichswehr garrison, Major Johann “Hans” Ritter von Seisser. By October, Seisser had arranged his own transfer from active Reichswehr service to take up an appointment with the Bavarian Interior Ministry as the head of a new state office, the “Inspectorate of the State Police,” with the brevet rank of police colonel. The varied local Sicherheitspolizei units that had come under his control were now reorganized into the *Polizei-Wehrregiment München* and the *Polizei-Wehrbataillon Nürnberg*. Beginning with a total strength of 4,500 men, Seisser's heavily

³⁹ Adam Leppert, “Geschichte der Bayerischen Landespolizei 1919–1935,” manuscript in *Polizeigeschichtliche Sammlung der Bayerischen Bereitschaftspolizei*, Bamberg, 18–23; Schwarze, *Die Bayerische Polizei*, 50–86.

⁴⁰ Leppert, “Geschichte der Bayerischen Landespolizei.”

militarized organization would eventually achieve a maximum strength of close to 10,000 men, stationed over the course of the next decade in platoon- and company-size units all over Bavaria.

In the second half of 1920, Allied suspicions about the Germans' possible use of such barracked police units as cover for crypto-rearmament led to increasing pressure from abroad to disband these forces. As a partial response, the governments of the various states took steps to reduce the prominent public profile of the regular army's influence in the separate state-run Sicherheitspolizei units.⁴¹ In the case of Bavaria, however, these efforts did not necessarily result in a transition to effective control by the civilian government. While nominally an agency within the Interior Ministry, the new barracked police organization, renamed the *Bayerische Landespolizei* (Bavarian State Police), continued to operate autonomously, away from external oversight. The force's specially created command office, the *Landespolizeiamt*, was attached to the ministry only for budgetary convenience. Seisser remained in firm control of the operations and internal administration of a tightly organized force roughly equivalent in size and deployment structure to a peacetime army division.⁴²

It was to the town of Landshut in Lower Bavaria that the newly married war veteran Michael Freiherr von Godin came in December of 1920 as a police officer candidate to take command of the local Landespolizei detachment.⁴³ Although the districts of the Regierungsbezirk of Lower Bavaria such as the Landshut area tended to be relatively quiet, the organization that Godin joined did not lack for work in the rest of the state during the early 1920s. Apart from labor riot-control operations during the Kapp Putsch and the attendant emergence of conservative dominance in the Bavarian government, Seisser's Landespolizei platoons put down large-scale industrial unrest while keeping the MAN and Schukert industrial complexes open in the Nuremberg area, and kept much of Franconia in a state of martial law during a three-week period centered around food riots and other disturbances that broke out in the Neumarkt district. On into the rest of the decade and the early 1930s, such incidents of large-scale deployment tended to cluster in the industrializing or thicker settled regions around Munich and the rest of the larger cities in the north and east, satellite towns such

⁴¹ *Ibid.*, 18–19; Schwarze, *Die Bayerische Polizei*, 20–32.

⁴² Gordon, *Hitler and the Beer Hall Putsch*, 120–139.

⁴³ Landespolizei, *Personalbogen* Godin.

as Dettingen, Rodach, Bayreuth, Coburg, Erlangen, Kronach, Feucht, Regensburg, and Hof. Meanwhile, by October 1922, Godin had passed probation in Landshut and received his commission as a police officer and his tenure as a state official (*Polizei-Beamte*). By June of 1923, he had attained the rank of senior lieutenant (*Polizei-Oberleutnant*) in the militarized Landespolizei rank system.⁴⁴

As an instrument for upholding “public security,” Seisser’s organization soon began to develop a role in the internal power struggles of a nervous state in which security had become a pressing political issue. As the Landespolizei’s activities became more politicized, its operations began to take on what both contemporaries and later observers perceived as aspects of a police “state within a state.” A particular constellation of political forces and interest groups in Weimar-era Bavaria that was unique among all the states of interwar Germany eventually enabled Seisser’s organization to attain significant autonomy from the state government. This development set a precedent for police–civil government relations in the post-Nazi period.

A succession of conservative Bavarian governments had emerged after the overthrow of the socialist administration of Johannes Hoffmann in 1920. Although these governments remained responsive for most of the ensuing decade to the wishes of the stable center-right political majorities in the *Landtag* (Bavarian Parliament) and retained the support of most of the Bavarian population, the minister-president and his cabinet gradually ceased to depend for their political survival on such indices of consensus. At least as important in the dangerous world of militarized politics was the personal endorsement of the leaders of the Reichswehr units stationed in Bavaria, the cultivation of mutual support and friendly relations with a wide variety of mostly rightist militias, the services of official and unofficial political police intelligence networks, and the reliability of the anti-riot platoons, armored car companies, machine-gun detachments, air observation squadrons, and cavalry troops of the Landespolizei under Colonel Seisser.⁴⁵

In his dealings with the governing cabinets and the civilian security specialists of the Interior Ministry through the first half of the 1920s, Seisser had the advantage of being the darling of most elements among

⁴⁴ Schwarze, *Die Bayerische Polizei*, 86–140; Leppert, “Geschichte der Bayerischen Landespolizei,” 19; Landespolizei, *Personalbogen* Godin.

⁴⁵ Gordon, *Hitler and the Beer Hall Putsch*, 25–184; Large, *The Politics of Law and Order*, 5–22.

the moderate right because of his stabilizing role as commandant of the army garrison in Munich during the counterrevolution that had brought down the Soviet regime. In the conflicts with the national government over the Reich's civil and military prerogatives in Bavaria, as well as the tensions within the state itself between the government, the private militias, and the local Reichswehr, successive Bavarian cabinets were not averse to the existence of a force such as Seisser's Landespolizei, which was organized like an army division but answerable only to Munich, a stand-in for the old Royal Bavarian Army. Such considerations also contributed to the growing indispensability enjoyed by Seisser's organization in the eyes of the various conservative Bavarian political parties and interest groups jockeying for position in a part of Germany rapidly gaining a reputation as the authoritarian *Ordnungszelle Bayern* ("Enclave of Order Bavaria"). Another formulation of the same sentiment cast Bavaria as an *Ordnungsstaat* ("Order State") anxious to remain an anti-communist bulwark of various strands of traditional monarchist, religious, or bourgeois conservatism in a dangerously unstable Reich.⁴⁶

The Landespolizei leadership's skillful management of this growing indispensability enabled Seisser and a cadre of his followers to gradually insulate themselves from civilian control. In practice, Seisser's executive office, the Landespolizeiamt, had by 1923 attained a position of autonomy far beyond the limits of its officially subordinate status to the constitutional government. Exploiting the role that the Landespolizei shared with the regular Reichswehr in providing technical training for a wide variety of right-wing paramilitary groups and nationalist movements, Seisser also cultivated personal alliances and other arrangements with the leaders of these groups outside the direct supervision of the government.⁴⁷ In addition, he eventually got around the official limitation of the Landespolizeiamt to administrative and support functions (and not command authority) over Landespolizei field units. The civilian heads of the Interior Ministry's regional administrative system (the *Regierungspräsidenten*) were nominally supposed to have routine operational control of Landespolizei forces stationed in their jurisdictions, with Seisser's central office taking over command only in emergencies. However, Seisser had secured the "silent consent" of a succession of interior ministers for the establishment of a permanent

⁴⁶ Gordon, *H Hitler and the Beer Hall Putsch*, 121, 123, 126–136.

⁴⁷ *Ibid.*, 128–136.

regime of personal direct central command over all Landespolizei field forces in Bavaria, even in times of normalcy. In the process, he managed to remove the force from the oversight not only of the regional civil administrations, but also of the top Interior Ministry officials. Foremost among the latter was the chief critic and opponent of the entire Seisser operation, the ministry's in-house expert on police matters, Major Christian Pirner. A final measure of Seisser's power and autonomy was that by 1923, a period of basic training and probationary service in his organization became practically the only route to field-grade employment in the remaining independent municipal police forces, the state-run police presidencies in the larger municipalities, the border police, and most other agencies in the overall Bavarian police system. Only the rural Gendarmerie, which preserved its older systems of independent recruiting directly from the army, did not rely on intake of graduates from Landespolizei basic training.⁴⁸

The Landespolizei had originally been authorized by the socialist Hoffmann cabinet in early 1920 as a sort of armed referee, impartially guaranteeing the security of any legal government of the day. However, as government control over the force grew increasingly tenuous in the fall of 1923, the Landespolizei was undergoing a subtle but important mutation in its relationship to civil authority. The police leadership began to act as one of the many groups jockeying for power—alongside the rival paramilitaries, municipal and ministerial political police apparatuses, party militias, and bureaucratic fiefdoms—that together constituted the loose extra-parliamentary coalition that actually ran the Bavarian “Order State.”

Runaway inflation came together with a new wave of protests by the armed political leagues over the Ruhr occupation issue to again escalate public disorder in the fall of 1923. The elected government of Eugen von Knilling declared a state of emergency. By September, it had recalled Gustav von Kahr, the first conservative minister-president of the post-Soviet period, from his post at the head of the district administration of Upper Bavaria. Kahr was appointed to head an emergency government authority, the General State Commission for the Preservation of Public Order (*Generalstaatskommissariat für die Aufrechterhaltung der öffentlichen Ordnung*—GSK). Out of the GSK's plenipotentiary powers in the fields of security and law enforcement, Kahr soon developed some-

⁴⁸ Ibid., 124–125.

thing akin to an extra-constitutional quasi-dictatorship, an autonomous bureaucratic security apparatus operating parallel to the legal cabinet. With the extension of its activities to more and more fields that could arguably affect the state of public order, the GSK quickly began to duplicate many of the regular civil government's functions, taking over more and more of the latter's links to local communities, and representing the government in its relations with the army and the police.⁴⁹

Landespolizei officers eventually held several key positions in Kahr's GSK apparatus. Seisser himself became Kahr's deputy for military and police affairs. Two other members of Seisser's headquarters staff took charge of the GSK's economic security committee and intelligence service. Meanwhile, a Landespolizei major named Döhla also managed to take over a separate intelligence operation managed by the district administration of Upper Bavaria, which had obligingly shared office space with the GSK in the Maximilianstrasse.⁵⁰ The emergence of the GSK, with the Landespolizei playing an important set of roles in it, meant that the vague concept of an authoritarian Order State shared by many conservatives in Weimar Germany's largest state had now reached a well-developed and bureaucratically anchored stage, without quite completely eclipsing the constitutional order. As a core component of the GSK, the Landespolizei had reached the high point of its political power and autonomy from the regular government by the fall of 1923.

The many areas in which the GSK perceived "challenges to public order" provided the Landespolizei with an opportunity to diversify its operations and extend its reach. By the time that Seisser had established this stable power base outside the normal ministerial chain of command, the Landespolizei had responsibilities far removed from the force's origins as a barracked police troop formation intended mainly for deployment in large units against mass public disorder. Smaller Landespolizei detachments now provided security and individual document control at all Bavarian airports, and Landespolizei "advisers" helped to focus the volunteer Bavarian civil border patrol organization *Grenzschutz Nord* on a policy of active defense against unauthorized incursions from the states of Saxony and Thuringia to the northeast,

⁴⁹ Albert Schwarz, "Die Kabinette des Herrn von Knilling und die Vorherrschaft Kahrs," in Spindler, *Handbuch der Bayerischen Geschichte*, vol. 4: *Das neue Bayern 1800–1970*, 471–484.

⁵⁰ Gordon, *Hitler and the Beer Hall Putsch*, 181–182.

which many Bavarians perceived as nests of communist disorder. In the wake of widespread harvest thefts and rural agitation by leftist organizers, particularly in the northeast, the Landespolizei played a major role in attempts to organize a standby police auxiliary reserve—the so-called *Polizeiliche Nothilfe Bayerns*—from the remnants of various ad hoc *Flurschutz* (field harvest guard) associations and former Einwohnerwehr organizations that had appeared in rural communities in the wake of the armistice and the threat of two successive revolutionary republics. Landespolizei officers and detachments also began to take part in the daily patrol and policing of the streets of Bavaria's larger towns and cities, while remaining independent of these communities' municipal police administrations and state police presidencies. Starting with the official roles played by Landespolizei officers assigned as staff intelligence officers to the regional civilian Bezirk administrations, Seisser's staff also developed the basis for an unofficial in-house Landespolizei political intelligence system, which had spread across all of Bavaria by the fall of 1923.⁵¹

Around the time of his promotion to lieutenant in the summer of 1923, a couple of months before the emergence of the GSK police regime, Michael von Godin received a reassignment from Landshut to the Landespolizei garrison in Munich. This transfer would position him to play his dramatic walk-on role on the occasion of the Hitler Putsch in November of that year. Although Godin was only one of many junior officers to play minor parts in this drama, his particular role had highly symbolic overtones with long-term consequences for both his personal career and the evolution of policing in post-Nazi Bavaria.

On the occasion of their 1923 Putsch, the Nazis and their radical rightist allies were attempting to take over the state government in Munich as a first step in forcing the hand of all patriotic forces in Bavaria and unleashing a long-awaited armed nationalist uprising against the traitorous Weimar Republic. The hostile reaction from the army units stationed in Bavaria and the state's Landespolizei forces—originally believed to be ambivalent or even sympathetic to the putschists' aims—proved instrumental in stopping this plan. An ironic affirmation of the Landespolizei's success in gaining a position of independent power by the middle of 1923 had been the detention of its chief, Seisser, along with GSK chief Kahr and the commander of the

⁵¹ *Ibid.*, 128–139, 181.

Reichswehr in Bavaria, General Kurt von Lossow, in the putschists' headquarters at the *Bürgerbräukeller* on the eve of the attempted coup d'état. The putschists had chosen not to attempt the seizure of Bavaria's minister-president and his cabinet, but rather tried to overawe and win over to their cause the quasi-dictatorial security "triumvirate"—the military and police bureaucrats who were widely perceived to be the key figures in the politics of the moment.

In the early morning hours of 9 November 1923, units of the Landespolizei and the Bavarian components of the Reichswehr that had nevertheless remained loyal to the regular government were deployed throughout Munich in response to news of the Putsch's outbreak the night before. At 12:45 p.m., *Oberleutnant* Godin stood on the Odeonsplatz in front of the Feldherrnhalle with troops from the Second Company of the Munich Landespolizei. They had been sent to block a march on the central government district led by Hitler and General Erich Ludendorff, who intended a show of force and the relief of their besieged fellow putschists in the War Ministry building in the nearby Schönfeldstrasse, today the home of the Bavarian State Archives. After overpowering other Landespolizei detachments that were guarding the bridges over the Isar River linking the eastern suburbs to Munich's inner city, the putschists encountered Godin and his men at the head of the Residenzstrasse, a narrow street running along the eastern side of the Feldherrnhalle into the Odeonsplatz.

Sources disagree on what happened next. There is no consensus about which side fired the first shot, or whether Godin gave the eventual order for his men to fire on his own initiative or on higher orders. The firefight killed several minor putschists as well as four Landespolizei men. The latter's names were eventually memorialized after 1945 on a plaque at the foot of the Feldherrnhalle (on which, in turn, flowers were laid at the 1996 Landespolizei celebration). Beyond dispute is that Godin's stand broke up the march and effectively spelled the end for the Putsch as a whole.⁵²

Apart from the obvious impact of the Hitler Putsch on interwar Bavarian and national politics, the event was also a turning point in the related crisis over the Landespolizei's increasingly strained relationship with the Bavarian constitutional government. The victory of

⁵² Gordon provides the most extensive and reliable account. See also John Dornberg, *The Putsch That Failed—Munich 1923: Hitler's Rehearsal for Power* (London: Weidenfeld and Nicolson, 1982); and Schwarze, *Die Bayerische Polizei*, 99–103, 156, 181.

the government forces ironically ushered in the eclipse of the developing infrastructure of autonomous police power. With the suppression of most of the danger from the radical right-wing paramilitary groups through the arrests, trials, and political bans that followed the Putsch, the sense of acute political emergency that had originally prompted the government to entrust quasi-dictatorial powers to the GSK also disappeared. Instead, public attention began to focus on the ambiguous behavior of the security triumvirate in the run-up to the Putsch, suggesting the emergence in the state's own security apparatus of another possible long-term danger to the regular government. The many enemies and critics in the Landtag, the press, the ministries, and the parties that Seisser had created in the process of building up his police power base from 1920 to 1923 thus lost no time in calling for his resignation. They combined specific accusations that the GSK-army triumvirate had failed to prevent the Putsch (and, with their ambiguous positions before 9 November, perhaps even encouraged it) with a general suspicion about Seisser's double-dealing between the regular cabinet and the rightist militias during the past three years. Despite the record of Seisser's vague overtures to extremist groups such as the *Kampfbund*, however, and the obvious drift of the GSK away from government control, Seisser's enemies could find no incontrovertible evidence of his disloyalty to the Bavarian state and its constitution.

In response, Seisser briefly went on the offensive, even demanding that the time had come for the cabinet to permanently hand over "supreme" dictatorial powers to the GSK. Nevertheless, it became plain after Minister-President von Knilling himself turned against Kahr and dissolved the GSK in 1924 that the particular constellation of powers, interests, and insecurities in the Order State that had sustained an autonomous position for the Landespolizei no longer existed. Seisser, however, managed to score a partial victory over his enemies even at this point. Appealing to the Bavarian constitutional court (to which, conveniently, Kahr had been reassigned after the dissolution of the GSK), Seisser successfully fought off attempts by the Landtag, the cabinet, and the civil administration to remove him from the command of the Landespolizei central staff office, the Landespolizeiamt. Nevertheless, although Seisser thereby preserved the institutional basis of his leadership at the Landespolizei, the Interior Ministry was able to rein in his office's jurisdiction back to the technical and internal administrative and logistical support functions that it had originally been designed for. By the end of 1924, the Landespolizeiamt no longer exercised either

direct command authority over forces in the field or political influence in the government as it had done as part of the GSK. Under the renewed control of the civil administration, “in the comparative quiet of the middle Weimar years,” Seisser “functioned simply and effectively as a senior bureaucrat and police chief” until his retirement in 1930.⁵³

Whatever his private convictions, Seisser ultimately accepted the legitimacy of the parliamentary-constitutional system and contributed to its stabilization once the political climate turned against his agenda of police autonomy. After the GSK disappeared from the scene, he fulfilled his essentially supportive and administrative role in police affairs and avoided further political intrigue for the rest of his career as Landespolizei chief. When push came to shove, the Landespolizei’s actions when viewed across the entire interwar period ultimately remained supportive of the state and never crossed the line to directly challenge the constitutional order. Because of the sudden collapse of the GSK-Landespolizei system, however, Seisser’s ultimate goals in trying to build up an independent political power base before 1924 remain unclear. On more than one occasion, he expressed in vague terms an interest in authoritarian political solutions to the problem of public order and state legitimacy in Bavaria, but apart from a tendency to strive for bureaucratic autonomy and isolation from civilian control, he was not particularly prominent among Bavarian bureaucrats of the period in flirting with anti-constitutional or monarchist sympathies.⁵⁴ In the end, Seisser never got around to demonstrating any coherent political or ideological agenda apart from serving the state that had allowed the Landespolizei to exercise autonomous power in the daily life of Bavarian society.

The abrupt end to Seisser’s career as a political entrepreneur with an independent armed power base before he could reveal any compromising ultimate political intentions, together with the Landespolizei’s key role in stopping the Hitler Putsch, contributed to the ability of future generations of Bavarian police leaders after 1945 who had started their careers in Seisser’s service to preserve considerable areas of autonomy for themselves vis-à-vis civilian governments after 1945. Godin’s confrontation with Hitler’s forces—the climax of the Putsch at the Odeonsplatz—would in fact become the foundation on which a successful mythology intended for American consumption would emerge

⁵³ Dornberg, *The Putsch That Failed*, 492–495.

⁵⁴ *Ibid.*, 130.

after the Nazi period, a mythology stressing the “democratic” credentials of the interwar Bavarian police. But a more instructive link might be drawn between the experiences of the Landespolizei in the 1920s and of the Landpolizei in the late 1940s and 1950s. Although in the end the interwar GSK Order State system never decisively escaped being answerable to the Bavarian cabinet, the outcome of the struggle to control the GSK-Landespolizei “state within a state” was essentially a compromise that left Seisser in office. This would foreshadow the comparable success with which Godin was able to develop a de facto bargain with the Bavarian government of the 1950s that allowed a constitutional parliamentary system to coexist with a police apparatus retaining a high degree of autonomy, wielding methods of enforcement and procedure from pre-constitutional, more authoritarian times.

In the case of the young Landespolizei lieutenant on the spot at the Feldherrnhalle in 1923, the available evidence from Michael von Godin's subsequent anti-Nazi exile makes it equally difficult to draw firm conclusions about his personal political convictions before he returned to Bavaria as police leader in the wake of the American occupation, twenty-two years after the Nazi Putsch. To the extent that we can reconstruct a narrative of Godin's activities in the years between 1924 and 1945, a picture emerges of a man motivated primarily by a pragmatic opportunism, like Seisser able to adjust to and exploit whatever political realities confronted him. As “the accident of his 1923 assignment shaped his political career in the anti-nazi mold,” Godin spent most of the later Weimar period and the Third Reich outside Germany, living the kind of life on the run that produces fragmentary records and puts a premium on survivalist pragmatism. There is much that is murky about this phase of his life, including unverifiable allegations of criminal activity found in the intelligence reports produced when the Americans later began probing his prewar background during the early post-1945 occupation. One such report form described Godin as he appeared to U.S. intelligence in 1948; while acknowledging his services to the occupation, the Americans found him to be fundamentally “conservative, probably monarchist in outlook ... headstrong and autocratic, grimly determined to run his own show, to brook no criticism from subordinates or prying questions from the press.”⁵⁵

⁵⁵ Two years after Godin received command of the Landpolizei in 1946, a U.S. intelligence report on him was included in a series titled “Biographical Sketches” containing confidential profiles of leading personalities in the Bavarian state administra-

Police payroll and personnel records indicate that Godin cut short his career in the Landespolizei before the standard seven-year enlistment period had run its course. He left the force at the end of April 1926, two and a half years after the Hitler Putsch. In his last year of service, he had again been reassigned, leaving the Munich city garrison and joining a detachment serving in the suburban and rural districts surrounding the city itself.⁵⁶ The exact circumstances under which he left the force are unclear; conflicting evidence suggests that his departure occurred under controversial circumstances. Postwar American intelligence reports mention allegations linking the resignation to incompetence, alcoholism, or dereliction of duty.⁵⁷ Harold Gordon, the historian of the 1923 Putsch, quotes contemporary sources suggesting that Seisser himself was somehow personally involved in Godin's termination.⁵⁸ On the other hand, Godin's own position on this matter—that he resigned because of ill health—is corroborated by other sources, including his official service records, which indicate that upon his release he was awarded the pension that would have accompanied an honorable medical discharge.⁵⁹

tion; OMGUS, U.S. Army Counterintelligence Corps [hereafter CIC], special intelligence report "Biographical Sketches" of key Bavarian political leaders and government officials, 5 May 1948 [hereafter BS-1948]. BS-1948 provides our most substantial source of information about Godin between the time he left the Landespolizei and his accession to the Landpolizei. The document collates information, opinions, rumor, and allegations from a wide range of sources, much of it without direct attribution. Repeated inquiries over a period of three years suggest that none of Godin's actual personal documents or correspondence remain available, apart from routine service and payroll records. Inquiries at Section Five (*Nachlässe und Sammlungen*) of the Bayerisches Hauptstaatsarchiv in 1993 indicated that no personal Godin papers were ever deposited. Section Two (*Militärarchiv*) has only Godin's early wartime service record. The service records from 1920 to 1926 (Landespolizei, *Personalbogen* Godin) and 1945 to 1958 Landpolizei periods are held in the historical collection of the Police Presidium of Upper Bavaria, Knorrstraße, Munich. Attempts to contact members of the Godin family for possible access to privately held documents yielded little. An emissary of Cordula von Godin (a niece) did not show up for an appointment, and Elisabeth von Godin (a niece) did not return a phone call. Godin himself had no children. Dr. Krieger of Marburg University, a member of the family's inner circle of friends, reported that all the Godin family members he contacted on the author's behalf believed that Godin's papers remained in the family's hands.

⁵⁶ Landpolizei, *Personalbogen* Godin.

⁵⁷ BS-1948, 4.

⁵⁸ Gordon, *Hitler and the Beer Hall Putsch*, 525.

⁵⁹ Landpolizei, *Personalbogen* Godin.

The American intelligence material goes on to report that by 1928, Godin had moved his main residence from a house in the Kaulbachstrasse in Munich to a villa he owned in the Austrian Tyrol. The same U.S. sources cite two conflicting and equally unverifiable accounts of how he supported himself in Austria: Godin's own claim in his 1945 denazification questionnaire that a family inheritance and disability pensions from the army and Landespolizei were his sole means of support in this period, and unattributed reports that he may have worked as a car salesman, possibly at a branch of the Audi automobile company (then called "Horch") in the Tyrol.⁶⁰ On the occasion of a return visit to Munich in 1933, Godin was briefly arrested by the recently nazified municipal police.⁶¹ Why he continued to expose himself to such risks even after the movement that he had so violently and directly confronted in 1923 finally gained power in Germany is unclear. This turn in the story is accompanied by unattributed rumors (quoted as hearsay without further comment in the postwar American intelligence reports) that he was involved in narcotics trafficking back in Austria.

Meanwhile, the Landespolizei would outlive the Weimar Republic, but only by two years. Until 1935, the force continued to operate alongside the Schutzmannschaften in the larger cities and the Gendarmerie in the countryside. It also continued to serve as the basic training institution for the recruits of the entire uniformed police establishment. Before eventual posting to other formations such as the municipal forces or border guards, the Landespolizei produced successive cohorts of young policemen with a basic socialization in the barracks atmosphere of its heavily armed platoons, companies, and regiments.

Immediately upon coming to power, the National Socialist regime began the process of taking control of the various branches of the Bavarian police. It was in fact from Bavaria that the Nazis had actually started the process of infiltrating the separate state police force of Germany, with Heinrich Himmler gaining command of this state's political police in 1933. By 1936, Himmler's subordinates in the SS, particularly members of the Security Service (*Sicherheitsdienst*—SD) under Reinhard Heydrich, had managed to obtain key positions in the various state and national police bureaucracies, edging out competition for control

⁶⁰ BS-1948, 3.

⁶¹ *Ibid.*; Claus and Schmidt, *Biographisches Handbuch*.

of police and security affairs from other SS and non-SS elements in the party. By 1936, the SS had brought the formerly independent forces of the different states under the control of two new national umbrella offices, the Reich's Order Police (*Ordnungspolizei*—OrPo) and the Security Police (*Sicherheitspolizei*—SiPo) (the latter not to be confused with the paramilitary *Sicherheitspolizei* of the immediate post-1918 period). Both SiPo and OrPo were under the command of Himmler in his new capacity as "Chief of the German Police in the Reich Ministry of the Interior." Many police officers and other ranks in the former state police organizations received places in the SS command structure.⁶²

In this new SS-run world of Nazi police affairs, the national SiPo unified the detectives and investigative forces of the formerly independent Criminal Police (*Kriminalpolizei*—KriPo) offices of the various states as well as the various state police offices for political surveillance, the latter now organized into a nationwide expansion of the Secret State Police (*Geheime Staatspolizei*—GeStaPo) system pioneered in Prussia. On the eve of war in 1939, the criminal police and the Gestapo then both came under the command of Heydrich's new national security bureaucracy, the Reich Main Security Office (*Reichssicherheitshauptamt*—RSHA).⁶³ Operating from a network of outstations and command posts all over the Reich and eventually occupied Europe, the RSHA controlled large numbers of confidential informants in all walks of life, and enjoyed direct access to the detailed information on the inhabitants of individual communities collected over generations by the original

⁶² George Browder argues that the success of the SS-SD in capturing the various state police systems from an original base in Bavaria (while neutralizing competing efforts by non-SS Nazi power groups) was a crucial turning point in the emergence of a particular form of terroristic and eventually genocidal security and repression apparatus. The SS-Police nexus was a refinement and a radicalization in a particular ideological direction of the more generic model of an authoritarian police state popular among other elements on the German right. Browder, *Foundations of the Nazi Police State*; Aronson, "The Development of the Bavarian Police"; and Shlomo Aronson, *The Beginnings of the Gestapo System: The Bavarian Model in 1933* (Jerusalem: Israel University Press, 1969), provide more detail on the activities of Himmler and Heydrich in the period of the SS takeover of the Bavarian police. For a good example of the co-optation of an originally non- (or even anti-) Nazi Bavarian security specialist into the SS system, see Andreas Seeger, "Vom bayerischen 'Systembeamten' zum Chef der Gestapo: Zur Person und Tätigkeit Heinrich Müllers (1900–1945)," in Paul and Mallmann, *Die Gestapo*, 255–267.

⁶³ Browder, *Hitler's Enforcers*, 3–4.

administrative police agencies of the various states. Through the system of Regional Higher SS-Police Commanders, the SiPo-SD could draw on all other available police assets and party formations in a given region in pursuit of any and all enemies of the state. While the SiPo-SD was the regime's most important mechanism for political repression and terror, the system remained at the same time a professional crime-fighting tool that had the same investigative tasks as detective establishments in other industrial states. This flexible apparatus combined the skills and experience of the career technical experts from state criminal investigative and political police offices with ideological SS cadre from the SD.⁶⁴

In numerical terms, however, the bulk of the Third Reich's internal security and public-order forces continued to consist of the uniformed personnel of the Order Police. Unlike "Security Police," which as a functioning national organization and political policing concept in Germany was largely an innovation of the Nazis, the term "Order Police" had already been current before 1933 as a generic term to designate the various uniformed forces that had emerged in different states for routine crime control, law enforcement, and maintenance of public safety in the past century and a half. While ultimately also under the control of Himmler as chief of the German police, most Order Police components did not undergo the same degree of infiltration and interpenetration of functions, personnel, and culture with the SS as the political and criminal investigative forces in the SiPo.⁶⁵ Nevertheless, as the Order Police continued to perform their routine patrol and public-order functions, they also enforced the racial and other ideological measures of the regime without judicial review. When Germany later entered the wartime phase of the Nazi era, the regime increasingly commandeered uniformed OrPo policemen to provide the necessary manpower for operations in support of the Security Police and the other agencies of the RSHA—for security and guard duty across the Reich, for anti-partisan duty in the occupied territories and rear areas of combat fronts, for frontline service within the army and Waffen-SS as complete police regiments and battalions, and ultimately for the

⁶⁴ Johannes Tuchel, "Gestapa und Reichssicherheitshauptamt: Die Berliner Zentralinstituten der Gestapo," in Paul and Mallman, *Die Gestapo*, 84–100.

⁶⁵ Hans-Joachim Neufeldt, Jürgen Hauck, and Jörg Tessin, *Zur Geschichte der Ordnungspolizei 1936–1945* (Koblenz: Bundesarchiv, 1957), v, 1–27.

various SS-orchestrated mobile and stationary killing operations and sundry social engineering experiments in Eastern Europe.⁶⁶

In the cities and larger towns of the Reich, the Order Police offices in Berlin provided a national command structure that by 1936 had taken control of the various types of mixed local and state-controlled uniformed municipal police forces, generically termed *Schutzpolizei* (Protective Police—SchuPo), which emerged in Bavaria by the end of the nineteenth century.⁶⁷ By the early 1940s, the nationally organized SchuPo had added to its traditional community patrol forces specialized units for transport, traffic patrol, accident and disaster response, and communications monitoring. These new Order Police functions reflected the progressive technologization of daily life and the increasing involvement of the German home front in the demands of total war. In the small towns and the countryside, Order Police functions continued to be carried out during the Third Reich by the now nationalized Gendarmerie. Paralleling the centralization of the municipal police forces, the nazified *Gendarmerie des Reiches* provided a national command structure for the militarily organized forces that states such as Bavaria had developed in the previous century.⁶⁸ During the war years, the Gendarmerie also acquired motorized sections, increased its firepower, and developed other technical resources to supplement its traditional foot, horse, and bicycle patrols in the hinterland.

By the end of the 1930s, the SiPo and SD functioned together as a hybrid party-state entity operating outside the normal channels of administrative and judicial control. In contrast, the OrPo retained into the war years the dual and overlapping chain of simultaneous

⁶⁶ The massive and systematic use of Ordnungspolizei in counterinsurgency and terror operations behind the front lines is described in Georg Tessin, “Die Stäbe und Truppeneinheiten der Ordnungspolizei,” in *ibid.*, 1–110; Christopher R. Browning, *Ganz normale Männer: Das Reserve-Polizeibataillon und die Endlösung in Polen* (Reinbek bei Hamburg: Rowohlt, 1993); Norbert Müller, “Zum Charakter und zum Kriegseinsatz der faschistischen Ordnungspolizei,” *Militärgeschichte* 23 (1984): 215–220; and most recently in Stefan Klemp, *Nicht Ermittelt: Polizeibataillone und die Nachkriegsjustiz: Ein Handbuch* (Essen: Klartext, 2005).

⁶⁷ The most detailed case studies of the emergence of these urban forces and their centralization under state control come from Prussia. See Spencer, *Police and the Social Order*; Peter Leßmann, *Die Preußische Schutzpolizei in der Weimarer Republik: Streifendienst und Straßenkampf* (Bochum: Ruhr-Universität Bochum, 1989). For Bavaria, see Mayer, “Bayern und seine Polizei”; Ludwig Saller, “Polizeiorganisation.”

⁶⁸ For Bavarian developments, see “Bayern und seine Polizei,” 6; for the rest of Germany, see Eric A. Johnson, *Urbanization and Crime: Germany, 1871–1914* (New York: Cambridge University Press, 1995), 32.

civil and military command and control that had evolved in German police practice during the nineteenth century. The uniformed police units were part of a military-style command hierarchy responsible for their logistics, training, discipline, and tactical deployment. By 1937, this chain of command had been taken above the level of the independent police commanders and their staffs in the independent state interior ministries, and now culminated in the national Order Police Main Office (*Hauptamt Ordnungspolizei*) in Berlin under the SS general Kurt Daluege.⁶⁹ Simultaneously, however, a voice in police assignment and operational deployment remained among the prerogatives of the regular lower-level civilian administrative structures in the individual states. In the course of their daily operations and assignments, both the uniformed units and the *Verwaltungspolizei* officers stationed in a given area jointly enforced the regulations and instructions from the normal administrative and governmental authorities responsible for that area, which in this capacity continued to act as a hierarchy of local, district, or higher “police authorities,” a hierarchy that by 1936 was directly under the control of the Reich Interior Ministry. Among these officials were mayors, the district heads (*Landräte*), and regional administrative heads (*Regierungspräsidenten*—in those states such as Bavaria that had this level of regional administration, as the *Bezirke* continued to function throughout the Nazi period), or specially designated public-order commissioners.⁷⁰ In this system, uniformed policemen in the cities and larger towns operated under commissioners in charge of nationalized municipal police administrations (*Staatliche Polizeiverwaltungen*), which were independent of the municipal government.⁷¹ In smaller communities and rural districts, the *Gendarmerie* enforced national laws and their supplementary local ordinances transmitted by mayors, municipal officials, and *Landräte* (and in Bavaria by the *Regierungspräsidenten* of its seven *Bezirke*) in the latter’s capacity as agents of the national government. However, the national level of control that this network of civil “police authorities” represented was only

⁶⁹ Hans-Joachim Neufeldt, “Entstehung und Organisation des Hauptamtes Ordnungspolizei,” in Neufeldt, Huck, and Tessin, *Zur Geschichte der Ordnungspolizei*, 28–37.

⁷⁰ U.S. National Archives, Record Group 260, Office of Military Government for Germany-OMGUS [henceforth cited as RG260], USGCC (Records of the U.S. Group, Allied Control Council), Box 32, Folder 1, “Public Safety Plan.” [Note: All OMGUS citations are as archived in the U.S. National Archives and Records Administration facility at Suitland, Maryland, summer 1995.]

⁷¹ *Ibid.*

the extension by the Nazis to a new and higher level of earlier systems of centralized deployment developed separately by the states before 1933, which with some exceptions had terminated in the respective state interior ministries.

The Munich police released Godin from “protective custody” in 1934. In a period when the Nazis were busy liquidating or consigning to camps far less prominent political enemies inside and outside the Party, the release of someone who had ordered shots fired at Hitler himself is difficult to explain without the presence of sympathetic forces in the new leadership of Bavaria under the Nazi state commissioner Ritter von Epp. Whatever the circumstances of release, the experience of imprisonment seems to have had a sobering and galvanizing effect on Godin; directly upon his return to Austria, according to the later American intelligence reports, he became an adviser to the local Tyrolean border guard militia. Soon after, he began contributing political commentary to a local Tyrolean newspaper.⁷²

These activities became known north of the border. A memorandum of 5 July 1935 from the quartermaster and personnel section of his old service, the now nazified and completely militarized Landespolizei, requested a decision from the Bavarian Interior Ministry on the termination of Godin’s army and police pension benefits. This support should be cut off, the memorandum argued, because reports from Heinrich Himmler’s Bavarian Political Police indicated that the ex-Oberleutnant was currently involved in activities abroad inimical to the Reich.⁷³

The memorandum cited sources from SS intelligence to report that Godin had taken over the leadership of a local unit of the Austrian paramilitary *Heimwehr* in the Tannheimer Tal area just across the border.⁷⁴ At this point the Heimwehr was being shaped by the Austrian aristocrat Prince Rüdiger von Starhemberg into his own paramilitary

⁷² BS-1948, 4-5.

⁷³ The memorandum attests that Godin continued to draw his pension as an honorably discharged Bavarian state official two years into the Nazi regime. Even considering the protracted nature of the Nazi “coordination” of Bavarian officialdom in the later 1930s, this suggests that Godin did not figure in the group of prominent anti-Nazi figures active before 1933 who began suffering harassment immediately after the Nazi seizure of power.

⁷⁴ Bayerisches Staatsarchiv München, Polizeipräsidium Oberbayern [hereafter Pol-PräsOB], Historische Sammlung-Godin Akten, Letter from Bayerische Landespolizeiliche Versorgungsabteilung to Interior Ministry, 5 July 1935.

power base in the clerico-corporatist intrigues of the run-up to Austria's own homegrown fascist version of an Order State under Engelbert Dollfuss.⁷⁵

What kind of role a man with Godin's background would have eventually played in the public life of the authoritarian Dollfuss regime, had it survived, is an interesting question. Would he have kept a non-committal distance, hovering at the edges of a provincial Heimwehr post and dabbling in émigré journalism, or would he have plunged squarely into the power politics of a new authoritarian project? The issue became academic when Godin abandoned this somewhat Ruritanian idyll in provincial Austria for Switzerland in March 1938. Barely escaping the *Anschluss*, he was now reportedly prominent enough on Nazi enemies' lists to warrant a death sentence.⁷⁶

In Switzerland, operating from an initial base in Lucerne, Godin at first again occupied himself, as did many other German political émigrés, with contributing political articles to Swiss newspapers. Soon he began to display the pragmatism, flexibility, and opportunism that would carry him into a new phase of political involvement. In the circles of anti-Nazi German exiles in Switzerland who were busily developing relationships with Allied intelligence and diplomatic agents with an eye to the postwar moment, a possible political liability in Godin's background—he had been the leader of a right-wing Austrian paramilitary group—was offset by the well-known early role he had played in suppressing the 1923 Nazi Putsch. Such “resistance” credentials appear to have outweighed the fact—noted by the more politically aware in the German refugee community in Switzerland—that the Bavarian Landespolizei in which Godin had served had functioned as the power base for the authoritarian GSK Order State as much as it had defended the constitutional government.

By 1943, Godin had become a fixture in the large German exile community in Switzerland and in the international expatriate and diplomatic community. He began developing personal relationships with important individuals in these circles. In his choices of connections to cultivate, Godin picked two winners—representatives of American

⁷⁵ C. Earl Edwardson, *The Heimwehr in Austrian Politics, 1918–1936* (Athens: University of Georgia Press, 1978); Günter Bischoff, Anton Pelinka, and Alexander Lassner, eds., *The Dollfuss/Schuschnigg Era in Austria: A Reassessment* (New Brunswick, N.J.: Transaction, 2003).

⁷⁶ BS-1948, 4.

covert intelligence agencies and a group of exiled German politicians of diverse but moderate persuasions associated with the Social Democrat Wilhelm Hoegner, who was to become the first elected minister-president of the American-sponsored postwar government of Bavaria. Both groups of contacts were to provide Godin with solid political sponsors upon his postwar reentry into Bavarian public life.

As he had done in Austria, Godin began his involvement in public affairs in Switzerland by writing articles on the evolving situation in Nazi Germany. By the early 1940s, he had developed into something of an expert on military affairs within the German exile community. Such writings brought him into contact with Gero von Gaevernitz, a local representative in Bern for the American Office of Strategic Services, the wartime organization that was to later develop into the Central Intelligence Agency. Through Gaevernitz, Godin eventually made contact with Allen Dulles, a pioneer in the development of the modern American intelligence apparatus, eventual first head of the CIA, and key U.S. policymaker during the Cold War.⁷⁷ According to some accounts, Godin became an actual OSS agent working for the Americans in the German exile community during this period and perhaps after the war, as there would later be rumors that he also worked for the Swiss and cooperated after 1945 with French agents who were abetting Bavarian separatist movements.⁷⁸

Another figure who moved in both émigré and OSS circles was Josef Wirth, former Reich chancellor, interior minister, and Center Party leader. Godin joined Wirth on an exile coalition action committee known as the “Working Association for ‘Democratic Germany’” (*Arbeitsgemeinschaft “Das Demokratische Deutschland”*).⁷⁹ Through Wirth’s sponsorship, Godin came into contact with Otto Braun, a former Prussian interior minister and Social Democratic Reichstag member. It was through Braun that Godin eventually made direct contact with Wilhelm Hoegner.⁸⁰

⁷⁷ Ibid.

⁷⁸ Kock, *Bayerns Weg in die Bundesrepublik*, 46.

⁷⁹ Institut für Zeitgeschichte, Munich Holdings concerning Michael von Godin (IfZ-Godin), ED 120 Bd., “Korrespondenz Wilhelm Hoegner und Josef Wirth,” 1942–1945.

⁸⁰ Wilhelm Hoegner, *Der Schwierige Außenseiter: Erinnerungen eines Abgeordneten, Emigranten und Ministerpräsidenten* (Munich: Isar Verlag 1959); Peter Kritzer, *Wilhelm Hoegner: Politische Biographie eines bayerischen Sozialdemokraten* (Munich: Süddeutscher Verlag, 1959).

On first inspection, a Godin-Hoegner alliance seemed unlikely. Hoegner was a moderate Social Democrat and a federalist in favor of significant Bavarian autonomy in any postwar German political framework. Furthermore, Hoegner had begun his political ascent as an SPD power broker in the interwar Bavarian legislature and later became a Reichstag delegate by trading on the public visibility of his prominent role as a legal investigator in the Bavarian parliamentary inquiries into the GSK's embarrassing involvement in the lead-up to the Hitler Putsch.⁸¹

Balancing Godin's links with the OSS, Hoegner was the key contact Godin made during this period on the German side. The SPD politician and the former Landespolizei lieutenant appear to have developed a working and personal relationship fairly quickly. The shared experience of facing Nazi persecution and forced emigration played a part in this rapprochement, particularly since Godin and Hoegner had followed similar patterns of flight from Germany to Austria and eventual wartime Swiss exile. After initial periods of isolation and political inactivity upon reaching Switzerland, Hoegner had also attracted the notice of the émigré community and the Allied intelligence services via the quasi-legal channel of political journalism published by sympathetic local editors, who defied a ban on both employment and political engagement placed on the émigrés by Swiss authorities.⁸² One source reports that Hoegner actually met Allen Dulles through the assistance of Godin.⁸³

Although it is not clear how seriously such efforts actually affected the shape of Allied planning for the postwar period, Dulles encouraged Hoegner and his circle to begin drafting plans for Bavaria's place in the future constitutional and political reconstruction of a liberated Germany. From 1943 onward, Dulles began forwarding the steady stream of proposals and memoranda that Hoegner's circle produced on these

⁸¹ There is something positively Ruritanian-theatrical in the role of the entire Hitler Putsch/Feldherrnhalle complex of events as a sort of "primal scene" in the early stages of the careers of important post-1945 Bavarian politicians and bureaucrats. Another noteworthy personality who had been involved in the events around November 1923 with whom Godin was to enjoy a good working relationship after 1945 was Hans Ehard, Christian Social Union leader and later also a postwar minister-president, who had been part of the state prosecutor's staff during Hitler's trial.

⁸² Wolfgang Jean Stock, "Nachwort: Rechenschaft in Exil," in Wilhelm Hoegner, *Flucht vor Hitler*, 3rd ed. (Munich: Nymphenburger Verlagshandlung, 1978), 267–269.

⁸³ Kock, *Bayerns Weg in die Bundesrepublik*, 77–78.

topics to Allied policymakers. By then, Godin was collaborating with Hoegner on these efforts. One such position paper from early 1945 was titled “A Preliminary Agreement on the Future Position of the Bavarian State in International Law.” The catalogue of sovereign rights that this document reserved for Bavaria in any future association with a German federal state included jurisdiction over several classic state ministries—Justice, Education, Finance, and Transportation, while conspicuously omitting the Interior Ministry, historically responsible for police affairs. Interestingly, however, the document singled out sovereign police powers (*Polizeihohheit*) from the broad range of standard administrative functions performed by Interior, and specifically reserved them for Bavarian control. Godin joined three other members of Hoegner’s circle in signing this manifesto.⁸⁴

Specially dispatched OSS and American consular cars bore Hoegner and Godin separately back from Switzerland across the Alps into Bavaria in the wake of the war’s end in spring 1945.⁸⁵ Hoegner already had a track record of prominence in pre-Nazi public life, and a credible commitment to parliamentary democracy. His first assignment under the U.S. occupation was thus to reorganize the Bavarian court system.⁸⁶ The American investment in sponsoring his reentry into Bavarian public life culminated in his eventual confirmation as the state’s first elected postwar minister-president after U.S.-sponsored elections in 1946. In contrast, apart from the obvious symbolic propaganda value of Godin’s direct participation in ordering shots to be physically fired at Hitler, there was no such political justification or utility in sponsoring the ex-policeman’s return as an anti-Nazi exile. The ex-police lieutenant was simply not that prominent a political figure from the interwar period; he had been away from Bavarian public life as early as 1925, and his ideological reliability remained unproven. In terms of a practical postwar role, he was not in control of or even in contact with any preexisting police apparatus in Bavaria that might prove useful for the U.S. occupation. The privileged, American-sponsored manner in

⁸⁴ Ibid., 76–83; Ernst Deuerlein and Wolf D. Gruner, “Die Politische Entwicklung Bayerns 1945 bis 1972,” in Spindler, *Handbuch der bayerischen Geschichte*, vol. 4: *Das neue Bayern 1800–1970*, 554–555.

⁸⁵ BS-1948; Binder, “Kurzer Abriss,” 11.

⁸⁶ Lanzinner, *Zwischen Sternbanner und Bundesadler*, 28.

which Godin returned to Bavaria thus can best be explained as a result of his success in enabling himself to be perceived as a trusted member of Hoegner's inner circle.⁸⁷

⁸⁷ The experience of Fritz Schaeffer, another pre-1933 figure whose politics were originally closer to Godin's and who was to play a prominent postwar role, provides a contrasting example of more typical forms of return from exile. Schaeffer, former monarchist and Bavarian People's Party leader, was to become Bavaria's first (American-appointed) minister-president in the summer of 1945, and eventually, the Federal Republic's first finance minister. Yet Schaeffer had to get on an old bicycle and pedal fifty miles back to Munich from a late-war refuge outside the town of Rosenheim in the alpine foothills after the capitulation. Other postwar *Prominenten* who did not enjoy preexisting American sponsorship had to make even more heroic efforts. Alfred Loritz, who was to form the populist movement known as the Economic Reconstruction Association (*Wirtschaftliche Aufbau-Vereinigung*), made his way back into Bavarian public life from Swiss exile on foot and by hitchhiking.

CHAPTER TWO

AMERICANS, BAVARIANS, AND THE POLICE ORGANIZATION QUESTION IN 1945

In the late spring of 1945, units of the U.S. Third and Seventh armies were moving into Bavaria and the rest of south-central Germany, securing the bombed-out cities and major towns as well as the quiet villages now receiving a growing influx of refugees and displaced persons.¹ Among the instructions that American commanders and their security specialists carried was a “Public Safety Plan for Allied Control and Occupation of Germany.”² Although the plan’s main focus was dismantling the components of the national police system that had served the just-toppled Nazi regime, the document also devoted some attention to creating separate provisional systems of order and security in the American-occupied states of the defeated country. The Americans began with an agenda strongly focused on German police denazification and decentralization that implied the detailed supervision of many newly created and separate local auxiliary police organizations under the control of individual German communities and district authorities. Soon apparent in practice was the inadequacy of such scattered and poorly equipped forces, which were constantly losing personnel to repeated waves of denazification while facing unprecedented challenges to public order. Although accounts of the first few chaotic postwar weeks provide only fragmentary detail, the unsatisfactory results of these local and regional improvisations prompted a shift by the Americans in the fall of 1945 toward a new policy, one emphasizing the reevaluation of supra-local, more centralized approaches to policing (if not necessarily the actual older police organizations) that had operated during comparable times of upheaval before the Nazi takeover. By early 1946, an increased American flexibility regarding the pre-Nazi tradition of centralized and bureaucratically autonomous

¹ A concise but detailed account of the U.S. conquest of Bavaria can be found in Lanzinner, *Zwischen Sternenbanner und Bundesadler*, 13–24.

² A draft of this document dated 11 April 1945 can be found in RG260, USGCC B32F1, “Public Safety Plan,” Enclosure 5.

Bavarian state police would drive the occupiers to modify their original radical decentralization agenda. However, an unintended consequence of the gradual return of a more centrally organized model was the emergence of a standoff between the American-sponsored police leadership and the Bavarian government concerning the degree of meaningful civilian control over police operations.³ Unresolved, this tension between the police executive and the civilian government was to continue beyond the disappearance of direct American control over Bavarian police matters at the end of the occupation.

Before the collapse of the Third Reich, the American occupation planners had begun compiling a picture of the previous regime's SS-Police system. The state of knowledge at war's end was ultimately reflected in the occupation's Public Safety Plan. However, although wartime intelligence work had elaborated beyond the broad outlines, the 1945 plan still betrayed an incomplete understanding on the occupiers' part of how the Nazi system had functioned in practice. Also undeveloped was the Americans' capacity to distinguish between what the SS had introduced in the way of radical innovation, and the elements of organization and practice in the 1930s and 1940s that harked back to pre-existing German traditions of policing. Particularly significant was the lack of a detailed understanding of how German policing before 1933 had encompassed considerably more areas of responsibility than anything in the Anglo-Saxon experience. Americans also knew little about how the police were linked to the various layers of local and regional non-Nazi Party and non-SS governmental and administrative authority beneath the national Reich level. These intermediate government echelons' familiarity with local conditions in many small communities had figured into the actual day-to-day supervision of and assignments for locally based state police forces long before the Nazi takeover. Although the Americans acknowledged this lack of precise information in the text of their Public Safety Plan itself, and anticipated the need for adjustments and revisions as more information became available in

³ For an insight into comparable issues in the U.S. occupation of Japan, see Hiroshi Masuda, ed., "The Occupation of Japan—Rearmament," pt. 1, doc. 1: "Report on the Japanese Police," microfilm (University Publications of America, n.d.); Christopher Aldous, *The Police in Occupation Japan: Control, Corruption and Resistance to Reform* (London: Routledge, 1997); John Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York: Norton, 1999).

the course of the occupation, the question of supra-local command and control had little urgency.⁴

The Public Safety Plan was instead animated by the Americans' ideological fixation on the need for a thorough decentralization of the German police to the lowest possible local level. This somewhat mechanistic agenda—constantly, if not obsessively, repeated at various points in the text of the plan and its appended background material—reflected a belief that there had been a direct and decisive causal connection between police and other governmental centralization at the national and *Gau* (medieval and Third Reich administrative district) level under the Nazis and the criminal excesses of the regime.⁵ This conflation of centralization with undesirable authoritarian, fascistoid, or militaristic tendencies was unique among the occupying powers. In contrast to the early American determination to provisionally place all the remaining authorized police forces in the U.S. Zone under the control of the lowest possible level of local authority in whose jurisdiction they happened to be located, an uninterrupted retention of regional or even state-level police authorities was the norm from the start in the other Allied occupation zones, which were controlled by European powers that had undergone their own national experiences of centralized policing.⁶

Back in the American homeland, the first half of the twentieth century had witnessed attempts to professionalize the thousands of often corrupt municipal and county police machines and make them accountable to uniform “scientific” federal and state standards (and even supervisory authorities) for operations, procedures, and organization. These efforts had ironically been heavily influenced by the example of nineteenth-century German urban policing, as championed by such émigré police reformers of the late Progressive era as August Vollmer. However, the Progressive agenda of increasing standardization and centralization appears to have had little impact on the initial U.S. occupation planning for public safety and policing in post-Hitler Germany. Judging by the 1945 Public Safety Plan, it seems rather that the Americans' anachronistic attitude of confidence in the

⁴ “Public Safety Plan,” 7.

⁵ RG260, Records of Civil Administration Division, Public Safety Branch, Records Related to the German Police, OMGUS, Box 278, Folder 19, “German Police in the U.S. Zone,” n.d. (as archived in the U.S. National Archives and Records Administration facility at Suitland, Maryland, Summer 1991).

⁶ Fairchild, *German Police*, 98.

virtues and universal applicability of their older nineteenth-century tradition of community police was more influential. This faith spurred the U.S. Public Safety officers who were present on the ground to try and realize in Bavaria and the other German states under their control a pre-industrial formula of locally organized and funded semiprofessional police forces, fully under the financial and political control of local communities and their elites, that had never existed in Bavaria. Ironically, in the very years during which the Americans were attempting to radically decentralize the German police forces under their control, local U.S. police forces back home were entering a second, accelerated phase of professionalization, militarization, and centralized linkage to higher internal security authorities such as federal and state bureaus of investigation, Treasury Department agencies, and state police forces.⁷

Upon occupying a district or community, U.S. area commanders were required by the Public Safety Plan to disable the communications and command links between any German police forces they encountered and the Nazi national security command or administrative structures—the Reichssicherheitshauptamt, the Ordnungspolizei Main Office, the *Höhere SS- und Polizeiführer* (regional Higher SS and Police Leaders), the regional inspectorates of both the Security Police and Order Police, and the corresponding civilian control echelons of “police authorities” (Polizeibehörden) in the Reich Interior Ministry. These central Reich government and SS police authorities in Berlin, as well as all intermediate supervisory and control offices under them in regional (Gau and once and future state) capitals, were thus with almost no exceptions to be abolished.⁸ At the level of field units, the Public Safety Plan prescribed the complete dissolution of local posts (*Stellen*) and district offices (*Leitstellen*) of the SD and the Gestapo, the arrest of any personnel determined or suspected to have been involved in political police work, and the securing of their files for later vetting. However, until the occupiers had the opportunity to evaluate the developing public-order situation on the ground and gather more information with which to make longer-term decisions about the organization of the postwar police system, the local offices and investigative personnel of the other component of the old Security Police—the plain-

⁷ Ibid.

⁸ RG260, “Public Safety Plan,” Draft Directive to the U.S. Zone Commander on the Reorganization of the Police and Fire Services after the Establishment of Control Council Control.

clothes detectives and forensics experts of the *Kriminalpolizei*—were to be provisionally kept in operation, provided that no direct personal membership in the National Socialist German Workers' Party (*Nationalsozialistische Deutsche Arbeiterpartei*—NSDAP) could be established. (The difficult question of broad *KriPo* involvement in the Gestapo's activities regardless of party or SS membership remained unaddressed by this part of the plan's instructions.)⁹ The personnel, facilities, and records of these local detective offices were to be combined with whatever local units of the uniformed *Schutzpolizei* or *Gendarmerie* that the occupiers might find in the same area. Such amalgamated lower-level units and personnel from the *OrPo* and *KriPo* that would be allowed to remain in existence would now constitute local police departments under the provisional command of newly appointed and vetted local police chiefs, as soon as local government had attained a sufficient level of organization to provide some support. The *Gendarmerie* itself as a militarized component of the nationalized Order Police was to be dissolved.

Detailed instructions followed for procedures to denazify the police forces permitted by the Americans to remain in existence, emphasizing the removal or exclusion of NSDAP or affiliate organization members and those belonging to the SS, in practice meaning most of the cadre of police officers above the rank of lieutenant or equivalent.¹⁰ Such individuals were also among the types of persons belonging to automatic arrest categories in the denazification process. In the course of the occupation, this effort to vet personnel would in practice eventually extend to purging from police service former military officers and others identified by the somewhat vague American democratization-and-demilitarization ideology as “career militarists.”¹¹ This “anti-militarist” agenda placed most returning veterans of frontline fighting under some degree of additional scrutiny before they could be assigned to postwar police (and other administrative) tasks. Nevertheless, it appears that the Americans, at least in the immediate postwar period, did not systematically address the issue of the thousands of men who, while never formally part of the SS, had made the wartime transition from homeland police duty in their own communities to the SS-controlled system

⁹ Robert Gellately, *The Gestapo and German Society: Enforcing Racial Policy, 1933–1945* (New York: Oxford University Press, 1991), 44–78.

¹⁰ *Ibid.*

¹¹ Fairchild, *German Police*, 58.

of frontline police battalions, some of whom, apart from the actual SS-Einsatzgruppen themselves, were nevertheless complicit from time to time in the various ad hoc killing operations in the rear areas of the eastern front.¹²

Although the main emphasis of the Public Safety Plan was on dismantling the centralized Nazi police machinery, it thus also made a start toward addressing the issue of what would take the place of the previous system. The question of command and control, however, was the least developed component of the plan. In the case of larger communities where amalgamated units of urban Schutzpolizei and the Kriminalpolizei were now to constitute the local police forces, the plan identified town mayors as the civilian administrative officials with ultimate responsibility for the new, decentralized and community-based forces. In the countryside and for smaller communities where the Gendarmerie had previously operated, police authority would be in the district magistrates' offices (Landräte).¹³ However, this part of the plan remained for the most part a set of general guidelines; it would prove inadequate for managing the immediate post-collapse transition. The plan left undecided such key issues as the actual sources of funding and logistical support for the envisioned local forces, and made only the most rudimentary arrangements for supra-local coordination in the interests of efficiency and effectiveness. This vagueness is understandable in a context where organs of German government and administration above the local level had almost entirely ceased to exist, with unclear prospects for their revival. The plan kept the possibility open of assigning police powers to as yet non-functional (and undefined) "regional" German government authorities. The radical American decentralization agenda, in other words, contained from the beginning a pragmatic escape clause.¹⁴

Throughout the later part of April 1945, local German civil administration gradually ceased to function in Bavaria as U.S. forces took over more and more areas from the Nazis and encountered their first opportunities to implement the Public Safety Plan. As one consequence of this administrative hiatus, we have only a sketchy picture of the first weeks of implementation. Among the last signs of pre-occupation

¹² Alfons Kenkman and Christoph Spieker, eds., *Im Auftrag: Polizei, Verwaltung, und Verantwortung im 20. Jahrhundert* (Essen: Kontakt, 2001).

¹³ RG260, "Public Safety Plan," Enclosure 14, 2.

¹⁴ *Ibid.*

Bavarian police and administrative activity that have come down to us are digests by district Nazi Party authorities from the Regierungsbezirk of Franconia in the last week of April. Summarizing local police surveillance and situation reports, these digests describe living conditions that were still relatively stable, cautious attitudes toward recent developments, and the quiescent behavior and subdued morale of various farming communities.¹⁵ The last extant examples of similar reporting directly from the local police themselves (in this case the Gendarmerie) or from the regular Landkreis administrations came from Regierungsbezirk Upper Bavaria, ceasing by the end of March.¹⁶ By the end of May and into early June, we catch glimpses of U.S. commanders in many areas of Bavaria as they were authorizing the resumed operation of the lowest levels of the German administrative system—the *Gemeinde* (community) councils and Kreis authorities.¹⁷ The occupiers required these local governments to resume functioning as soon as possible in order to coordinate immediate responses to the emergency conditions that ensued following the collapse of the Reich.

While the occupiers intended the restored local governments to be a first step in the democratization of public life and the devolution of authority away from potentially authoritarian central governments, none of these early local authorities in the first postwar months were ratified by popular vote. Popularly elected local officials, councils, or legislative bodies did not emerge in Bavaria's Kreise and Gemeinden until the zone-wide local elections of early 1946.¹⁸ The first postwar mayor in most communities or Landrat in most districts was a casual appointee of the commander of the U.S. forces occupying the area, selected from a list drawn up after consultation with local religious figures, teachers, and other residents' groups. Mayors and Landräte in turn received instructions and authority from Military Government (the

¹⁵ "Lagebericht Gau Franken, 17.4.1945, durchgegeben von Gauleiter Holz 23.30 Uhr," in Martin Broszat, Elke Fröhlich, and Falk Wiesemann, eds., *Bayern in der NS-Zeit: Soziale Lage und politisches Verhalten der Bevölkerung im Spiegel vertraulicher Berichte*, vol. 1 (Munich: R. Oldenbourg, 1977), 686–688.

¹⁶ "Aus Bericht der Schtuzpolizei-Dienstabteilung Kolbermoor, Kreis Bad Aibling/Rosenheim, 25.3.1945" and "Aus Bericht des Landrats Bad Aibling/Rosenheim 31.3.1945," *ibid.*, 684–685.

¹⁷ Edward H. Litchfield, "Emergence of German Governments," in Edward H. Litchfield, ed., *Governing Postwar Germany* (Ithaca, N.Y.: Cornell University Press, 1953), 1–25; and Roger H. Wells, "Local Government," *ibid.*, 64–66.

¹⁸ Wells, "Local Government," 69–71.

Office of Military Government for Germany–US–OMGUS) to appoint other provisional local functionaries—rationing authority heads, emergency housing administrators, local records clerks, motor and labor pool supervisors, and other needed positions, including police and fire chiefs.

It is worth emphasizing that these early communal self-administrations with direct access to local U.S. forces were operating autonomously in most parts of the U.S. Zone and were not dependent upon the reestablishment of higher authorities at the regional (Bezirk) and state level.¹⁹ The revival of local government functions proceeded at a faster rate than the rehabilitation of their links to the slowly emerging central administrations. This worked against the immediate reemergence in postwar Bavaria of the kind of strong centralized bureaucracy in Munich that at various times in the past had instrumentalized emergency conditions and the threat of chaos across the entire state to implement regimes of authoritarian internal security policies that were legitimized by a largely conservative rural populace.²⁰ Professional bureaucratic administrators at the regional and state level under the direct command of the Interior Ministry did indeed resume their functions later that summer. However, they began their dealings with most of the local community authorities on a basis of negotiation and compromise between autonomous entities, whose relationship to each other in a hierarchical chain of command had not yet been clearly defined. Even in Bavaria, which ultimately re-created or preserved important personal and structural continuities with pre-1933 systems of centralized state-level authority to a greater degree than most other parts of the U.S. Zone, and where administration above the purely local level was reestablished relatively early after the collapse of the Reich, the early state government of Fritz Schäffer found that it had to begin its attempts at exercising effective control of administration outside the immediate area of Munich by extending feelers to Kreis and Gemeinde leaders at a series of regional convocations organized by these local authorities themselves beginning in the autumn of 1945. Lutz Niethammer has noted that it took an entire year after the beginning of the occupation before the Munich government's constitutionally mandated

¹⁹ Ibid., 65, 97. Leonard Krieger, "The Inter-regnum in Germany: March–August 1945," *Political Science Quarterly* 64 (1949): 519.

²⁰ Ibid., 521.

authority over all of Bavaria's local and regional self-administrative bodies could be considered firmly reestablished in practice.²¹

It was in this provisional context that the first postwar policemen emerged in Bavaria. In the weeks during which they were attempting to revive local civil administrations, commanders of some U.S. combat and military police units occupying rural areas and smaller towns were also already working with security guards identified in the few records from this period as "auxiliary police" (*Hilfspolizei*).²² These men were casually employed to ease the burden of dealing with the disruptions in public order following the Nazi collapse, as well as to provide preventive security for population centers, key administrative buildings, and U.S. military facilities. The pressure of these tasks was proving to be too much for the occupiers' own undermanned Military Police or the U.S. Constabulary, a situation reflecting the larger reality that the Americans were more thinly spread across their zone of occupation than the other Allied Powers were. Apart from Constabulary units and transient technical personnel, one source estimates that the number of permanent U.S. personnel serving in Military Government capacities in Bavaria reached a high of 4,500 in late October 1945. The number more normally fluctuated between 3,000 and 4,000. *Hilfspolizei* formed a significant part of the estimated 5,000 to 7,000 Germans who in one way or another assisted these Military Government detachments at any given time in this early period.²³

The exact nature and composition of these early *Hilfspolizei* units and their relationship to the emerging local governments is difficult to determine, because of the scarce documentation available for the very early postwar months. As late as the end of October, many district and community administrations had not yet fully routinized their operations. Permanent Military Government detachments (and their regular recordkeeping) were still in the process of replacing temporarily stationed American combat units in many locations. The power given to newly appointed mayors and Landräte to select police chiefs indicates that at least some German policemen in this early period had a formal place as part of local German administrations. Other *Hilfspolizis-*

²¹ Lutz Niethammer, "Die amerikanische Besatzungsmacht zwischen Verwaltungstradition und politischen Parteien in Bayern 1945," *Vierteljahresheft für Zeitgeschichte* 15 (1967): 183.

²² Bayerisches Staatsministerium des Innerns, "50 Jahre Bayerische Polizei," 28.

²³ Lanzinner, *Zwischen Sternbanner und Bundesadler*, 22.

ten, however, were directly attached as interpreters and additional manpower to U.S. Constabulary patrols. They remained auxiliaries in the classic sense of the word under the direct command of local American officers.

These early auxiliary policemen were unarmed and remained in civilian dress. Their only identifying marks were white armbands bearing the title "Military Government Police." The extent to which the early *Hilfspolizei* gathered together the remnants of preexisting low-level *Ordnungspolizei* and *Kriminalpolizei* units as provided for in the Public Safety Plan is unclear from the paucity of records. It is also difficult to determine what proportion of these early *Hilfspolizisten* were men who had experience serving in the *Gendarmerie* before 1945 or even the *Landespolizei* prior to 1935, and what percentage consisted simply of any able-bodied men, regardless of occupation or background, whom the Americans or local authorities could call into service. Auxiliary police duties and assignments were largely determined on the spot by the U.S. Public Safety officer or Constabulary commander in charge of a given area. As ad hoc, local phenomena, *Hilfspolizei* existed for too short a time for unified ranks, pay scales, and other procedures to have become formalized. Wide disparities in jurisdiction, powers, and activities emerged between the *Hilfspolizisten* of different towns and districts in the various administrative regions of Bavaria in the early postwar weeks.²⁴

The spring and summer of 1945 generated a consistent picture in both contemporary reports and subsequent memory of a countryside overrun by unprecedented threats to the previously quiet lives of local communities. Attacks on farmhouses by armed bands, thefts of agricultural produce, clothing, and farm animals, and assaults on and killings of villagers or townspeople had all led to a general rise in rural anxiety. The country population were arming themselves as best they could and were standing long watches at night over their properties, after long days spent in manual work. The general uncertainty over the economic and political future was compounded, according to contemporary reports, by the growing popular concern over the increasing flow of refugee Germans from the eastern territories now under Polish, Czech, or Red Army control. The final element that went into this

²⁴ Robert Harnischmacher and Arved Semerak, *Deutsche Polizeigeschichte: Eine allgemeine Einführung in die Grundlagen* (Stuttgart: Kohlhammer, 1986), 141–142.

composite picture of early postwar security problems was an unprecedented influx of foreigners into the German interior.²⁵

Community-based auxiliary patrolmen were not the only response in the effort to reestablish a modicum of order in the summer and early fall of 1945. Evidence from the Regierungsbezirk of Schwaben, where a functioning regional administration had emerged relatively early, suggests that the perception of particularly severe public-order problems in the RB's rural areas in the first postwar weeks had already prompted U.S. commanders to disregard the explicit instructions of the Public Safety Plan prohibiting supra-local police organizations. In Schwaben, the Americans ordered the reactivation of the Bavarian Gendarmerie as a district-wide force by June 7, a month after the end of the fighting.²⁶ Contrary to the Public Safety Plan, whatever authority over the American-sponsored Gendarmerie units in Schwaben remained in German hands rested with regional bureaucrats in the reorganized Bezirk capital at Augsburg, instead of local authorities in the towns and districts.²⁷

Military Government officials in Augsburg selected as chief of this revived Gendarmerie an ex-police major, Dr. von Hellingrath, who before the Nazi takeover had been adjutant to the regional commander of the Bavarian Gendarmerie in Schwaben. The Americans charged Hellingrath with ensuring order in rural areas of the RB, using what remained of the network of Gendarmerie posts and stations in local communities and a cadre of former Gendarmerie personnel from the pre-Nazi period.²⁸ At first, any evidence of having ever belonged to the NSDAP was enough to bar former policemen from service in Hellingrath's units. When it became apparent that this requirement would leave very few former policemen actually available for duty, Schwaben Military Government officials modified the ruling to allow policemen who had joined the Party after May 1937 to serve in this resurrected force. This concession allowed Hellingrath to assign at least one policeman with prior experience to each of the Gendarmerie posts

²⁵ PolPräsOB, 851, Reports on security problems in the countryside and their effect on civilian morale and attitudes to other authorities, 13 October 1945.

²⁶ Edmund Stiller, "Erinnerungen aus der ersten Aufbauzeit der Landpolizei im Regierungsbezirk Schwaben nach dem zweiten Weltkriege," *Bayerische Landpolizei* (1966/1967): 7.

²⁷ Some towns in RB Oberbayern, such as Mühldorf am Inn, also seem to have briefly reactivated their local Gendarmerie units independently of Schwaben.

²⁸ Stiller, "Erinnerungen aus der ersten Aufbauzeit."

that were put back into service in the towns of Schwaben. However, the requirements of daily operations meant that the majority of the force had to be recruited from younger men with no previous experience in police work.

The career of the postwar Gendarmerie in Schwaben under Hellingrath would prove to be short and ignominious. Eyewitness accounts suggest that the undermanned posts were unable to seriously reduce the incidence of criminality in the immediate postwar weeks. Like the *Hilfspolizei* in this early period, Hellingrath's force was required to operate unarmed and in civilian clothing with the white armband. Not only was the majority of the force inexperienced, but separate reports indicate that "criminal elements" and even men with long arrest records who had recently been in prison found their way into the ranks.²⁹

These factors by themselves would have made effective police operations difficult. The deathblow to the organization, however, came in the wake of a change in the personnel of the Military Government unit responsible for supervision of the German administration (including the police) in Schwaben. Coinciding with a developing controversy in the U.S. media over occupation policies that was to culminate in the flap that autumn over General George S. Patton's openness to documented Nazis in American service,³⁰ the new Public Safety officer for the *Bezirk* introduced a particularly stringent emphasis on demilitarization and denazification, which led to repeated waves of major purges of personnel. In late June came instructions to eliminate all temporarily employed or appointed policemen whose appointments were due to expire at the end of the month and had not already been renewed by Military Government. In July came instructions releasing all persons who had held the rank of lieutenant colonel (*Oberstleutnant*) or higher in any police organization at any point before May 1945 (eliminating even those whose service dated to before 1933). In August, this instruction was modified to eliminate anyone who had held the pre-capitulation police rank of captain (*Hauptmann*) or higher.

²⁹ *Ibid.*; these "criminal elements" appear to have been some of the undesirable individuals whom Lanzinner describes as "outright thugs" (*regelrechtes Gesindel*) who numbered among the Germans assisting Military Government operations. See Lanzinner, *Zwischen Sternbanner und Bundesadler*, 22.

³⁰ Lutz Niethammer, *Die Mitläuferfabrik: Die Entnazifizierung am Beispiel Bayerns* (Berlin: Dietz, 1982).

This last purge claimed Hellingrath himself, and most of the remaining experienced Gendarmerie cadre.³¹ Using the available documentation, it is difficult to evaluate the extent to which the intensification of police purges in Schwaben was encouraged by a continued deterioration of public order despite the operations of Hellingrath's organization, and to what extent the denazification and demilitarization drives of the new Schwaben Military Government leadership had an independent ideological dynamic of their own. What is clear is that ideology worked at cross-purposes with the search for experienced policemen. With Hellingrath's Gendarmerie decimated, the problem of mounting an effective response to the likely prospect of a worsening public-order situation in the coming winter loomed before both the occupiers and the gradually reviving Bavarian government.

As the American and German sides continued to search for a solution to this problem in the remaining months of 1945, the Allied decision to preserve Bavaria with its prewar boundaries practically intact and to allow much of its prewar administrative system to gradually resume functioning was to have significant consequences for the further development of police affairs in this most historically "authentic" of all postwar German states.³² In Bavaria, alone of all the states in the Allied occupation zones, the pre-Nazi traditions of centralized policing in a modernizing administrative state, which had been evolving for almost a century and a half before 1933, gradually reemerged as a coherent and accessible fund of experience. Due to the relative briefness of the Nazi interlude, the pre-1933 Bavarian police tradition was a recent and vivid personal memory not only among the many administrative officials and public figures active in the 1920s who resumed their work after 1945, but also among the members of pre-Nazi Bavarian police forces who found themselves doing police work once again.³³ For the Americans' part, the end of the first six months of their occupation in Bavaria set the stage for a shift beyond the mechanistic decentral-

³¹ Stiller, "Erinnerungen aus der ersten Aufbauzeit."

³² Krieger, "The Inter-regnum in Germany," 519–521.

³³ For examples of post-1945 police cultivation of pre-1933 traditions, see the celebratory G. Sagerer and Emil Schuler, *Die Bayerische Landespolizei von 1919–1935* (Munich: Kameradschaft der ehemaligen bayerischen Landespolizei, 1954), in particular the foreword by Hans Ritter von Seisser, former Landespolizei chief; on civil servants in general, see Udo Wengst, *Beamtenum zwischen Reform und Tradition: Beamtengesetzgebung in der Gründungsphase der Bundesrepublik Deutschland, 1948–1953* (Düsseldorf: Droste, 1988); Garner, "Public Service Personnel in West Germany in the 1950s."

ization agenda with which they had begun their engagement with the police and public-safety question. Increased U.S. access to, and interest in, the institutional memories of career Bavarian police officials would gradually allow the occupiers to develop a more nuanced understanding of the pre-Nazi Bavarian police tradition—and how it had functioned as an autonomous and powerful part of the state administration.

A series of detailed historical studies and summaries of aspects of pre-1933 and pre-1918 rural and urban police organization and operations that the Americans began requesting from Bavarian technical advisors in the summer of 1946 bear witness to this growing interest.³⁴ Many of these studies, reports, and recommendations were produced by Ernst Wündisch, who was typical of the usually retired technical experts and confidential agents that the Americans retained on their own staffs independently of any affiliation to German administration. Although Wündisch's precise qualifications and background are not documented, his written work suggests previous employment as a police or legal specialist in the pre-Nazi Bavarian Interior Ministry. Regardless of their degree of accuracy in reflecting pre-1933 and pre-1945 arrangements, the detailed nuances of the pre-Nazi Bavarian police experience provided by these increasingly frequent reports, together with the inadequacy of the first wave of changes that the Americans had instituted in the summer and fall of 1945, all combined with the revival of governmental functions above the purely local level by 1946 to contribute to an increasing, if sometimes grudging, American willingness to allow new police agencies to take seemingly useful elements of orga-

³⁴ These reports and studies were produced with a high degree of frequency in the first few years of the occupation. See, for example, RG260, Box 272, Folder 10 (24), "Urban Police Personnel Requirements," 15 October 1948 [comparisons of force levels pre-1933 to post-1945]; RG260, Box 271, Folder 603-4, "Police Jurisdictions," 10 May 1946 [same periods compared, this time with a focus on organization and deployment]; RG260, Box 275, Folder 2504 (17), "German Police Agencies in Bavaria," 17 January 1947 [comparison of proportional distribution of police forces and population figures for pre-1933 and post-1945]; RG260, Box 271, Folder 603-4, "Organization of German Police," 18 June 1946 [historical essay on nineteenth-century, Weimar, and Third Reich developments]; RG260, Box 272, Folder 708 (63), "MGR Amendment Proposing Reorganization of Rural Police to Regierungsbezirk Level at Option of Military Government," n.d. [self-explanatory position paper draft]; RG260, Box 272, Folder 708 (23), "Rural Police," 26 November 1946 [historical summary warning of mistakes in inappropriate centralization to be avoided]; RG260, Box 272, Folder 708, "Reorganization of Rural Police Services," August 1946 [position paper discussing various options for centralization at successively higher levels].

nization and practice from their own centralized native tradition and apply them in the new postwar context.³⁵

As the Americans routinized their occupation throughout the winter of 1945–1946, this growing fund of information about the older Bavarian police tradition began to find its direct reflection in the efforts of the Public Safety officers in the U.S. Military Government to undertake a more systematic and permanent reorganization of the German police. Input from Germans continued to be a significant element as these plans underwent modification and further development in the first postwar years, and as the occupiers became more familiar with the realities of local conditions, interests, and security needs in each of the states they occupied. These revised plans first appeared in a form for dissemination to Germans and local U.S. Public Safety detachments in February 1946 as “Title 9, Public Safety” of the expanded Military Government *Regulations for the Occupation*.³⁶

The impact of the information-gathering that had taken place since the initial Public Safety Plan was most plainly visible in Title 9’s more flexible range of possible police organizational formats. For the first time in official U.S. policy, the possibility of organizing German police forces at the supra-local level was explained in detail. In this case, police organizations at either the *Regierungsbezirk* or state level were once more expressly authorized.³⁷ Apart from this step in the evolution of the organizational question, Title 9 was also a comprehensive attempt to provide a new, more limited definition of the concept of police, to describe the functions of the German police agencies allowed within

³⁵ For acknowledgment from the American side of the inadequacy of the locally organized forces in the face of threats to public order, see letter authorizing formation of *Landpolizei* in Oberbayern from James H. Kelly, *Regierungsbezirk* Public Safety Officer, to *Regierungspräsident* Osthelder, 29 June 1945, in particular the opening sentence: “Die Landespolizei [*sic*] muß wieder aufgestellt werden, um die Mil. Gov.-Kontrolle zu erleichtern und um nicht einwandfreie Kräfte auszuscheiden”; cited in Binder, “Kurzer Abriß.” Citation of this American corroboration is useful in evaluating the obsessively repeated mention of a crisis in public order necessitating police centralization—and advancing vested interests in bureaucratic expansion—found in many German documents; see, for example, *Veranstaltungskomitee Polizei 1945–1985, 40 Jahre Polizei in Oberbayern* (Munich: Regierung von Oberbayern, 1985), 44.

³⁶ RG260, Box 282, Folder 1, “Title 9, Public Safety,” amended 22 May 1947 and 19 January 1948 (as archived at the U.S. National Archives and Records Administration facility at Suitland, Maryland, Summer 1991).

³⁷ RG260, Box 282, Folder 1, Paragraphs 212, 234; Franz Mayer, “Organisation der Polizei in Anwendung des Titel 9,” *Die Neue Polizei* 9 (1948): 137.

those limits, and to clarify questions of jurisdictional limits and powers. A final function of Title 9 was to formally describe and systematize American oversight and right of intervention over the imperfectly sovereign status of Germans in the field of policing.³⁸

Although the state constitution of 1946 briefly mentioned the police as one of the routine responsibilities of local civil authorities,³⁹ no Bavarian law in the occupation period actually defined or regulated this basic governmental function. Instead, for the entire occupation, and even into the first three years of Bavaria's existence as part of the Federal Republic, the provisions of Title 9, unilaterally imposed by an outside power in the context of emergency military rule, would continue to serve the Munich government as the sole enabling document defining the nature and powers of Bavaria's police until the new police laws passed by the Landtag in the middle 1950s. Title 9 removed from the German police their historically broad powers to arbitrarily impose fines and punishments, adjudicate offenses, and promulgate ordinances or regulations without judicial review. It limited the functions of the police to the preservation of life and property, the prevention of public disorder, and the enforcement of the provisions of criminal law through the prevention and detection of criminal acts. Title 9 thus sought to remove from the police the broad *Verwaltungspolizei* powers and technocratic and pedagogical responsibilities they had once enjoyed in connection with many areas of public life not directly concerned with public order, crime, and security. The American regulations sought to transfer such regulatory *Verwaltungspolizei* activities to the hands of new offices that were part of the regular civilian municipal or district administration, and that did not have coercive or executive powers.⁴⁰ However, some vestiges of the *Verwaltungspolizei* function did remain in the sphere of police jurisdiction described by

³⁸ The elastic concept of semi-sovereignty is covered in Peter J. Katzenstein, *Policy and Politics in West Germany: The Growth of a Semisovereign State* (Philadelphia: Temple University Press, 1987), and updated in Simon Green and William E. Paterson, *Governance in Contemporary Germany: The Semisovereign State Revisited* (New York: Cambridge University Press, 2005).

³⁹ State of Bavaria, *Verfassung des Freistaates Bayern: Nach den Beschlüssen der Verfassungsgebenden Landesversammlung Bayerns vom 26. Oktober 1946* (Munich: Die Neue Zeitung/Publishing Operations Branch, Information Control Division, Office of Military Government for Bavaria, 1946), Article 83.

⁴⁰ RG260, Box 282, Folder 1, "Title 9," Paras. 200, 235, 400. Robert W. Kempner, "Police Administration," in Litchfield, *Governing Postwar Germany*, 409–410.

Title 9. Although the document transferred to non-police agencies of the German local and higher administration the enforcement of price and rationing controls, for example, the police remained responsible for monitoring the illegal transportation and diversion of rationed commodities into the widespread black market.⁴¹ Other paragraphs of Title 9 made the German police responsible for the enforcement of Military Government regulations as well as German law. To this end, German policemen were obligated to assist Military Government, Constabulary, Military Police, and other Allied security forces when requested, without the latter having to go through the channels of the German civilian administration.⁴² Some special German police responsibilities found in Title 9 reflected the consequences of the lost war and the specific emergency conditions of the early postwar period. These included the investigation and apprehension of war criminals, the protection and repatriation of cultural property looted by the Nazis from abroad, and the collection and custody of surplus firearms, unexploded ordnance, and other war material for later disposal.⁴³

In principle, Title 9 invested German police with comprehensive powers of detention, arrest, search, seizure, and questioning over the populations within their geographic areas of responsibility in the enforcement of valid German laws and Allied occupation directives, subject to judicial review and constitutional guarantees of individual rights.⁴⁴ Accompanying this, however, was a complicated catalogue of calibrated exceptions (and exceptions within exceptions) for different non-German groups and subgroups physically residing in such police jurisdictions. While policemen could request identity papers from members of the occupation forces and expect the compliance of the latter with authorized German laws and regulations, German police had no power of arrest over Allied military personnel and members of diplomatic or military missions to the Allied Control Council or the Zonal U.S. Military Government, as well as their dependents.⁴⁵ If summoned by German authorities, Allied personnel could testify in German courts only with the approval of their commanding officers. The police could

⁴¹ A summary of recent research was presented in a conference panel titled "Survival in the Age of Rubble: Black Market Activities in the Postwar Germanies" at the 2004 Annual Meeting of the American Historical Association.

⁴² RG260, Box 282, Folder 1, "Title 9," Para. 500.

⁴³ *Ibid.*, Paras. 504–506.

⁴⁴ *Ibid.*, Para. 410.

⁴⁵ *Ibid.*, Paras. 431–432.

only forward to Military Government for further investigation reports of incidents involving Allied personnel. Also outside the jurisdiction of the German police were civilian nationals of Allied nations employed by Military Government.⁴⁶

Actions of individuals officially classed as Displaced or Stateless Persons (DPs) by United Nations authorities and all persons working for the occupation authorities having Germany as their primary place of residence remained subject to German laws and police jurisdiction, including arrest. This retention of some German police authority over DPs was in turn hedged about with qualifications. Officially registered DP assembly centers on German territory were off limits to German police, unless they entered on the express command of a responsible American commander in support of an operation by U.S. security forces.⁴⁷

Title 9 contained an express prohibition against any kind of police supervision of the political activities of the population. The way this section of the document was structured, however, left possible major operational gray areas. Prohibition of political policing coexisted alongside the responsibility that the document invested in the police for anticipating, investigating, preventing, and suppressing riots and other threats to public order and safety and to the security of Military Government, whether or not these had an overt political agenda. However, German police were conversely expressly forbidden by Title 9 from interfering with peaceable public assemblies under the excuse of suppressing riots, although the means of distinguishing between the two were not specified, again presumably being left to police discretion. The requirement of prior notification to the police by persons planning a public assembly and the enforcement of temporary restrictions on freedom of movement and expression when necessary to maintain public order (legitimated by judicial review) did not exceed the boundaries of comparable emergency police powers found in most industrial democracies.⁴⁸

Inconsistent with this depoliticizing agenda, however, were other special police responsibilities listed in Title 9. These functions included investigation or surveillance of possible subversive or radical threats to Military Government, routine monitoring of the opinions, moods,

⁴⁶ *Ibid.*, Paras. 433, 501.

⁴⁷ *Ibid.*, Paras. 530.1–530.3.

⁴⁸ *Ibid.*, Paras. 510–512.

and attitudes of the population for indications of dissatisfaction or unrest,⁴⁹ and access to a backstop catalogue of martial-law-type emergency measures to prevent anticipated public disorders, such as suspension of the rights of expression and assembly and the preventive custody of suspected agitators. This last emergency police power required prior authorization from *both* Military Government and, interestingly enough, the responsible German civilian official of the local government body in whose area disorders were anticipated.⁵⁰ A good example of the ambiguities that attended the gradual American discovery of and engagement with pre-Nazi police traditions, this arrangement functionally restored to local Bavarian authorities (under U.S. supervision) an important prerogative of the role of “local police authority” (*Ortspolizeibehörde*) that civilian district and local administrations had played in earlier regimes, a role that had been expressly forbidden in other sections of Title 9.⁵¹ Cumulatively, these functions indicated that the concept of public order emerging under Allied authority in the U.S. Zone (major components of which were to be incorporated into German police doctrine on both the Federal and *Land* (state) levels after 1949) did indeed require continued involvement of the regular police in actions with political and general administrative implications not directly linked to fighting crime or ensuring personal safety. This ambiguity in Title 9 about the political role of police illustrates one of the paradoxes of the occupiers’ attempt to impose democratic or liberal norms by means of authoritarian fiat: the Americans’ responses to the security challenges produced by the intrinsic nature of their occupation regime at this point in German history encouraged the unintentional transmittal of ostensibly repudiated authoritarian habits of political surveillance and repression across the divide of 1945–1949 into the praxis of future German administrations and police agencies. Title 9’s exceptions constituted one of the ways in which concepts and practices that had evolved during previous eras of what Alf Lüdtke calls the “police war” against the population, in defense of an authoritarian

⁴⁹ *Ibid.*, Para. 503.

⁵⁰ *Ibid.*, Paras. 501, 510.3.

⁵¹ Laws regulating and detailing the actions of local and regional government authorities in their capacity as *Ortspolizeibehörden* or *Polizeianordnungsstellen* (Police Instruction Offices) include Paras. 38–39 of the *Reichsstrafgesetzbuch* and Art. 2 of the *Bayerisches Polizeistrafgesetzbuch*. “Title 9” abrogated such functions in its Para. 200. See Mayer, “Organisation der Polizei,” 137.

political tradition skilled in inventing enemies, continued to influence relations between state and society in Germany after 1945.⁵²

Beyond providing definitions and limits for police functions and powers, an equally important component of Title 9 was the outline it provided of a police organization and command structure for the areas in the U.S. Zone. Apart from special police forces for technical tasks such as control of waterways, forests, and fisheries and railroad and prison security, Title 9 authorized three basic types of police force to be set up in each of the states of the zone: municipal police, state-run rural police, and border police. While other U.S. Zone states developed their own designations for these basic divisions, in Bavaria the municipal forces were to be known as *Gemeindepolizei*,⁵³ the state rural police forces as *Landpolizei*,⁵⁴ and the border police as *Landesgrenzpolizei*.⁵⁵

Even before Title 9 had been disseminated to Military Government units and the German authorities at the beginning of 1946, however, U.S. field supervisors in Bavaria had jumped the gun to establish supra-local police organizations. To some degree, Title 9 thus functioned as a retroactive legitimation for measures that were already in place in Bavaria's seven *Regierungsbezirke*. By late June and continuing on into early July, building on the lessons learned with the "dry run" of reactivating the *Gendarmerie* in Schwaben, the German regional administrations in Augsburg as well as the other RBs were already receiving instructions from their respective U.S. Public Safety officers for the creation of entirely new police forces centralized at the *Bezirk* level and responsible for the rural areas and smaller communities within these jurisdictions. Although the envisioned functions of the new forces were reminiscent of the pre-1945 *Gendarmerie*, this designation, as well as that of "Landespolizei" (State Police), was to be avoided, and "Landpolizei," or Rural Police, was to be used instead, as per subsequent Title 9 instructions. The office of the chief administrator or *Regierungspräsident* in each RB was responsible for providing logistics, personnel, training, and financial and other administrative support. These *Landpolizei* forces were to be assigned to the smaller towns with fewer than 5,000 inhabitants, as well as to the other rural areas of his jurisdiction.

⁵² Lüdtke, "*Gemeinwohl, Polizei, und Festungspraxis*," 350.

⁵³ RG260, Box 282, Folder 1, "Title 9," Paras. 211, 234.

⁵⁴ *Ibid.*, Paras. 212, 234.

⁵⁵ *Ibid.*, Paras. 213, 415.

As much as possible, the new forces were to make use of all preexisting ad hoc police or public-order personnel (such as the *Hilfspolizei*), as well as equipment and facilities left by the *Gendarmerie*. *Landpolizei* strength in each *Bezirk* would have an upper limit based on a ratio of not more than two policemen per 1,000 inhabitants. Rank designations and “non-militaristic” uniform designs were also at the discretion of *Bezirk* officials or their designated *Landpolizei* chiefs. Each RB would erect a central facility for the training of new cadre, who would then return to their posts and train their comrades. However, this training was to be basic in nature, and special training schools for officers or police command staffs were not allowed. Promotions would be based on proven merit and ability in active service.⁵⁶

Some idea of the primitive conditions under which the first *Landpolizei* forces were actually raised and operated in the fall of 1945 is provided by an account published by the first postwar *Landpolizeidirektor* for Schwaben, Edmund Stiller, after his retirement in the 1960s.⁵⁷ Headquarters for the force in the city of Augsburg consisted of a heavily damaged warehouse and dressing room in the prewar municipal police complex. Practically no documents or technical manuals from the pre-collapse period had survived or were considered politically suitable to aid operations. The police had no dedicated communications lines or courier services; communications with all outlying posts had to make their way through whatever general public transportation or civilian telephone systems had resumed functioning. The greatest obstacle to the routinization of operations necessary for effective police work, however, proved to be the familiar problem of the accelerating rate of dismissals due to denazification, which had previously crippled the *Gendarmerie* organization briefly revived under Hellingrath. After Stiller’s accession to the post of Schwaben *Landpolizei* chief, the next round of major dismissals took place on 15 September 1945, when *all* former NSDAP members, regardless of Party rank or date of joining, were eliminated. Exactly six officers of the pre-1945 *Gendarmerie* remained on the entire force after this process. The only personnel remaining after the September purge were either former *Gendarmerie* or *Wehrmacht* enlisted men with practically no leadership experience, or complete newcomers with absolutely no police training. These men

⁵⁶ For an example of the instructions sent to individual *Bezirke*, see *PolPräsOB*, Folder 13, “Allgemeine Instruktionen für den Direktor der *Landpolizei*,” 17 July 1945.

⁵⁷ Stiller, “Erinnerungen aus der ersten Aufbauzeit.”

had to work out of isolated posts and stations with no telephones, scattered all over the region, many of which had been plundered or burned in the weeks following the collapse. Stiller was only temporarily successful in negotiating with the U.S. Military Government for the retention of fifteen officials in particularly important positions on the headquarters staff and at the field inspectorates who were threatened by the denazification drive. By December of 1945, even this remaining cadre had been dismissed, leaving Stiller with no vice chief, personnel office head, leadership and cadre training officer, budget and payroll officer, quartermaster, or general training director. All three staff department subheads were also dismissed, as were eight out of the nineteen heads of the field inspectorates assigned in Schwaben's Landkreise. At one point, the only headquarters staff available consisted of a twenty-two-year-old female employee and a twenty-seven-year-old former police cadet who later had to leave because of a heart condition. One district office had to be temporarily occupied by the chauffeur of the dismissed district patrol chief, who had been able to get a general idea of the state of operations in the area from driving his former boss around it.⁵⁸

Despite the lack of funding and facilities, Stiller recognized that some sort of training program was necessary if the remaining personnel and their reinforcements of mostly new or inexperienced recruits were to deal with the destabilized security and public-order conditions of the first postwar months with any degree of effectiveness. After some negotiation, the owner of the "*Ziegelstadel*"—an inn in the suburb of Stadtbergen—made available one bunkhouse room with sixty beds and two rooms that doubled as mess and instruction areas. Even before this, the first training sessions had been conducted in conjunction with the independently reconstituted Augsburg municipal police, with a total of forty students from both forces. The first instruction course in the Stadtbergen facility itself began in early November and lasted two weeks (subsequent courses were extended to three). Despite the dismissal of the school director in December, training continued, with the most outstanding of the graduates from the first course serving as the new teaching cadre.⁵⁹

In a series of letters of complaint to the civil government of Schwaben throughout that fall and winter of 1945–1946, Stiller painted a picture of a rural police force that, despite some modest progress in

⁵⁸ *Ibid.*, 8–9.

⁵⁹ *Ibid.*

the systematization of operations, simply did not have the material resources or personnel to perform a satisfactory job. The overwhelming majority of rank-and-file policemen continued to be ex-soldiers with no previous police experience. Although their frontline service had inured them to shortages of supplies and rough working conditions and given them leadership, teamwork, and firearms skills, the constant dismissals that came in the wake of denazification had a depressing effect on morale and performance, particularly among policemen who had willingly come forward with details of their pre-1945 pasts in the officer corps of the Wehrmacht. As the catchall category of “career militarists” increasingly became the target of American purges along with NSDAP members starting in the late fall of 1945, the number of policemen who had to live with the fear of being dismissed correspondingly grew. In addition to these concerns, Stiller complained that the payment of salaries out of the Regierungsbezirk treasury was constantly in arrears, forcing the many policemen who had no savings or property to take on heavy debts. Not only did this financial insecurity degrade performance, it also damaged the already delicate image of the American-sponsored police in the eyes of the public.⁶⁰

Schwaben was not alone among Bavaria’s Regierungsbezirke in raising Landpolizei forces during that fall of 1945. Responding to instructions from Military Government, officials in all the other RBs were also establishing Landpolizei organizations in the same period. With the one exception of Oberbayern, however, the records of these early and only briefly autonomous regional Landpolizei forces have not survived.⁶¹ It is thus difficult to establish with any certainty whether common standards existed among them regarding such as matters as supplies, equipment, operational doctrine, relationship to civilian Bezirk authorities, or organizational structure.⁶²

⁶⁰ Letter of 1 January and 18 January 1946 from Stiller to Office of Regierungspräsident, Schwaben. Reproduced in *ibid.*, 11–14.

⁶¹ Interview with Archivrat Dr. Weber, Staatsarchiv, Munich, Summer 1993.

⁶² The various Bezirk Landpolizei forces of 1945 and early 1946 had very different dress uniforms (unlikely to have been widely standardized within each individual force in any case), some cut on patterns borrowed from the French army (the Franconian districts) or based on civilian patterns reminiscent of domestic U.S. police forces of the period (Niederbayern/Oberpfalz). Others had green uniforms reminiscent of the Gendarmerie (Schwaben). When the organization and procedures of the Oberbayern Landpolizei became the basis for a statewide standard in the spring of 1946, the other Bezirke adopted its forest green and brown uniform. This variety suggests that similarly wide variations existed in organization, operational arrangements, and relationship to

Although RB Schwaben is uniquely able to add to the historical record Stiller's detailed personal recollections of the daily challenges of operating a Landpolizei force in the first six months of the occupation, the corresponding force organized in neighboring Upper Bavaria left the sole remaining official document collection detailing the formal organization and operations of the Rural Police in the early postwar period. One factor in the survival of the Oberbayern documents may have been the fact that it was from a basis in the Landpolizei organization of this particular Regierungsbezirk, with its headquarters in the same capital city of Munich as the state government itself, that the next stage in the consolidation of postwar Bavarian policing was to take place the following spring. An examination of the central role that the ex-Landespolizei subaltern and anti-Nazi former exile Michael von Godin played in this process of re-creating a centralized state police system run out of Munich enables us to appreciate the degree to which the autonomous ethos of the Landespolizei came back into play in Bavarian police affairs soon after the end of the war. It also allows us to appreciate the extent to which the particular circumstances of direct American sponsorship that had transported Godin back home from wartime Swiss exile helped set the stage for the complicated relationship that eventually reemerged between the civilian Bavarian government and a vigorously autonomous state police leadership elite.

Two months into their occupation of Bavaria, the Americans were beginning to realize that the municipal police forces they had authorized after their arrival were not an adequate response to the ongoing public-order problems. The situation outside the larger towns, in particular, which showed every indication of worsening in the impending first postwar winter, was precisely where the municipal and local community police forces were least equipped to intervene. At this point, the broad imperative of radically dismantling any vestiges of the centralized Nazi system still stood as the main theme of official occupation police policy; the more modulated stance of Title 9 of Military Government Regulations, which ratified the existence of various kinds of supra-local

their respective Bezirk governments before "unification." No evidence for coordinated operations or administration across Bezirk boundaries exists before spring 1946. See Martin Maurer, "Als der Polizeibeamte noch Gendarm war (I)," Special Edition, *Polizei in Bayern* 39 (1996): 21.

police alongside the separate community forces, was still half a year in the future.

It was in the intervening second half of 1945 that the Americans—regardless of their official anathematizing of police centralization—conducted the experiments with supra-local forces that would later be retroactively recognized and elevated to the status of official policy by Title 9. There were good reasons why the Americans selected the *Regierungsbezirk* level for their first attempts at supra-local police organization.⁶³ The seven *Regierungsbezirke* constituted an administrative echelon with minimal variation in standards across Bavaria. Each RB covered enough land area and disposed of enough resources to make a supra-local police force practical. Each *Bezirk* force was intended to be completely self-contained. At this point, the Americans appeared to have made no provisions for sharing resources, pooling manpower, or communicating intelligence between any German police organizations across RB boundaries.

The Americans were not consciously attempting to return to any particular historical point in Bavarian police evolution by giving the RBs independent police powers. The various available position papers produced by the occupation bureaucracy show no evidence that the historical role of RB governments as “police authorities” in the traditional *Ortspolizeibehörde* chain of command was a factor in the Americans’ planning for the *Landpolizei*. Some Americans still had misgivings about any police organization above the local level. Even after the various RB *Landpolizei* organizations became operational, some Military Government studies and position papers continued to argue that the problems of public order outside the larger towns could best be addressed by allowing the *Landräte* (district administrators) of *Landkreise* (the rural districts that were the next echelon down from the RB) to retain operational control over such rural police forces. Some commentators argued for returning to the nineteenth- and early-twentieth-century arrangement of allowing the *Landräte* the right to supervise and issue instructions to the police in their jurisdiction, instead of to an arrangement (understood in garbled form by the Americans) such as the 1920s alternative of sharing command and control between *Seisser’s* centralized *Landespolizei* headquarters in Munich and *Gendarmerie*

⁶³ Instructions for the erection of a *Bezirk Landpolizei* organization. Letter from Col. James Kelly, Military Government Oberbayern, to *Regierungspräsident Osthelder*, 29 June 1945. Cited in Binder, “Kurzer Abriß,” 10.

units controlled by the Bezirk civil authorities. (The Landespolizei and Gendarmerie were two separate organizations, but this seems to have been imperfectly grasped by the Americans in this case.)⁶⁴ In the event, the Landräte never regained their old pre-1918 police power. This lower echelon of administration found itself permanently divested of its role in the traditional system of Ortspolizeibehörden, which had undergone a revival under the Nazis between 1936 and 1945. These and other steps in a transition to increasing centralization from summer 1945 to early 1946 appear to have been influenced by high-level Bavarian suggestions directly from Minister-President Wilhelm Hoegner's office. Hoegner argued that having separate Landpolizei units under the independent control of hundreds of small Landkreise, while faithful to the decentralization imperative, was undesirable because the Landkreis administrations were reconstituting themselves at widely uneven rates, and thus were unable to guarantee uniform standards across all of Bavaria. Regardless of how German officialdom understood this move, the Landpolizei organizations envisioned for each RB were not necessarily meant by the Americans as a permanent basis for a Bavarian police system at this level, but rather as a manageable set of preliminary experiments with centralization. This provisional and experimental nature is suggested by the Americans' failure to follow through and work out detailed instructions that would ensure that whatever RB-based forces emerged would be securely under the authority and command of the RB's Regierungspräsident.⁶⁵ In any case, the Landpolizei organizations that emerged in the seven Regierungsbezirke of Bavaria in the summer of 1945 would retain their autonomous existence for only about nine months. Events in Oberbayern in the spring of 1946 would render moot the question of ironing out their long-term working relationships with their respective Bezirk civil administrations.

In terms of physical size, the largest single administrative unit in any of the three western zones, Oberbayern, also had the highest population of any district in Bavaria. Eric Johnson has pointed out its rela-

⁶⁴ The second thoughts contained in these studies continued until 1946. See, for example, OMGUS, Box 272, Folder 708 (23), "Rural Police" [study of Landräte as rural police supervisors], 26 November 1946. Compare with "Reorganization of Rural Police Services" [advocating ratification of organization at Bezirk level], August 1946, in the same folder.

⁶⁵ OMGUS, Box 272, Folder 708 (23), "MGR Amendment Proposing Decentralization of Rural Police to Regierungsbezirk Level at Option of Land Government," 21 January 1946.

tively stark gaps in income and urbanization (dividing Munich and a few key industrial suburbs, historical trading centers, and cosmopolitan resort towns from the surrounding agriculturally dependent countryside) and the RB's long international borders as contributing to a historically high crime rate in comparison to most other jurisdictions in Bavaria or the rest of Germany.⁶⁶ A final factor that made police affairs in this district a matter of more than local importance in 1945–1946 was the collocation of both an operational Bezirk office and the state-level supervisory government agencies in the same city. Kahr, Seisser's sponsor in the GSK, had been Regierungspräsident of Oberbayern, and Seisser's organization had used the Oberbayern offices in Munich to set up an intelligence service. Thus there was already a precedent in the interwar period for the eventual extension of police authority from Oberbayern to the rest of Bavaria.

More than merely a precedent, however, was the actual if indirect continuity with the person of Seisser himself. The ex-Landespolizei chief had been briefly tapped to serve as Munich's city police chief in the immediate post-collapse period. The Putsch historian Harold Gordon further observes that after 1945, the "bright young officers" with whom Seisser had surrounded himself back in the Order State days continued to cultivate a personality cult of the "Seisser Mystique ... so powerful that it reached into and beyond the Third Reich." Writing in the 1970s, Gordon remarked that there were still "many former policemen who still honor the old man in the Bad Brunthalstrasse."⁶⁷

In his original letter of instruction to Regierungspräsident Osthelder on the raising of a Landpolizei in Oberbayern, Lt. Col. Kelly of the OMGUS Public Safety Detachment in the RB emphasized the logistical support responsibilities of the Bezirk government in the raising and maintenance of the force. However, although the orders mentioned in general terms the principle of local answerability and control, the questions of how much influence the civilian Regierungspräsident would have in selecting the leadership of the force and exactly what kind of command responsibility and operational control the Bezirk government would have over it remained characteristically unclear. In the event, the Americans ignored Kelly's original openness regarding civilian German involvement in command and control and did not involve the Bezirk administration in the search to find a suitable commander for

⁶⁶ Johnson, *Urbanization and Crime*, 49.

⁶⁷ Gordon, *Hitler and the Beer Hall Putsch*, 123.

the Upper Bavaria Landpolizei. At roughly the same time that Kelly's instructions were arriving on Regierungspräsident Osthelder's desk, the OSS had separately decided to bring Michael von Godin back to Munich from Switzerland and assign him a major role in postwar security and police affairs. Almost immediately after arriving in Munich, Godin met for consultations with Kelly. Afterward, in the presence of Osthelder, Kelly named him Landpolizei chief and requested that he begin the detailed work of erecting a police organization.⁶⁸

The OSS relationship with Godin as a particularly trusted protégé resolved the question of command and control in favor of direct American sponsorship of the force he was to lead. This also worked against allowing close civilian German supervision over the emerging organization. As the director of the Landpolizei in Oberbayern, Godin had full control over all aspects of operations, organization, training, staffing, discipline, and logistics. His only acknowledged superior in the German civil administration was the Regierungspräsident of Oberbayern himself. Although the police were to "cooperate" with the German civil administration, all police personnel below the director, in turn, would take orders only from their designated superiors within the Landpolizei and from U.S. Military Government offices operating in their jurisdictions. The plan specifically blocked any command over the police on the part of local officials such as Landräte, who could only "place requests" (*Ansuchen stellen*) with the Bezirk administration in Munich, which would forward them to Godin's office. Local Landräte could not go directly to the police units in their jurisdiction.⁶⁹ The confidence that Godin enjoyed with the Americans was further underscored by the authorization to carry firearms that his force received soon after its establishment—one of the earliest such authorizations granted by Military Government to any German authority.⁷⁰

Godin immediately set about gathering a staff and scouting a location for the new Landpolizei headquarters away from the Oberbayern Bezirk offices, eventually settling in a complex at Winzererstrasse 9 in Munich. By 12 July, he had progressed enough in his efforts (after further discussions with the Americans and the submission of a first draft) for Military Government to approve an official organization plan for the Landpolizei in the RB. This plan (and the subsequent modifications

⁶⁸ Binder, "Kurzer Abriß."

⁶⁹ *Ibid.*, 20–23.

⁷⁰ *Ibid.*, 12–13.

and additions it received in the course of being implemented throughout the rest of 1945) introduced the basic outlines of the three-echelon Landpolizei structure that was to be extended to the rest of Bavaria when Godin rose to the presidency of the entire Landpolizei in the spring of the coming year, and would provide the basic template for state police organization in Bavaria until the early 1960s. At the top of the organization was a Bezirk headquarters unit in Munich (*Hauptstelle*). In the administrative seat (*Kreisstadt*) of each of Oberbayern's twenty-six rural districts (Landkreise) was located an inspectorate (*Inspektion*), the middle echelon in the Landpolizei structure. Beneath each inspectorate were the several main stations and stations (*Hauptposten, Posten*) located in the population centers of each Landkreis, from which the Landpolizei carried out its actual field operations.⁷¹

The main headquarters in the Winzererstrasse in Munich was led by Godin, as the *Direktor* (commanding officer), and his assistant, or *Vizedirektor*, another former Landespolizei lieutenant and minor aristocrat named Rudolf von Belleville. Under them, a staff of "police councilors" (*Landpolizeiräte*) administered two main staff duty sections. The first section, Operations, handled crime, traffic, intelligence, officer training, recruitment, and field inspections. The second, Administration, was responsible for payroll, budget, welfare, accommodation, equipment, and travel. Three grades of police inspectors (*Hauptinspektoren, Oberinspektoren, and Inspektoren*) and various clerical employees made up the staff of these sections. Finally, a Secretariat was responsible for office correspondence and public relations.

The twenty-six intermediate-level Landpolizei offices in each Landkreis originally had the somewhat generic name of *Landkreis-Dienststellen* (Landkreis duty offices). They were renamed inspectorates later in the fall of 1945. An inspectorate was not an operational unit, but rather a subordinate staff office that supervised, coordinated, and managed the daily activities of the several field stations operating under it in that particular Landkreis. Each of these inspectorates was headed by a field inspector (*Bezirksinspektor*). Inspectorates transmitted reports, instructions, and correspondence up and down the chain of command and administered the Landpolizei budget assigned to the Landkreis. They also kept crime, traffic, and other statistical records for the entire Landkreis.

⁷¹ *Ibid.*, 11.

Godin's earlier career as a junior officer of the interwar Landespolizei was not exceptional among the leaders of the post-1945 Landpolizei. Many other members of the postwar force's initial cadre and on into the early years of the Federal Republic had previously served in the GSK-Landespolizei system under Seisser and Kahr. In 1954, a list of the names, addresses, and present employment of about 250 ex-Landespolizei officers was drawn up by the "Comrades' Association of Members of the Former Bavarian Landespolizei" (*Kameradschaft der Mitglieder der ehemaligen Bayerischen Landespolizei*) to present to Seisser on his eightieth birthday.⁷² On the list were about forty men who were still serving in some capacity as officers in the police of mid-Adenauer-era Bavaria, and who would continue serving for several years afterward. Sixteen were serving or would eventually serve in prominent leadership positions at the very highest command levels of Godin's Landpolizei on into the late 1950s. The list included four out of the (at that time) seven Regierungsbezirk regional commanders: Heinrich Eichhorn (1953–1965) and Oskar Wiedemann (1965–1968) at Bayreuth for Upper Franconia, (?) Haßlauer at Ansbach for Middle Franconia, Ludwig Euler (1950–1959) and Maximilian Maier (1959–1965) at Würzburg for Lower Franconia, and Paul Kohler (1946–1961) at Regensburg for Lower Bavaria and the Upper Palatinate. At the time the list was drawn up, the Bezirk command for Schwaben was the only top Landpolizei post for which no ex-Landespolizei men can be documented as commanders. Ex-Landespolizei officers were also on the senior staff of police schools at Gelchsheim and Ainring. Finally, on the list as veterans of the interwar Order State were Godin's personal assistant, Polizeirat Ernst Binder, and the second-in-command of the entire force, Vice President Rudolf von Belleville. In addition to his time in Seisser's "police army," Belleville's personal career had earlier included a stint as Rudolf Hess's tail gunner and observer in the Royal Bavarian Flying Corps during the First World War. According to John Dornberg, Belleville was allegedly a one-time "political collaborator" and fairly close friend of Hitler's in the early days of the NSDAP. Belleville was somehow able to overcome this political handicap and rise in Godin's wake to the leadership of the Landpolizei in

⁷² The list was originally drawn up to locate people who could proofread and correct a draft copy of Sagerer and Schuler, *Die Bayerische Landespolizei*. An expanded list was included in the final version presented in a deluxe binding to Seisser on his birthday, 9 December 1954.

1946. Perhaps this was connected to a rather bizarre incident during the 1923 Putsch that complements Godin's role at the Feldherrnhalle. On duty as the Landespolizei garrison commander in the town of Weilheim, then-Oberleutnant Belleville conducted a raid two days after the Putsch on the villa of Ernst "Putzi" Hanfstängl in the nearby village of Uffing, where Hitler had taken refuge after fleeing Munich. Belleville is said to have walked into Hitler's bedroom and exchanged a few words with the passive Nazi leader, who recognized him as a former friend. Belleville escorted Hitler to prison later that day at Landsberg, where Hitler was to spend thirteen months of "fortress confinement."⁷³

The bulk of Landpolizei personnel were scattered among the stations and main stations located in numerous communities throughout each Landkreis. Following the stipulations of Title 9, the overall strength of the force in each Landkreis was fixed at a maximum of 2 percent of the total population. The number of men assigned to each station depended on "local requirements," but as a rule remained small, usually no more than four policemen per post. Only in emergencies did the inspectorates have the authority to combine the forces of two or more stations for a specific and limited purpose. The regular policemen assigned to normal Posten and Hauptposten were responsible for basic police work in the locality—general order control, protection of life and property, prevention and investigation of the more common types of crime, and traffic control.⁷⁴

In contrast to the detailed catalogue of daily operational and administrative headaches provided by Edmund Stiller's memoirs from neighboring Schwaben, eyewitness accounts of this formative phase in the development of the Landpolizei in Oberbayern are brief, anecdotal, and fragmentary. Nevertheless, subsequent general descriptions written in the 1950s, recounting the early process of Landpolizei formation in Godin's original RB-based organization, suggest a similar situation. The same complaints appear in both cases about insufficient equipment, logistics, and manpower, nonexistent communications, and antiquated transport. In both the Oberbayern and Schwaben accounts, written from the relatively secure vantage point of the Adenauer years, this early period appears as the heroic age in a self-congratulatory, triumphalist narrative: pioneering, overworked police leaders in both

⁷³ See Dornberg, *The Putsch That Failed*, appendix. List of dramatis personae in the Putsch and their fates.

⁷⁴ *Ibid.*

Bezirke overcoming all obstacles and laying the foundations of a functioning force.⁷⁵

By early 1946, U.S. Military Government field officers in many jurisdictions had been operating independent local police agencies for several months, and had authorized them to make use of locally available equipment, property, and facilities that had belonged to the pre-1945 Gendarmerie. Much of the grassroots work of building a Bezirk-level Landpolizei in this early period consisted of integrating these previously established autonomous local police offices, their inherited infrastructure, and the remnants of their personnel who had survived denazification together with new hires into a coherent organization under the effective control of Godin's office. This task was complicated by the lack of sufficient information or comprehensive lists available to centralized German agencies concerning the personnel and administrative arrangements of these local police organizations set up by the Americans.

In some localities, this integration process ran into further obstacles as local American commanders proved reluctant to relinquish direct control and command of the community police forces they had founded to the Landpolizei. Resolving such impasses required further personal appeals by Godin for intercession from higher Military Government authorities. It would take time, however, to rationalize this inherited collection of posts, equipment, personnel, and other resources to achieve maximum efficiency, and the need to standardize had to be balanced against the need to avoid further disruption and delay in reestablishing order in the interior. This lack of leeway for organizational fine-tuning encouraged the perpetuation of this pattern of many small, widely scattered stations as the main physical basis of Landpolizei operations in the first two decades after 1945.

Apart from the basic three-level field structure, Godin's organizational plan sketched in the outlines for a criminal investigation unit (the *Kriminal-Untersuchungsstelle*) at headquarters in Munich. This Kriminal-Untersuchungsstelle controlled field investigative offices at eight selected Hauptposten: Landsberg, Miesbach, Mühldorf, Munich-Pasing, Pfaffenhofen a.d. Ilm, Rosenheim, Traunstein, and Weilheim, located in the same county seats as the respective inspectorates of these Landkreise. Originally distinguished simply as *Hauptposten mit überörtlichem*

⁷⁵ See, for example, the account by former Landpolizei member Martin Maurer in Veranstaltungskomitee Polizei, *40 Jahre Polizei in Oberbayern*, 44–50.

Sonderdienst (main stations with special supra-local duties), the detective offices attached to these stations eventually received their own designation as *Kriminalaußenstellen* (crime field offices) or KASTs. Each KAST was responsible for forensic, investigative, and undercover work in its assigned Landkreis as well as anywhere from two to five of the Landkreise surrounding it. Apart from the KASTs, the Landpolizei leadership discouraged the proliferation of technical specialists and their permanent assignment in local stations. The plainclothes investigators' headquarters (Kriminal-Untersuchungsstelle) in the Winzererstrasse were also intended to function as the Landpolizei liaison with a separate centralized investigative agency being planned by the Americans and the Bavarian government. Originally known as the *Landesamt für Kriminal-Identifikation, Polizeistatistiken und Polizeinachrichten* (Land Office for Criminal Identification, Police Statistics, and Police Information), this office was to have no field units, but would provide expert criminological assistance for all police forces in Bavaria.⁷⁶

The pre "unification" Landpolizei in Oberbayern had also erected six permanent police schools—at Sudelfeld, Spitzingsee, Schwarzenkopf, Einsiedel, Walchensee, and Steingaden—offering basic training for new recruits and various combinations of advanced courses or leadership and special technical training. These schools tended to cluster in the high, often snowbound foothills and mountains of the southernmost parts of Oberbayern, housed in former recreation stations and ski or mountaineering training depots of the Gendarmerie, the Wehrmacht, or the pre-Nazi Landespolizei. The Landpolizei either rented these facilities or took them over outright from the Bavarian government after the Americans had evacuated them. In this same period, the respective Landpolizei organizations of the other six Bavarian Regierungsbezirke managed a total of eight schools between them. Of these, five (four in Niederbayern/Oberpfalz and one in Unterfranken) were short-term makeshift facilities that closed down after a few months, or were dedicated to teaching non-police-specific skills such as English translation. During the period when they had their own separate Landpolizei organizations, the Regierungsbezirke outside Oberbayern each effectively had only one comprehensive training facility. Cadolzburg in Ober/Mittelfranken and Straubing in Niederbayern/Oberpfalz featured the kind of dedicated building facilities that

⁷⁶ "Errichtung einer Kriminal-Untersuchungsstelle beim Direktor der Landpolizei im Regierungsbezirk Oberbayern," in Binder, "Kurzer Abriss," 13–14.

were the norm in Oberbayern. In contrast, the school at Mainbernheim in Unterfranken was located in the same kind of makeshift quarters in an inn as was described in Stiller's account of the early school at Stadtbergen in Schwaben.⁷⁷

Persistent public-order problems in the countryside during that first postwar winter were already prompting the Americans to once again shift the organizational basis of the rural police. The governments of the three U.S.-occupied states—Bavaria, Württemberg-Baden, and Hesse—were now moving toward a decision to centralize their rural police forces at the Land level. After moving the rural police halfway down the road to centralization with the Bezirk organizations, the Americans had apparently decided that if there was to be any centralization of policing for rural areas, it should be at the highest (state) level.⁷⁸ Instead of undertaking this change themselves, they entrusted the assignment to the state governments. At this point, Wilhelm Hoegner had replaced the U.S.-appointed Fritz Schäffer as the first elected minister-president of Bavaria. A few weeks after taking office, Hoegner singled out Godin's command in Oberbayern and entrusted it in turn with developing a detailed expansion plan.⁷⁹ After acting as the conduit for Military Government instructions and receiving organizational suggestions in reply from the Winzererstrasse for several months, Hoegner was able on 12 March 1946 to forward on to the U.S. Military Government Godin's final draft of the "Organizational Provisions for the Erection of the Rural Police of Bavaria." These were approved by General Walter Muller, OMGUS director for Bavaria, on 26 March, to be effective on 5 April.

The "Organizational Provisions" extended Oberbayern's three-tier system to the rest of Bavaria: the headquarters (now to be called *Chefdienststelle*) was to be in the Bezirk capital, with an inspectorate in each of the Landkreise, and local Hauptposten and Posten. Each Bezirk command was to be headed by its own chief. The pattern of detective

⁷⁷ Fritz Stauß, "Das Ausbildungswesen bei der Bayerischen Landpolizei," *12 Jahre Bayerische Landpolizei* (Munich: Präsidium der Landpolizei von Bayern, 1958): 31–49.

⁷⁸ Instructions to Minister-Presidents in letter from OMGUS, 21 January 1946, cited in Binder, "Kurzer Abriss," 18.

⁷⁹ In the same decree with which Hoegner awarded Godin (as chief of the Oberbayern Landpolizei) lifetime civil service status (*Beamtenverhältnis*), the minister-president also instructed him to take an assignment in the Interior Ministry as an expert consultant (*Fachberater*) on the construction of a Landpolizei organization for all of Bavaria. Letter from Hoegner to Godin of 24 October 1945, Historische Sammlung, PolPräsOB.

Kriminalaußenstellen in the larger Kreise was also extended to the rest of Bavaria. At the top of this expanded Bezirk organizational pattern stood the new office that Godin would lead, the *Präsidium der Landpolizei von Bayern* (LaPoPräs).

LaPoPräs was divided into service, logistics, and detective departments. In addition to these main divisions, there were a library, a press office, a legal adviser, and training and medical officers. The main task of LaPoPräs as expressed in the “Organizational Provisions” was to provide unified guidelines and instructions on which the Bezirk commands in the Chefdienststellen could base actual operations. Later emendations to the “Organizational Provisions” reaffirmed the Bezirk commanders’ independence of their respective Bezirk civil governments (Bezirk police chiefs pointedly had the same civil service rank, *Präsident*, as the civil heads of the Bezirk governments).

After the separate district Landpolizei forces organized in the different Regierungsbezirke had had a chance to settle in during that first postwar winter, Military Government approved the establishment on 24 April 1946 of a consolidated Landpolizei force responsible for all of Bavaria except its cities and larger towns. Godin moved from command of the Landpolizei in Oberbayern to head this new Land-wide force.⁸⁰ Key officers from the Oberbayern operation that Godin had formerly led now constituted the headquarters staff of his newly formed statewide office, LaPoPräs.

The Landpolizei had already been largely freed of meaningful civilian German oversight courtesy of the Americans even at the initial stages of the Bezirk organizational phase. Minister-President Hoegner’s sponsorship of and personal friendship with Godin was to cast the former as the Landpolizei’s sponsor or *Schirmherr* in perpetuating this insulation from external governmental interference even beyond the end of foreign occupation. The resumption of a centralizing tradition in Bavarian policing less than a year after the advent of the American occupation and its decentralizing agenda was the result of an interaction between various technical, economic, personal, and ideological factors at work among Americans and Germans in the early occupation period. In the meantime, while the force was occupied with the issues of organizational development as the occupation went on, the Landpolizei was also trying out a particular set of authoritarian approaches to the

⁸⁰ Bayerisches Staatsministerium des Innerns, “50 Jahre Bayerische Polizei,” 8.

problem of postwar disruption and chaos. In the course of the middle occupation years, a notably xenophobic and intrusive system of public order consequently emerged as a framework for the first phase in the stabilization of a significant portion of postwar Western Germany. The nature and perception of the threats to public order during the occupation were the broader context for the decisions made about police organization in 1945–1946. Beyond this, the perception of threat also determined the evolution of the Landpolizei's operational practices in the first postwar half-decade.

CHAPTER THREE

THE “FOREIGNIZATION” OF OCCUPATION CRIME, THE DEVELOPMENT OF AN IDENTITY REGIME, AND THE POSTWAR EMERGENCE OF AUTHORITARIAN POLICING

On the afternoon of 24 March 1948, a Landpolizei *Razzia* took place at the railroad station in Starnberg, a lakeside town in the alpine foothills south of Munich. A type of police action increasingly common in Europe by the middle decades of the twentieth century, the *Razzia* involved the roundup, questioning, and possible detention, before the onset of any legal arrest, of everybody found in a public place at a designated time.¹ On this particular occasion, an “*Einsatzgruppe*” of fifteen Landpolizei men assisted by eight troopers from a nearby U.S. Constabulary detachment had arrived at the Starnberg station to ferret out persons engaged in black market activity from among the passengers of the last two trains from Munich scheduled that day.²

The Landpolizei began by cordoning off a perimeter and stationing themselves at all possible exit points from the station grounds. Without the benefit of formal arrest, the twenty persons subsequently getting off the train at that stop were detained for a significant amount of time as soon as they left the platform but before they could leave the station grounds. They were physically searched and questioned, and they were made to show identification cards and permits for any goods or other valuables they carried. During the *Razzia*, policemen observed that three other persons who had been loitering around the platform before the trains arrived were surreptitiously directing hand-signaled

¹ A classic description of the German *Razzia* can be found in Sheldon Glueck, *Continental Police Practice in the Formative Years* (Springfield, Ill.: Charles C. Thomas, 1974), 33: “A method frequently resorted to in Europe for finding a wanted person (as well as for deterrence) is the *razzia*, or large scale raid. The police swoop down on a café or whole park ... make everyone in the place produce his identification card ... and check the names with (wanted lists) ... people who are not wanted are allowed to go, with apologies ... The others [either verified suspects or those without sufficient documentation] are piled into automobiles.”

² PolPräsOB, 607, Report from BezInsp. Starnberg to PolPräsOB, 25 March 1948.

warnings toward the passenger wagons, leading the Landpolizei to conclude that some passengers had avoided the Razzia by prolonging their trip and remaining on board until the next stop. Although the Landpolizei refrained from conducting searches on the train and the boarding platform itself out of respect for the jurisdiction of the railroad police, the latter cooperated by keeping all who remained on board under observation during the stop.³

The policemen seized thirty eggs, seven pounds of meat, four pounds of sugar, nine packs of “Marvel” brand cigarettes, several pounds of flour, some bolts of cloth, a large quantity of dress shirts, and an unauthorized U.S. army knife. The operation also resulted in the arrests and further questioning of eight travelers, one of whom was finally released after showing proper personal identification and the permits needed to carry the goods he was found with. The railroad police had also briefly detained a woman who remained on the train with several empty suitcases and containers, accusing her of hiding 8,000 *Reichsmark* in her garter belt. She was eventually released to continue her journey on the advice of the U.S. Constabulary for “lack of evidence” of any illegal activity.

The Razzia at Starnberg was a typical if comparatively minor example of this type of operation. Such German police actions could be conducted on a massive scale. A two-hour Razzia at the Frankfurt main train station in Hesse during the spring of 1947, for example, involved the detention of more than 1,500 people for several hours for identity and other checks. Of those, 243 were taken away for further questioning, but only 47 were formally arrested, and only 11 were charged with specific violations of black market or other laws. Measures such as these met with occasional resistance from the populations affected. In response to the riots that broke out during the Frankfurt Razzia, a Military Government report observed: “The small number prosecuted makes it difficult to justify the disruption of the lives of such a large number of persons when no evidence of law violations could be adduced.” In the same year, similar rioting broke out in other cities of the Ruhr, and in small towns and rural settings such as Altenstadt and Landsberg in Bavaria.⁴

³ However, the Razzia itself had already contravened agreements between the Landpolizei and the Bahnpolizei by taking place within the train station itself, and hence technically outside Landpolizei jurisdiction.

⁴ OMGUS, Box 268, Folder 7, “Police Raids in Prevention of Black Market Activ-

The Razzia was only one of a number of intrusive and authoritarian police practices that contributed to the remarkable findings of a 1949 Military Government inquiry into the legality and judicial basis of police searches throughout the U.S. Zone for the previous year. Despite the guarantees written into the new state constitutions of 1946 concerning inviolability of person and domicile against search and arrest without specific judicial authorization, the survey revealed that out of 50,033 searches of all kinds conducted by all branches of the Bavarian police in 1948, a full 42,228 had proceeded without benefit of legal warrants of any kind.⁵ These were the figures for a year that had seen currency reform and a presumable drop-off in mass participation in the black market, for which a recent study of the British Zone police suggests that "relations between the police and the public ... improved significantly in the autumn of 1948, after large scale police raids in public places for black market offenders had ceased."⁶

Comparable methods had become standard procedure in policing Nazi-ruled territory outside Germany proper during the war, but such intrusive and large-scale police operations only slowly emerged in the homeland beginning in late 1944, mostly in urban areas. With some exceptions, domestic police terror in the late Nazi period generally targeted specific individuals or small groups. Random mass roundups, searches, and other forms of intrusive large-scale actions that were common in the treatment of occupied foreign populations appear to have had only a secondary and belated place in the repertoire of police methods that the Nazi regime applied to native Germans. It is hard in the case of rural Bavaria, in particular, to find much evidence of mass forms of highly intrusive police activity with a significant impact on the mainstream native population before the final crisis of the war's end.⁷

ities," April 1947, PolPräsOB, 616, "Bekämpfung des Schwarzhandels." Razzia reports and summaries from inspectorates in Schrobenhausen (10 April 1948), Bad Aibling (27 December 1947), Traunstein (7 December 1947), and Erding (14 October 1948).

⁵ OMGUS, Box 279, Folder 8, Report "Bavarian Police Search Operations," 21 February 1949. The situation was comparable in the rest of the U.S. Zone. In the same folder, see surveys for Bremen (12 March 1949), for Hesse (18 February 1949), and for Württemberg-Baden, clipping from *Die Neue Zeitung*, 13 January 1949.

⁶ Alan Kramer, "Law-Abiding Germans? Social Disintegration, Crime, and the Re-imposition of Order in Postwar Western Germany," in Richard J. Evans, ed., *The German Underworld: Deviants and Outcasts in German History* (New York: Routledge, 1988), 25.

⁷ If anything, rural foreign workers in Bavarian farms during the war seem to have fared better than many Germans in cities, sharing the living conditions of farmers

There is a temptation toward a certain symmetrical Schadenfreude in suggesting that the chaos of the end of the war brought the oppressive police practices elaborated abroad in Nazi-conquered territory home to roost in the German interior.⁸ However, such an aesthetically elegant if morally problematic attempt at linkage would raise more questions about occupation-period policing than it answers. The denazification of the police in Bavaria in 1945–1946 had eliminated the ideological foundations and security cadre with which the previous dictatorship had begun to undertake increasingly harsh treatment of its own population at the end of the war. We can assume that the Landpolizei did not share the punitive component latent in the agenda of the Allied occupation that supervised “native” police work amidst a defeated enemy population

Postwar methods of authoritarian policing thus cannot be understood merely as a kind of carryover and intensification of the previous system of “order” represented by the last flying squads of an increasingly desperate terrorist police state. Social and economic changes that occurred in the society and economy of the Bavarian countryside after the war were the decisive factors in determining the forms, scope, and applications of the authoritarian approach that emerged in the Landpolizei. This specifically postwar form of police authoritarianism derived its logic from challenges to public order and occupation policy arising out of new, or rather newly released, tensions in the relationships between the mainstream rural Bavarian population, other kinds of Germans from outside the rural milieu, and the many formerly subjugated foreigners who remained in the region in the late 1940s. The default xenophobic tone of this kind of policing can be attributed to the tension between economically determined but also ethnically understood redefinitions of criminal deviance, in combination with legal or jurisdictional confusion over compromised German police sovereignty.

The near-universal black market and the corresponding quasi-criminalization of a very large proportion of the participating population during the occupation resulted in an unprecedented intrusion of state

and being protected from police supervision. “Weltanschauliches Bericht des Kreisschulungsamtes Neustadt a.d. Aisch 19.8.1943,” in Broszat et al., *Bayern in der NS Zeit*, 581.

⁸ Gerhard Paul and Alexander Primavesi, “Die Verfolgung der ‘Fremdvölkischen’: Das Beispiel der Staatspolizeistelle Dortmund,” in Paul and Mallman, *Die Gestapo*, 388–400.

interest into many kinds of quasi-legal individual private transactions and activities. Although the spread of such practices was to a certain extent probably abetted by popular unfamiliarity with constitutional and legal safeguards against such summary actions, the sheer physical intrusiveness of police responses also had the potential to elicit massive resistance or at least the delegitimation of official authority among the German population. In the event, while a widespread undercurrent of complaint and grumbling about pointless police harassment (*Schikane*) directed against “small fry” (*dem kleinen Mann*) did emerge in the population, police authoritarianism generally met with public acceptance, or at least tolerance. Throughout the occupation and beyond, the police were able to employ authoritarian methods that had a huge impact on the lives of many Germans without experiencing an irretrievable degradation of their legitimacy.

Crucial to this “success story” was a conceptual link that developed between police authoritarianism and what might be called the “foreignization” of criminality—the tendency on the part of the mainstream Bavarian rural population to interpret all threats to public order as the work of hostile “outsiders” with unprecedented levels of access and freedom of movement in the Bavarian countryside. The popular perception of a “crime wave” caused by “foreigners” emerged very early in the occupation, manifested in raids on towns and settlements for food and other valuables, chronic and extensive black market activity, theft, and, ultimately, harassment or deadly violence directed against the civilian population. These fears of outsiders found a focus in the concentrations of largely East European and/or Jewish “Displaced Persons” who were living in the German interior or were gathered in the “assembly centers” that persisted in Bavaria until well into the 1950s.⁹ What made the situation particularly threatening to rural Bavarians was that DPs were classified by the occupation authorities as United Nations personnel and thus were subject to very little German legal or police jurisdiction.¹⁰ The Landpolizei’s limited authority in this regard placed policemen in an increasingly difficult and frustrating position. They were caught between DP immunity and the prejudices

⁹ OMGUS, Box 276, Folder 5, “Maintenance of Law and Order among United Nations Displaced Persons,” 31 August 1946. Michael Pegel, *Fremdarbeiter, Displaced Persons, Heimatlose Ausländer: Konstanten eines Randgruppenschicksals in Deutschland nach 1945* (Münster: LIT, 1997), 55–57.

¹⁰ OMGUS, Box 269, Folder 26, “Policing of DP Centers,” 25 November 1947.

of a population that viewed most incidents of disorder and criminality as directly and primarily attributable to the outsiders who were now living in their midst. The growing frustration of the Landpolizei at their lack of control over and access to a large number of essentially extraterritorial foreigner enclaves encouraged a compensatory harshness in their dealings with DPs and other categories of foreigners when those individuals were found outside the protection of the camp perimeter and were suspected of involvement in illegal activities.

The convenient German notion of a foreign crime wave needs to be examined more closely and set against the surprisingly moderate levels of overall criminality during the occupation, particularly in comparison to other historical periods. A “foreignized” model of criminality also conflates the reported incidence of violent crime directed by DPs against Germans with the notion that DPs were responsible for the majority of *all* types of crime in the occupation, including nonviolent crimes against personal property and large- and small-scale infractions against the emergency regulations of the rationing and resource-allocation system.¹¹ The rural Bavarian interpretation of the early postwar disorder as a “foreign” phenomenon was never fully reconciled with the inconvenient evidence of Germans’ deep complicity in the latter types of nonviolent crime, evidence that economic distress and demographic upheaval could drive normally non-“criminal” mainstream German urban and rural populations to deviant, illegal, or criminal behavior in an effort to cope with the radical disruptions of the mid-century. A nostalgic model of country life assumed the indefinite survival of an idealized rural society that was fundamentally stable and peaceable, a “*heile Welt*”—if, that is, the Bavarian interior could somehow be shielded from population groups lacking a historical connection to its agricultural and small town-experience.¹²

This convenient public perception ironically brought with it possibilities for the longer-term legitimation of large-scale authoritarian Landpolizei practices and their application to the domestic as well as the foreign population. One implication of the folk consensus was that police measures that would have caused resistance had they been perceived as used mainly against the local population became more acceptable as a

¹¹ Günter J. Tittel, *Hunger und Politik: Die Ernährungslage in der Bizone (1945–1949)* (Frankfurt: Campus, 1990), 280–284.

¹² Katrin Aschenbrenner, “Großstadt und Dorf als Typen der Gemeinde,” in Karl Martin Bolte, ed., *Deutsche Gesellschaft in Wandel* (Opladen: Leske, 1966), 195–198.

routine part of daily experience if they were understood by Germans as being directed primarily against “foreigners,” or at least “strangers.” But if strangers were free to live and circulate among the population, then the exposure of the native population to authoritarian methods was the unavoidable price for the protection of traditional ways of life.

The Landpolizei did not unreservedly share the perception that post-war disorder was primarily the work of foreigners. The police did not lose sight in their daily operations of the extent to which the mainstream rural population and *domestic* “outsiders” from German cities were deeply involved in many of the offenses that folk wisdom conveniently blamed on foreigners. This realism about the local population’s criminal potential combined with the significant amount of corporate quasi-autonomy that the police enjoyed from external oversight to encourage the extension of the emergent authoritarian style of policing to the native Bavarian population itself. All these factors were instrumental in the eventual expansion of this style to the policing of *all* populations in the countryside, German and non-German alike, long after the disappearance of the specific emergency circumstances of the early occupation and the large-scale presence of non-Germans in the countryside that had originally brought it into existence.

The disruption of vital supply and infrastructure systems, the influx of large new populations needing to be supplied and fed, the unstable currency situation prior to 1948, and the destruction, interruption, and shrinking of production capacity in agriculture and industry are well-known characteristics of the early occupation period.¹³ They produced conditions of scarcity for a wide variety of goods and foodstuffs. This led state governments to develop increasingly rigorous rationing and transaction-control systems, far more comprehensive than those that had emerged in the later stages of the war, pegged to nutritional and other logistical standards that left large segments of the population hovering in that particularly uncomfortable zone between mere privation and actual starvation. Rationing and other forms of market control in such an environment in turn produced a large black market, through which a wide variety of people engaged in a newly criminalized set of behaviors as a way of trying to “compensate” for the deep shortcomings of the official economy. Knowingly receiving and trading in stolen goods or documents, the violation of price ceilings, hoarding, embez-

¹³ Trittel, *Hunger und Politik*, 92, 213.

zlement, and opportunistic offenses against production and consumption limits all penalized honest people while providing a wide range of goods and services required by all sectors of the population. Some sources estimate that up to 95 percent of all German civilians participated in one way or another in barter agreements or the actual black market.¹⁴ Most of these people were of course not involved in any other kinds of criminal activity, although the entire black market system contributed to a rise in related offenses such as forgery, fraud, and theft of articles for resale. While entrepreneurs wishing to keep their operations viable participated in large- and medium-scale barter arrangements for capital and consumer goods with each other and/or various kinds of profiteers, an overwhelming majority of the average non-farm population was also forced to participate in the underground food economy, traveling to producing areas for the sole purpose of bartering valuables and durable goods with suppliers to survive. Farmers classified as “self-suppliers” (*Selbstversorger*) negotiated from a position of strength.¹⁵

The black market enabled many who otherwise would have died or faced extended malnutrition to hang on to minimum levels of sustenance, but it also allowed speculation and hoarding to proliferate. While saving individuals, these private transactions cumulatively posed a threat to the efforts of government administrations to coherently manage the food crisis and initiate recovery programs. Large numbers of Germans who had not previously been associated with “criminal” modes of life now found themselves the targets of police forces who were responsible for the enforcement of economic regulations alongside their other order-control and security duties.

The general procedures implemented by the Landpolizei to deal with the black market threat included checks of identity cards, work permits, and travel and shipment permits; roadblocks; fingerprinting; provisional detentions; body, vehicle, and house searches; and seizures of undocumented property. Although such measures have been used in police operations in many times and places, the scale on which they were carried out in postwar western Germany contributed significantly to the 1949 Military Government findings on the near-total lack of judicial authorization for police searches in the U.S. Zone. A series of articles that began running in the Stuttgart newspaper *Die Neue Zeitung* at

¹⁴ Douglas Botting, *In the Ruins of the Reich* (London: Allen and Unwin, 1985), 175–189.

¹⁵ Trittel, *Hunger und Politik*, 285–286.

about the same time reported the explanations given by top police and civilian officials for policies that had reportedly resulted in the unauthorized arrests and detentions of 18,000 people in the U.S. Zone in the first six months of 1948 alone.¹⁶ Against such a mass phenomenon as the black market, the interior minister of Württemberg-Baden referred to the usefulness of such “old traditions” from the past as the doctrine of “danger in delay” (*Gefahr im Verzug*). This measure, which had allowed police to proceed without external authorization when necessary to preserve evidence of criminal activity or prevent the escape of suspects, had been classified in the 1946 constitutions of most states as a necessary instrument to be used only in emergencies. However, the Military Government survey suggested, “the practice of searching without warrants has become so much a part of regular police routine that the police generally conduct searches without even pretending to determine that there is an imminent danger.”¹⁷ In Bavaria, the Military Government report revealed similar conditions. In some rural Landkreise, notably those in the Regierungsbezirk of Niederbayern/Oberpfalz, almost every search in 1948 was conducted without judicial foundation. Part of the logic for such indiscriminate use of intrusive and authoritarian methods emerges out of a Military Government exchange with Landpolizei president Godin in which the latter stressed the “preventive purposes” of such measures and claimed that they served a useful purpose in “frightening” many persons and preventing them from entering the black market.¹⁸

Other agencies of the government or private interest organizations occasionally urged the Landpolizei leadership to impart a sense of discretion and restraint to the police rank and file and to avoid earning a reputation for the indiscriminate oppression or harassment of the local population. A complaint from the Ministry of Food, Agriculture, and Forests in the spring of 1947 described the “embitterment” created among the local population in the towns of Neumarkt and Mühlendorf by the Landpolizei’s policy of random arrests and unauthorized confiscations of items from travelers caught with small quantities of undocumented food and produce.¹⁹ Although subsequent inves-

¹⁶ OMGUS, Box 279, Folder 8, “Police Dictatorship in Württemberg?” Clippings from *Neue Zeitung*, 13–15 January 1949.

¹⁷ OMGUS, Box 279, Folder 8, 6 January 1949.

¹⁸ OMGUS, Box 279, Folder 8.

¹⁹ PolPräsOB, 618, Letter from Staatssekretar Hans Genther, Ministerium für Er-

tigations by the local Landpolizei office found that there was insufficient evidence to support the complaint, Godin's office nevertheless circulated a reminder that policemen were expected to use appropriate judgment when dealing with local inhabitants who committed petty infractions of the rationing laws, in order to distinguish "respectable" (*anständige*) townspeople from major violators. Indiscriminate prosecution of minor black market cases would not help much to improve compliance, but would only damage the image of the police in the eyes of the *anständig* population.²⁰

Trade and lobby groups such as the Bavarian Association of Professional Commercial Travelers (*Bayerischer Landesfachverband ambulanter Gewerbetreibender*) called on the Landpolizei to practice a selective approach to enforcement in an area where the boundary between legal and illegal was not always easy to discern. Private, unauthorized business transactions conducted by roving petty traders with doubtful credentials needed to be distinguished from the respectable activities of door-to-door salesmen (*Hausiergewerbe*) who were licensed members of the association with permanent residence in Bavaria and who represented registered business firms. The association argued that its members who could present the required license should not have to undergo searches or detentions, on the assumption that members of this association would never be involved in anything but the legitimate market.²¹ Despite such requests for consideration, incidents involving "traveling salesmen" persisted; in the town of Coburg, for example, two employees of a local firm were held at a police station for questioning because they could not produce peddling permits.²² Although, according to the Landesfachverband, "a telephone call to the local trade registry office" could have cleared up the matter of their business affiliation within a few minutes, the question of whether their peddling had anything to do with their permanent employment was not addressed.²³

As with other controversial aspects of occupation policy such as denazification, protests about the harassment of local "little people"

nahrung, Landwirtschaft, und Forsten, to Präsidium der Landpolizei von Bayern [hereafter LaPoPräs], 17 May 1947.

²⁰ PolPräsOB, 607, Letter of 23 May 1947.

²¹ PolPräsOB, 603, "Überprüfung ambulanter Gewerbetreibender," Report from BezInsp. Freising to Chefdienststelle, 13 October 1948.

²² OMGUS, Box 279, Folder 8.

²³ PolPräsOB, 616, Letter from Landesfachverband to Regierung von Oberbayern, 26 July 1948.

while the “big fish” remained relatively untouched were a constant refrain in the background of routine police anti-black market operations throughout the later 1940s.²⁴ Personal criticisms of individual policemen often took the form of unfavorable comparisons to the “previous regime” or other euphemisms for the Third Reich, during which, in a developing theme of popular memory, policemen supposedly had never treated the traditional rural population so arbitrarily or high-handedly.²⁵ According to the Landpolizei in the Landkreis of Erding, just north of Munich, this accusation was lodged frequently by inhabitants of the countryside, where black market activity could not be as easily isolated as was the case in certain urban districts or on city street corners. Instead, every barn, every isolated farmhouse with drawn curtains, and every piece of luggage at a rural train stop might conceal illegal transactions.²⁶ Given this situation, the Erding police reported, there was no way for them to fulfill their responsibilities in this particular area of enforcement unless they intruded into individual lives to a subjectively greater extent than was usual in urban areas.

Such popular grumbling at the severity of police measures against the local population coincided with ample public opportunity to observe “foreign” sources of disorder in the postwar countryside that seemed to deserve a police response of equal or greater harshness. Before the occupation, the presence of millions of ethnically non-Germanic foreigners (*fremdvölkische*) brought into the Reich by Nazi slave labor policies had served as the catalyst for the emergence of highly repressive forms of policing during the later war years. After the war, many of these same foreigners, now constituting a liberated and volatile group known as “Displaced Persons,” suddenly found themselves playing a complicated and fluid role in German society.²⁷

Some sources report that up to 1 million DPs (down from a high of 8 to 10 million in the months immediately after the end of the war) were still in the western zones in 1947.²⁸ In addition to former concentration camp inmates, they included former prisoners of war from countries that had been at war with Germany and were now under

²⁴ See, for example, PolPräsOB, 616, Report from BezInsp. Bad Aibling to PolPräsOB, 27 December 1947.

²⁵ PolPräsOB, 616, Report from BezInsp. Traunstein to PolPräsOB, 27 December 1947.

²⁶ PolPräsOB, 616, BezInsp. Erding to PolPräsOB, 14 October 1948.

²⁷ Pegel, *Fremdarbeiter, Displaced Persons, Heimatlose Ausländer*, 12–22.

²⁸ Kramer, “Law-Abiding Germans?” 247.

Soviet domination, newly stateless persons, and former slave laborers. A single individual could fall into more than one of these categories. Most unrepatiated DPs by the end of the first full year of the occupation were originally from Eastern Europe. This category of foreigner must be distinguished from the various waves of evacuee and refugee Germans fleeing expulsion in the east, or internal population shifts of Reich Germans themselves. While the latter two groups certainly contributed to the short-term demographic and social disruption of the countryside, their encounter with the native population took place, particularly for the Germans from the east, with the expectation of eventual long-term coexistence, if not assimilation.²⁹ While the prospect of having these people and their descendants as permanent neighbors might have been unwelcome to the local population, it did not contribute to the emergence of a stereotyped “foreignized” criminality.

On the other hand, a system of “assembly centers” under nominal United Nations authority and control but largely supported by U.S. Military Government resources ostensibly provided the non-Germanic DPs with safe places of refuge and kept them away from contact with the German population until decisions about their final destination could be reached. In practice, many camps placed only the most perfunctory restrictions on the movements of those DPs who had bothered to register. Data on the total number of DPs in postwar Germany at any given time are thus highly unreliable.³⁰ Much of this uncertainty is due to the unclear and inconsistent manner in which a diverse array of population groups and categories were included under the umbrella term “DP” by various levels of policymakers and field personnel among Germans, Americans, and various international organizations. Largely because it was impossible for the camp system to meet the material needs of its charges, most DPs were free to pass in and out of the camps and participate as best they could in the social and economic life of the communities around them.³¹ Numerous DPs who were (perhaps understandably) averse to anything resembling the coercion that many had endured in the war years remained at large, unregistered. Within the

²⁹ Everhard Holtmann, “Flüchtlinge in den 50er Jahren: Aspekte ihrer gesellschaftlichen und politischen Integration,” in Schildt and Sywottek, *Modernisierung im Wiederaufbau*, 349–361.

³⁰ Pegel, *Fremdarbeiter, Displaced Persons, Heimatlose Ausländer*, 10–11, 38.

³¹ Kramer, “Law-Abiding Germans?” 247.

context of overall occupation policy, the purpose of DP assembly centers was merely to provide a central gathering place for the various categories of displaced persons until final decisions could be made by the various international review boards and relief agencies about individual repatriation or emigration to third-country final destinations. Occupation regulations stipulated that the German police had no independent jurisdiction over the assembly centers themselves, nor over the DPs in them. Individual DPs who engaged in activity that was against German law outside assembly center perimeters could be arrested by the German police, but had to be turned over as soon as possible to Allied authorities.³²

The foreignization of postwar crime in this context can already be discerned in the first postwar months. In October of 1945, the economics minister in Munich sent a report to the Landpolizei authorities in Upper Bavaria describing desperate conditions in the countryside. The report characterized the majority of rural inhabitants as lacking motivation, depressed, uneasy, and vulnerable to a growing apathy. Villagers worried about family, friends, and farm helpers who had gone missing during the war. They resented the extra burdens placed on the countryside by the large numbers of evacuees, refugees, and expellees. Farmers feared inflation and the confiscation of livestock, equipment, and produce for reparations or rationing purposes. They also anticipated reprisals against villagers who were associated too closely with the Nazis. These, however, were not the most pressing concerns of country people in that first postwar autumn:

the heaviest mental and external burden ... comes from the state of security in the countryside ... It comes from the constant—in many areas almost daily—acts of violence of all kinds—from lootings and robberies, assaults and rapes, break-ins, thefts, and frequent murders—committed by foreigners and former concentration camp inmates.³³

³² OMGUS, Box 276, Folder 5, “Maintenance of Law and Order among UN DPs,” 31 August 1946.

³³ PolPräsOB, Folder 851, Report from Abteilung Landwirtschaft-Staatsministerium für Wirtschaft to “Chef der bayerischen Landespolizei, Herrn Oberst von Godin,” 13 October 1945. Confusion in the Bavarian administration at this time is apparent from the report’s heading. The economics minister seems unaware that there were no unified police for all of Bavaria; Godin actually headed the police only in Regierungsbezirk Oberbayern, and would not command police forces in the rest of Bavaria until April 1946. There is furthermore confusion between “Landpolizei” (Rural Police), the actual name of the post-1945 organization, and “Landespolizei” (State Police), a term from the interwar period.

To avoid the armed bands who roamed the countryside in search of items to steal, farm families were reportedly abandoning their homes and sleeping in barns or seeking shelter in towns after nightfall. Villagers were demanding weapons from local authorities or occupation forces with which to defend themselves. Conscious of a breakdown in public order, rural Bavarians appeared to be highly uncertain about the future of the country, of farmers as a socioeconomic group, and of farming as a way of life. The Economics Ministry concluded that if left unchecked, the combination of immediate danger to life and property and longer-range fears about the future was certain to lead to a diminished capacity and willingness on the part of farmers to deliver the food supplies that would be needed for this first postwar winter.

A case from the village of Rothschaige near Dachau in 1946 is typical of the evidence provided in support of the report. Six persons described as foreigners from the nearby DP camp at Karlsfeld arrived in a vehicle at the Huber farmhouse after dark. They knocked on the closed shutters, demanding coolant for the vehicle's radiator. When farmer Huber came out with a pail of water, he was stabbed at least six times. Several of the vehicle's passengers entered the farmhouse, assaulted Huber's wife and thirty-three-year-old son, and began stealing food, clothing, and linens. An American military police detachment alerted by neighbors attempted to rush Huber to the district hospital at Dachau, but he died of his stab wounds en route.³⁴

Bavarians' tendency to generalize about the "foreign" origins of rural disorder and crime on the basis of such incidents found echoes among the American policymakers and overseers. More than a year after the occupation had started, the head of the Public Safety Department in the Military Government for Bavaria was still citing the large numbers of DPs, refugees, and persecutees as the main source of "the existing unsettled conditions in Bavaria" and the "difficult operational problems" faced by the Landpolizei.³⁵ Rural inhabitants were quick to associate unsolved crimes in their localities with the presence of foreigners in a nearby DP camp and to press for a more vigorous response from locally assigned Landpolizei units. In the winter of 1947, for example, Erwin Vopelius of Brannenburg am Inn near Rosenheim complained to the Landpolizei Präsidium about the recent murder of a

³⁴ PolPräsOB, 824, Ereignismeldungen, 29 September 1945.

³⁵ OMGUS, Box 272, Folder 708 (23), Letter from Office of Military Government for Bavaria [hereafter OMGBY] to Public Safety Branch, OMGUS, 30 August 1946.

Herr Reinhard in the area and a case of armed robbery in nearby Flintsbach, which together had thrown the local population into an uproar. With no attempt to demonstrate causal links, Vopelius went on to describe the “extraordinarily high number” of foreign DPs in the area who “constantly harassed” the local population. It is interesting that a Bavarian was already including non-Bavarian but presumably German “evacuees and refugees” among the fearful local population threatened by the “real” outsiders. The non-German DPs were reportedly spreading threats in local inns that Reinhard would not be the last person murdered in the area.

Vopelius described the local Landpolizei as indifferent and ineffective, adding the mitigating observation that morale was low among the police because there were too few of them to really make a difference. Plainclothes Landpolizei detectives at the Kriminalaußenstelle in the nearby Kreis seat of Rosenheim were sympathetic and eager to pursue investigations, but again were too few in number to spare the time required for this one case. Vopelius suggested that the police needed a special operation (*Sonderaktion*) to conduct a “combing out” (*Auskämmung*) of the area, for which the local population would be “most grateful.”³⁶

The Landpolizei had already been considering how best to respond to the growing number of such requests for more effective action against foreigners. Because they had limited or no access to suspects who remained within their designated camp perimeters, the police directed their energies toward “combing out” large numbers of foreigners who did not enjoy such protection because they lived or congregated in the numerous camps that were unauthorized or were not registered with the occupation authorities (*Ausländerprivatlager*). In these illegal camps, Godin’s office reminded the rank and file, the limitations on police jurisdiction imposed by Allied policy did not apply. Responding to a steady demand for underpaid and anonymous casual labor, many such unauthorized camps had sprung up by late 1946 around the premises of construction firms, haulage businesses, and other such concerns in a large number of small towns. The police were to ignore all the so-called or self-appointed “gatekeepers” and “security forces” in these camps; those groups had no real authority, and had been established by the residents as folk imitations of the institutions and struc-

³⁶ PolPräsOB, Folder 290, Vopelius letter to LaPoPräs, 12 January 1947.

tures that actually operated in authorized camps under U.S. and UN authority. Oftentimes, instructions from the Landpolizei Presidium continued, such unauthorized “security forces” were themselves fronts for criminal gangs.³⁷

Because German police had failed to gain access to officially recognized camps, the legally unprotected status of the *Privatlager* was to be exploited to the fullest. The police could enter them without any special authority. These camps would be subjected to intense and constant surveillance, including the recruitment of confidential agents (*Vertrauensleute*). They would be subjected to frequent unannounced sweeps and “fine-tooth-comb” searches (*durchgekämmt werden*) to look for concealed weapons, check lists of wanted fugitives against the lists of camp inhabitants, and verify identification papers. While reminding policemen that any foreigners they arrested (including those arrested outside official camps and those arrested inside the unauthorized ones) had to be handed over to occupation authorities within twenty-four hours, the Landpolizei leadership also encouraged the field offices to exercise as much discretion and judgment as possible; decisions were to be made on a case-by-case basis about whether to report unauthorized *Privatlager* to Allied authorities for immediate closure, or allow them to continue operating under strict surveillance so that the police could more easily monitor and contain any criminal activity without allowing the perpetrators to escape to the extraterritorial protection of the official camps. The treatment of these unauthorized camps is perhaps a fair indication of what the majority of the non-German DP population would have been subjected to had there been no restrictions imposed by the Allies on German access to and control over authorized camps and assembly centers.

Policy related to the foreignizing of crime was decisively shaped by the continued evolution after the war of the police-controlled identity card and residence registration system (polizeiliches Ausweis- und Meldewesen). It is here that the impact of the Nazi experience can most fully be demonstrated in police affairs. Until the nationalization of policing in 1936 under the Nazis, each state had independently maintained its own system for recording residence registration and issuing identity documents. No comparable legislation, database, or administrative apparatus existed on the national level. There was no standard

³⁷ PolPräsOB, Folder 290, “Ausländerprivatlager,” 7 December 1946.

national format for personal identity documents, and no universal obligation to carry regional or state-issued documents at all times. The main exceptions were people who traveled frequently within Germany or abroad, and convicted criminals.³⁸

Functionally speaking, therefore, the direct forerunner of the post-1945 western German universal identity card and registration system, operated by the states but eventually integrated into the present-day comprehensive federal system, was the expansion of the Nazi central government’s powers at the expense of the states that occurred at the end of the 1930s. As part of their intensification of national mobilization and ethnic canvassing efforts early in 1938, the Nazis had introduced, for the first time in German experience, a centralized national population registration system, the *Reichsmeldeordnung*. This initiative had attempted, with mixed success, to replace the various traditional registration documents of the states with a common national identity card, or *Kennkarte*.³⁹ The *Reichsmeldeordnung*, however, was not an entirely new system. It still depended on the residence, confessional, employment, income, travel pattern, and other personal information that had already been gathered from the German population in the traditional ways by hundreds of local and state administrative police registries. However, collated by a new national bureaucratic network operated jointly by the Reich Statistical Office and the SS, this information would now be available for the strategic mobilizations, deportations, evacuations, killings, surveillance efforts, and sundry social engineering experiments of the new government of “national resurgence.”⁴⁰

As an essentially evolutionary development, the 1938 *Reichsmeldeordnung* had major limitations for the new regime’s purposes. The SS-Police leadership in particular continued to bemoan the lack of a general legal requirement for everyone to carry the newly instituted *Kennkarte* at all times. It was not until a month after the outbreak of the Second World War that the Reich government finally instituted a selective *Ausweiszwang*—rules requiring selected high-priority subgroups in the population (Jews, men of military service age, convicted criminals, and eventually inhabitants of sensitive border areas

³⁸ Götz Aly and Karl-Heinz Roth, *Die restlose Erfassung: Volkszählen, Identifizieren, Aussondern im Nationalsozialismus* (Frankfurt: Fischer Taschenbuch Verlag, 2000), 162.

³⁹ *Ibid.*, 49–53.

⁴⁰ OMGUS, Box 273, Folder 43, “Uniform Kennkarten,” 3 January 1947.

such as Alsace-Lorraine, Luxembourg, the General-Gouvernement in Poland, and the Protectorate of Bohemia-Moravia) to always have the new national identity card with them. However, enforcement of such an Ausweiszwang for all Germans had remained an unattainable ideal throughout the war.⁴¹ The obligation to carry a universal ID card would become an effective reality (in western Germany) only after the end of the Nazi regime.

As if the increasing strains on the general Reich administration and its administrative police agencies caused by the transition to total war in 1943 and 1944 had not been enough of a challenge, the Nazi state in this period was in the advanced stages of planning further refinements to the Ausweis- und Meldewesen regime. These measures included a comprehensive database for recording everyone's national identity and personal background (the *Volkskartei*), as well as a plan for unique alphanumeric identification of all persons in the German sphere of influence in Europe (the *Reichspersonalnummer*).⁴²

Despite these increasingly ambitious projects, the national Ausweis- und Meldewesen system had degenerated into a massive bureaucratic tangle by the last stages of the Second World War. The physical and logistical difficulties caused by the wartime disruption of previous patterns of native German demography and geographical residence were exacerbated by the influx into the Reich of millions of foreign slave laborers, German-speaking refugees, other displaced persons needing documentation, and the gradual destruction or deactivation of local governmental or registration centers as the front contracted.⁴³ The administrative chaos that attended the final disintegration of the central national authorities in the late spring of 1945 was, paradoxically, also partly a result of personal and systemic *over*-documentation. In the immediate aftermath of the Nazi collapse, an enormous and unsystematized variety of war-related special national-service and travel passes, permits, and single-purpose technical identification documents (*Dienstausweise* or *Bescheinigungen*) were still in circulation.⁴⁴ Millions of such

⁴¹ Aly and Roth, *Die restlose Erfassung*, 64–66.

⁴² *Ibid.*, 64–66, 132–154.

⁴³ For population upheaval and settlement pattern disruption in Bavaria, see Lanzinger, *Zwischen Sternenbanner und Bundesadler*, esp. "Alltag, Not, und Politik," 91–103.

⁴⁴ This problem is reflected in a long list of the most common types of special wartime German identity papers that postwar U.S. or German authorities might have to deal with, drawn up by the OMGUS Public Safety School. Totalling almost 380 separate document formats, they included such items as unit or formation membership doc-

documents of doubtful provenance or validity, many of them barely legible and unaccompanied by photographic verification, were in the hands of a geographically disrupted population as it dealt with the Allied occupation forces and the variety of German local and regional authorities that gradually emerged by the end of 1945 and the early part of 1946. In addition, many members of the population still carried the standard national identification card or Kennkarte of the 1938 Reichsmeldeordnung system. Official channels for verifying identity claims and searching for family members, loved ones, and other missing persons were inadequate and overwhelmed. In a post-apocalyptic, Kafkaesque manifestation of what perhaps were deeply rooted folk-bureaucratic tendencies in mid-twentieth-century German public culture, informal private-enterprise "registration bureaus" for identity and residence verification were springing up around rail stations or clustering around street-corner bulletin boards, and amateur tracing services and unauthorized detective agencies were proliferating throughout the occupied zones.⁴⁵

This breakdown in public administration and population documentation at the end of the twentieth century's Thirty Years' War provided the first real opportunity since the emergence of the modern German bureaucratic state and its administrative police system for a fundamental reassessment of the entire Ausweis- und Meldewesen concept. This reassessment took place under the aegis of Allied occupation authorities aiming to root out all manifestations of Nazism. However, the Allies were not always interested in making clear distinctions between Nazi innovations and the preexisting strains of authoritarianism that might more credibly be derived from earlier traditions of German bureaucratic practice.

In the spring of 1946, the American occupation government declared its intention to eliminate such key pillars of the traditional authoritar-

uments issued by defunct NSDAP or military authorities, ration cards (*Versorgungsscheine*) from local or regional distribution authorities, passes and paybooks issued by emergency relocation authorities, residence registry documents issued by Ortspolizeibehörden in areas now under Soviet or Polish administration, etc. Even for those issued by registry authorities in the West before May 1945, there was no guarantee that the actual records behind the IDs were intact or available. OMGUS, Box 280, Folder 11, "German Identity Documents," n.d.

⁴⁵ For coverage of ad hoc information clearinghouses in one representative city, see Ursula Oehme, ed., *Alltag in Ruinen: Leipzig 1945–1949* (Leipzig: DZA-Verlag für Kultur und Wissenschaft, 1995), 26, 32.

ian police system as political surveillance and the whole catalogue of Verwaltungspolizei activities. This agenda was part of the basic expression of American policy in matters of policing and public order found in “Title 9, Public Safety,” which was to remain the provisional foundation of Bavarian police institutional as well as operational legitimacy in the absence of native legislation until the middle of the 1950s. Without explicitly including “administrative policing” in the list of institutions and practices identified as part of the uniquely Nazi apotheosis of the police state, Title 9 nevertheless singled out Verwaltungspolizei as part of an undesirable heritage of generic German authoritarianism, which was also marked for elimination. The regulations furthermore deprived German police of their powers to impose arbitrary fines and determine punishments on the spot, or to adjudicate offenses and promulgate regulations or ordinances without external review. The functions and powers of the police were now supposed to be limited to the preservation of life and property, the “prevention of public disorder,” and the enforcement of criminal law through the prevention and detection of criminal acts. Title 9 envisioned a speedy transfer of the former Verwaltungspolizei responsibilities to the jurisdiction of administrative offices without enforcement or coercive power belonging to the regular echelons of local, district, and Land civil government.⁴⁶

However, the pressing need to quickly gather basic information about an unfamiliar subject population under emergency conditions worked against consistency in the Americans’ application of their Title 9 agenda of eliminating Verwaltungspolizei. The means by which the identities and residence information of millions of people could be reliably verified needed to be reestablished as quickly as possible, for the sake of coherent execution of administrative policies. Two years before the end of the war, some Americans in positions of authority had already recognized the potential importance of the previous dictatorship’s centralized and police-operated Reichsmeldeordnung system for such a goal. The planners of the coming occupation had commissioned a study in 1943 from Robert W. Kempner, an exiled anti-Nazi Prussian police bureaucrat and legal scholar whose remarkable career would eventually range from being one of the original authors of the 1931 Prussian *Polizeiverwaltungsgesetz* (Police Administration Law) to service on the prosecution staff at the postwar Nuremberg war crimes

⁴⁶ Ibid.

trials. Kempner considered it likely that the condition of German society immediately after the collapse of the Nazi regime would be chaotic enough to require the maintenance of a modified version of what he termed the “National Police Registration.” His expert opinion, however, smoothly conflated the Nazi-era national-level Kennkarte and Reichsmeldeordnung system with the older heritage of the regional-level Verwaltungspolizei-run systems:

it will be easier to repair *the German system, developed along the traditional lines of continental police practice* [italics added], than to establish a new, and to the German population unfamiliar type of registration ... Through it the Occupational authorities may administer, regulate and control population movements, recruit labor, restrict travel, expel undesirables, and dissolve subversive organizations ... not only as a means of political control but also as an efficient aid in rehabilitation ... [it] may assist in orderly adjustment of the vast dislocation of peoples caused by the Nazi conquest of Europe.⁴⁷

Coming as it did from an exile fleeing the Third Reich who had been intimately involved in pre-1933 state-level Prussian police policymaking, this validation of the Nazis’ centralizing efforts in the late 1930s as a legitimate step in the longer-term evolution of the Ausweis- und Meldewesen tradition is remarkable. Kempner’s affirmation of the need to retain the recently emerged nationally organized system obscured the ideological and militarist fixations that had originally driven the Nazis to centralize the practice. Stripped of Nazi associations, the fundamentally authoritarian conception of the state’s role that lay behind the Reichsmeldeordnung innovations, including its foundation on the regionally based systems that had emerged in the era of bureaucratic neo-absolutism, was by itself less likely to come under serious American scrutiny. In the course of arguing for the indispensability of centralized Ausweis- und Meldewesen in the face of the enormous responsibilities of the upcoming occupation, Kempner had even laid out the specific ways in which retaining this kind of administrative function would reinvest German executive authorities as well as the Americans with powers that would enhance their ability to behave like a *dirigiste* authoritarian regime ruling by administrative fiat. Kempner’s conclusions, as implemented by the American authorities in 1946, were to become the basis of occupation policy on this issue throughout the rest of the 1940s.⁴⁸

⁴⁷ OMGUS, Box 280, Folder 11, Robert M.W. Kempner, “The German National Registration System,” Staff study published for OMGUS, 7 December 1943, 1–2.

⁴⁸ Mayer, “Organisation der polizei.”

Military Government authorities accordingly passed out orders in early April 1946 that essentially returned the entire German population in the U.S. Zone to the compulsory reporting relationship with the authorities that had existed before 1945. The orders required all persons permanently residing in the American-occupied zone who were not UN subjects and who would be eighteen or older in September 1946 to “appear in person at the local ‘police’ office having jurisdiction for the place of their domicile.”⁴⁹ Upon producing “papers valid under the former regime” attesting to their identity and nationality, information about their present employment, family, and other personal circumstances, written evidence of having gone through a denazification review, two photographs, and a fee of 1 Reichsmark, they would be fingerprinted and would receive a new “police identification card, valid within Germany and designated as *Deutsche Kennkarte* (German Identity Card).” An individual was obligated to carry the card at all times. Valid for five years, not only would it serve as the basis for the person’s dealings with all civil authorities, but it had to be produced upon request for all police officials. Upon moving to a new place of residence, an individual had a limited period of time in which to report the move to the police authorities in the former location, and to show the card to the registration offices responsible for the new address.⁵⁰

Transforming this directive into action, however, soon revealed major areas of conceptual and practical confusion. The exact role of the police in what was still a provisional but potentially precedent-setting solution remained an area of controversy. While one paragraph of the instructions held that the new system would not affect “the general police-registration provided for in ... the Reich Registration Ordinance of January 6 1938” (the *Reichsmeldeordnung*), another instructed Germans to turn in their Nazi-issued identity cards “and all other police identification cards ... whereby they will become void.”⁵¹ Other details of the new *Kennkarte* initiative revealed the Americans’ ongoing confusion about the realities behind the traditional terminology of German

⁴⁹ OMGUS, Box 280, Folder 11, Registration Ordinance, Issued in Bavaria 8 April 1946, Württemberg-Baden, 15 April 1946, Hesse, 20 April 1946.

⁵⁰ PolPräsOB, 594, “Verordnung über eine allgemeine Registrierung von deutsche Staatsangehörigen, Ausländern, und staatenlosen Personen und die Einführung eines einheitlichen polizeilichen Inlandsausweises vom 1 April 1946,” signed by Minister-President Wilhelm Hoegner, 15 April 1946. Bavarian translation of U.S. *Kennkarte* Ordinance.

⁵¹ Registration Ordinance.

police functions. Noteworthy was the U.S. Kennkarte initiative’s continued use of the title “District Police Authority” (a direct translation of *Kreispolizeibehörde*) to designate the “passport offices” that would actually undertake the technical process of producing and issuing new identity documents.⁵² However, as the designation of local civil authorities as “local police authorities” had been expressly forbidden in Title 9 as an unacceptable part of the former Verwaltungspolizei system, exactly which offices were now formally responsible for issuing the new identification cards remained unclear.⁵³ What did reporting to “the local police office having jurisdiction over place of domicile” and getting registered mean in practice? The vague and confusing wording of the Kennkarte initiative kept open the link between the concepts of police and population registration at a time when the Americans were officially committed to drastically paring down police responsibilities and limiting them to actual crime-fighting and other security duties.⁵⁴

The Americans’ confusion may be traced in part to the difficulties that, in pursuit of the original intentions expressed in Title 9, they had previously encountered in trying to make population registration a *non*-police responsibility. Initially, U.S. Public Safety officers had attempted to implement the Kennkarte initiative by working through the zonal *Länderrat* (Council of State Governments), which met regularly at Stuttgart, the capital of Württemberg-Baden. This option represented a chance for them to develop uniform procedures for the implementation of residence registration as part of the routine operations of the civilian administrative systems controlled by the interior ministries of all three states that made up the American Zone. However, this attempt to systematize the Kennkarte project as part of the duties of the non-police civil authorities appears to have encountered insurmountable obstacles by the middle of 1946; a Military Government report produced in response to these setbacks also describes the subsequent retreat, away from adherence to ideological principle in the execution of policy, toward an opportunistic reliance on expediency and a willingness to let workable administrative solutions emerge by default.⁵⁵

⁵² PolPräsOB, 594, Service instructions for the dissemination of Kennkarten, n.d.; Dr. Kanein of Interior Ministry to all relevant Dienststellen.

⁵³ OMGUS, Box 271, Folder 603-4, “Police Jurisdictions,” 1.

⁵⁴ OMGUS, Box 271, Folder 603-4, Rechtsrat Dr. Mayer, “Organization of the Police with Application of Title 9: Limits on Police Powers and Responsibilities,” 9-235, 400, 200. English translation.

⁵⁵ PolPräsOB, 594, Kennkarte Operation Instructions from LaPoPräs to Chefdien-

Very little progress was made because of apparent lack of cooperation from the Laenderrat [*sic*]. Public Safety personnel seeking to avoid delay obtained release of cameras and photographic supplies which were furnished German police for use in furthering the accomplishment of the program. With constant supervision, direction, insistence, and disregard of unjustified excuses, the program was completed in the Zone by 15 October. During this program, there were approximately twelve million persons photographed, registered and furnished Kennkarten.⁵⁶

U.S. frustration with the inefficiency of civil administrative networks eventually accomplished what the Nazis could not. This required the expedient of directly employing the better-disciplined and more quickly reestablished native police forces in each state for the tasks of population registration, even though occupation ordinances specifically prohibited this kind of deployment. A Military Government letter of instruction eventually attempted to clear up confusion about the implementation and enforcement of the Kennkarte initiative, stating, "Primary responsibility for enforcement of provisions of the Ordinance rests with the German police."⁵⁷ These decisions in the early occupation period would set the stage for police to remain involved in universal identity and residence registration as part of the basic administrative arrangements of the states and of the Federal Republic. After the particular emergency conditions of the occupation that had justified its revival were over, the chance would be missed to gradually introduce into Germany the kind of largely unregulated mobility and unregistered residence (at least for full citizens) that characterized the modern policing of the American homeland until at least the end of the twentieth century.

By the time of the Kennkarte initiative, the Landpolizei posts across Bavaria were in a position to function as a network of residence-registration stations with a level of development and integration that was better than any comparable civilian system. The effectiveness of their forces in such special projects as the Kennkarte Aktion also helped the Landpolizei leadership in their efforts to demonstrate their indis-

stellen and Schulen, with copies to all Inspektionen and Haupt- or regular Posten, 11 December 1946.

⁵⁶ OMGUS, Box 273, Folder 43, "Deputy Military Governor's Appreciation to Public Safety for Direction and Accomplishment of Kennkarte Program," 24 October 1946.

⁵⁷ OMGUS, Box 273, Folder 43, Circular issued by USFET to Third Army and subordinate units, n.d.

pensability to the occupiers, and to carve out autonomous bureaucratic fiefdoms free from meaningful control by their nominal civilian German superiors.⁵⁸ Shielded by similar American sponsorship, other local and regional police organizations in the U.S. Zone soon began to show initiative in expanding their role in population registration and related administrative activities far beyond the original framework of the U.S. Kennkarte project. A report from late in 1946, for example, indicates that Württemberg-Baden's rural police organization, in the process of registering people and issuing them Kennkarten, had taken upon itself the administrative job of "classifying expellees from the German minorities of the eastern European countries" and arbitrarily assigning them the nationality status on which depended a host of relocation and other social-engineering decisions.⁵⁹ Although this particular incident drew the unwelcome attention and censure of local American supervisors, similar police involvement in residence and identity registration in Bavaria proceeded with less controversy and eventually became the cornerstone for a revival of other elements of the older Verwaltungspolizei system, as well as novel responsibilities driven by the particular conditions of the occupation. While the latter included such things as police involvement in supervising the state-sponsored billeting of refugee families in (often forcible) requisitioned local housing, the former required renewed police responsibility for business inspections and food purity, and direct police monitoring of compliance with building and construction codes and labor laws.⁶⁰

But perhaps the most spectacular unintended result of the resumption by Bavaria's police of Ausweis- und Meldewesen responsibilities in 1946 was the eventual reemergence as standard police procedure of the practice of harassing and criminalizing people simply for having no fixed residence or for having an unusually mobile lifestyle. This revival was, of course, based on the notion common to most modern industrial urban societies that transients or "non-domiciled" (*nicht sesshaft*) individuals were a threat to public safety and order. This atti-

⁵⁸ Fürmetz, "Betrifft: Sicherheitszustand."

⁵⁹ OMGUS, Box 273, Folder 45; Box 268, Folder 1, Instructions and request for correction of practice from OMGUS to Land-Level Public Safety Officers, together with contact information about "the German police officer in charge of area, 'Fleik.'"

⁶⁰ OMGUS, Box 278, Folder 19, "Verwaltungspolizei," Letter from Land Director, OMGBY, to Minister-President Ehard, 28 June 1948; Fritz Stauß, "Lebensmittelüberwachung als wichtige Aufgabe der Polizei," *12 Jahre Bayerische Landpolizei* (Munich: Präsidium der Landpolizei von Bayern, 1958): 101–103.

tude had already been implied in the original logic of the pre-1945 Ausweis- und Meldewesen system and in the practices of the entire Verwaltungspolizei tradition that underlay previous regimes of police surveillance over such people in Germany.

However, coming as it did after the apocalyptic experiences of mass murder and forcible social engineering under the Nazis, what is more remarkable in the postwar German case was the persistence of a tendency—both in actual police operations and in the language of regulations authorizing such activity—to *ethnicize* such undesirable transient behavior. After 1945, people with no fixed residence continued to be identified in official Bavarian police communications as “Gypsies and persons moving around in a Gypsy-like manner” (*Zigeuner und nach Zigeunerart umherziehende Personen*). The substance of these reports was clear: these people were *ipso facto* criminals.⁶¹

The survival of such historically loaded terminology even after the Nazi persecutions indicates the durability of a nexus that was drawn in previous eras between high mobility, ethnic difference, and deviant or criminal outsider status in both official and vernacular German understandings of the social landscape. Guenter Lewy has shown that the Nazis’ anti-Gypsy measures were part of a longer-term tradition that had developed in Bavaria out of the habit of making both residence registration and Gypsy policy the responsibility of the police forces that also dealt with crime control.⁶² Because of the state’s relatively exposed position at Germany’s southeastern frontiers, Bavaria’s police had been in the forefront of anti-Gypsy efforts since the 1880s, pioneering legislation and initiating cooperative action between the various states during both the Empire and the Weimar Republic.⁶³ One result of

⁶¹ Apart from their use by the police, the terms “Zigeuner” and “Zigeunerunwesen” and the formula “nach Zigeunerart umherziehende Person(en)” were standard in mid-twentieth-century German bureaucratese. These terms could still be found, for example, in “Geszentwurf über das Ziegeunerwesen und die Regelung der Rechtsverhältnisse des sogenannten fahrenden Volkes,” requested by the Bavarian Landtag from the government on 21 June 1951, cited in Horst Emmerig, “Zur Neuordnung des Landfahrerwesens,” *Die Neue Polizei* 11 (1954); and “Bekämpfung von Zigeunern und nach Zigeunerart umherziehenden Personen,” in *Dienstvorschrift für die Landpolizei von Bayern* (Munich: Wilhelm Jüngling, n.d.; internal evidence suggests early 1946), 42–43.

⁶² Guenter Lewy, *The Nazi Persecution of the Gypsies* (New York: Oxford University Press, 2000), 1–18.

⁶³ For concise, useful summaries of the development of anti-Gypsy policies before 1933 and after 1945, see “Introduction” and “Victims and Perpetrators,” in *ibid.*, 199–202.

these Bavarian-sponsored campaigns was the development by the early twentieth century of a uniform national consensus for the extension of the criminological category of “asocial” to include rootless or “non-domiciled” individuals traveling “in a Gypsy-like manner.”⁶⁴

This insistence on a direct causal relationship between ethnic outsider status, transience, and criminal deviance would persist after the Second World War as an overt justification for the policing of mass rootless behavior in the broadly disrupted settlement and mobility patterns that characterized the occupation period. Regardless of their actual origins, the many kinds of “nicht sesshaft” people who found themselves in the Bavarian interior during the early occupation and who could not conclusively demonstrate German ethnic affiliation continued to remain objects of police attention. In the eyes of the police, they were shoehorned into mobile lifestyle profiles that had been undergoing an ethnically driven process of criminalization since the nineteenth century.

Testifying to the limited ability of postwar efforts to reform the body of older Verwaltungspolizei legislation that had buttressed the traditional authoritarian state, and to the xenophobic nature of that dispensation, police anti-transient activity during the Allied occupation continued to derive its legitimacy from the 1926 Bavarian Law to Combat Gypsies, Vagrants, and the Work-Shy (*Gesetz zur Bekämpfung von Zigeunern, Landfahrern, und Arbeitsscheuen*). By the middle of 1946, in the absence of a prompt American decision on the continued validity of this particular prewar survival, Bavaria’s police authorities had invoked the 1926 law to authorize the resurrection of a central police office for Gypsy registration, the so-called *Zigeunerpolizeistelle*. The state’s Interior Ministry regained control over a massive national index of Gypsy families from the defunct Nazi-era Reich Main Security Office (RSHA), which had moved the database from Munich to Berlin in the 1930s. As a result, the regime in Munich was able to resume its traditional role as coordinator of all-German anti-transient operations, at least among the different states of the western zones.⁶⁵

The reactivation of this historically prominent role for Bavaria in the forefront of efforts to criminalize unregulated mobility took place at about the same time as the re-documentation of the settled popu-

⁶⁴ Ibid., 1–14.

⁶⁵ Emmerig, “Zur Neuordnung des Landfahrerwesens”; *Dienstvorschrift der Landpolizei*; Lewy, *The Nazi Persecution of the Gypsies*, 9, 200–201.

lation that had begun through the new Kennkarte system. With the basic machinery of population registration (and thus the power to legitimize public identities by officially verifying people's occupations) back in their hands, police in rural Bavaria continued to detain travelers and then consign them to the various categories of the nicht sesshaft all through the 1940s and 1950s, justifying it as part of the suppression of "Gypsies and Gypsy-like travelers." In the process, policemen were categorizing persons as inherently "dangerous to security" (*sicherheitsgefährlich*) or "generally dangerous to the community" (*gemeingefährlich*) on the basis of mobility profiles and social identities that had been assigned to people when their occupations were determined during the 1946 Kennkarte action: itinerant traders (*umherziehende Gewerbetreibende, Handlungsreisende*), vagrants (*Landstreicher*), and beggars (*Bettler*).⁶⁶ When Bavarian police encountered unfamiliar individuals in a locality, they had these predetermined criminological categories at their disposal as they checked identification papers and possessions. Failure to prove both German nationality and a "fixed place of residence" (*fester Wohnsitz*) was grounds for immediate deportation across the nearest border (and not necessarily an international border, as Bavarian policemen, particularly during the early occupation, were also willing to dump this problem into the laps of police jurisdictions in other German states) or arrest until further disposition by the local district magistrate in the Landrat's office. Nicht sesshaft persons who had unusual occupational or mobility profiles but could prove their German nationality could not be automatically arrested, but were to remain under surveillance by the local police post as long as they remained in its jurisdiction. Once they had left a locality, police authorities farther along their projected line of travel would be alerted about their movements until they left Bavaria.⁶⁷

The professional criminological literature of the period also reflected the conventional wisdom about a foreign crime wave based on the presence of transients. In one of the first large-scale surveys of criminality in early postwar Germany, the criminologist Karl Bader identified a common, recurring pattern of rural robbery-murder that the Rothschwaige incident typifies: between five and twelve intruders assault and kill the male head of a rural household, terrorize and tie up his wife and children, strip the household of visible goods and valuables, and flee into the night. Bader reported that this form of assault by armed

⁶⁶ *Dienstvorschrift der Landpolizei*, Para. 72, "Sicherheitsgefährliche Personen," 41.

⁶⁷ *Ibid.*, Paras. 73, 42.

bands of foreigners was so prevalent as to be almost the standard form of robbery-murder in the countryside of Germany during the period 1946–1947.⁶⁸ In 1948, Bader’s colleague Adolf Schönke estimated that the overall crime rate for the western zones in 1945–1947 had risen by 500 to 600 percent in comparison with the prewar period. In the particular case of Bavaria, the Ministry of the Interior reported in 1948 that the crime rate for that year was thirteen times that of 1932.⁶⁹

A closer look, however, suggests the actual extent of violent crime against persons as well as the overall dimensions of criminality in postwar western Germany remains far from certain. Both Bader and Schönke qualified their findings, noting that from 1945 to about 1949, no unified set of national crime statistics comparable to prewar Reich statistics existed. This forced them to rely in their comparisons on extrapolations from the often inconsistent categories of the few state and local law enforcement and legal authorities that were able to maintain (mostly incomplete) records during the period. Schönke chose to build on this ambiguity and make a case for a very high level of criminality after the war. He argued that the large numbers of unsolved cases made reliance on court conviction rates problematic, that a disillusioned population tended not to report all crimes in the first place, and that the majority of crimes involving weapons and violence ended up in the tribunals of the occupation authorities, whose records remained inaccessible throughout the period.

Writing in the 1980s, the social historian Alan Kramer agreed that truly adequate statistics were lacking, particularly for the first several months after May 1945, when the breakdown in law enforcement and the potential for disorder was presumably at its height. Nevertheless, using data produced from 1946 onward by the British occupation authorities, Kramer’s case study of the supposed “crime wave” in the British Zone suggests the need to reconsider whether postwar Germany was really that violent a place, in historical terms. He indeed finds evidence for higher initial overall rates of crime in comparison to the interwar period. However, a 1945–1946 spike in violent crimes against persons had dropped back to the “normal” pre-1939 levels by 1948. Among other things, Kramer attributed this to the increasingly effective deployment of rehabilitated and rearmed police forces. It is

⁶⁸ Karl S. Bader, *Soziologie der deutschen Nachkriegskriminalität* (Tübingen: J.C.B. Mohr, 1949), 123–180.

⁶⁹ State of Bavaria, *Bayerischer Staatsanzeiger* 9 (28 February 1948).

further significant that violent crime in 1945–1946 was a “spike” only in relative terms. There were actually more convictions for assault and grievous bodily harm in 1936 than in 1948. In longer-term comparisons of criminality in the British Zone with figures for the Wilhelmine period, Kramer found further indication that the spike in violent crime immediately after the war was only a relative one. Homicide rates were actually lower in northwest Germany in 1946 than they had been in Prussia in 1914.⁷⁰

In contrast to patterns of violent crime, Kramer found that the rate of property crime remained very high in absolute and relative terms throughout the entire occupation. In 1948, when the murder rate had dropped back to prewar levels, theft rates remained six times higher than in 1936. In contrast to the rapid decline in violent crimes against persons by 1947, police attempts to deal with economic and property crimes began to make a difference only “after changed economic circumstances began to alter social realities”—in other words, at around the time that the currency reform and lifting of controls in 1948 began to remove western Germany from the regime of a controlled economy. In a context of omnipresent black markets, with their unprecedented mixing of social categories implicated in borderline illegality, theft as a quasi-sanctioned activity among storage workers and factory laborers, and the collusion of a large urban population with nearby farms in using a barter economy to evade rationing and registration controls, property crime appears to have been—judging from evidence available in Kramer’s mixed urban and rural research area—the overwhelmingly dominant *nonviolent* component of the postwar crime wave, at least in North Germany.

Kramer himself was unavoidably working with the kind of fragmentary and unrepresentative data that he found problematic in the first generation of scholarly analyses of postwar crime. He would be the first to warn against the use of his findings to extrapolate about conditions in the rest of Germany. Despite this obvious caveat, certain issues in Kramer’s discussion of the significance of violent versus non-violent crime in the postwar period might be usefully borne in mind as we return to the picture of desperation and mayhem in the Upper Bavarian countryside painted by the Munich authorities in late 1945. Kramer noted that many of the conclusions in the early surveys about

⁷⁰ Kramer, “Law-Abiding Germans?”

the extent of violent crime in Germany as a whole were based largely on anecdotal evidence. In the Bavarian case, the predominant form of information on violent crime available from rural areas for the 1945–1946 period indeed consists of anecdotal reports on individual incidents such as the Rothschaige attack.⁷¹ To be sure, Bavarian authorities had begun to collect statistics for certain crime categories starting in 1946, but these remained fragmentary until at least 1948. The police themselves considered only those statistics that had been collected starting in 1948 to be useful for quantitative analysis and comparisons. It is difficult under these circumstances to reach firm conclusions about the actual extent of violent crime in Bavaria before 1948 beyond the existence and prominence in anecdotal reporting of individual cases. Without accurate indicators of its dimensions, a determination of the proportion of violent crime compared to property crime remains problematic.

Despite these statistical reservations, as well as Kramer's evidence suggesting that nonviolent property crime was a much more significant problem in the postwar period, anecdotes about dramatic violent crime usually involving foreigners occupy by far the most prominent place in the reporting that did occur from before 1948. The attack at Rothschaige, for example, was one of twenty-four representative violent incidents collected in a Landpolizei survey in November–December 1945—approximately one from each of the rural Landkreise in the Regierungsbezirk of Upper Bavaria. Firearms were used in twenty-three of these sample cases. In fifteen cases, the suspects were identified as foreigners—mostly Poles. Direct links to individuals from DP camps in the vicinity appear in two of these cases. In four cases, the foreigners were dressed in U.S. army uniforms. One suspect was unequivocally identified as an American, and nine suspects or suspect groups remained unidentified. Germans were the victims in an overwhelming twenty-two of these cases, foreigners in the remaining two. Vehicles were used in five of the cases. Murders resulted from two of the incidents, and robberies from twenty-one.⁷² Anecdotal reporting about violent crime as typified by the Rothschaige report constitutes the bulk of the available non-statistical evidence for *all crime in general* that has survived from the first ten postwar months in Bavaria. This was the main form of evidence underlying the perception that rural Bavaria (along

⁷¹ Ibid.

⁷² PolPräsOB, 824, "Ereignismeldungen," 1945.

with similar areas in the rest of Germany) was the scene of a wave of violent crime being perpetuated by foreigners.

This association of foreigners with violent crime soon spread to other categories of offenses. By 1947, unspecified “experience” allowed Landpolizei headquarters to construct a table of foreign nationalities frequently found in the DP population and the corresponding types of crimes most typical of each national group. Yugoslavs were reported as having a tendency toward the theft of cattle and other animals as well as unauthorized hunting and fishing; Poles, Ukrainians, and Russians to break-in thefts, theft of food ration cards, cattle theft, and illegal possession of weapons; Hungarians, Romanians, and Greeks to ration card theft, forgery, gold, jewelry, and currency trading and fencing, and swindles; “foreign Israelites” without German citizenship to hoarding of cattle and other rationed food items, money and jewelry speculations, and forgery. Balts such as Lithuanians and Latvians appeared “as usual” to be less involved in the black market than the other listed nationalities.⁷³

However, police leaders also reminded their rank and file that undesirable foreigners did not necessarily have a monopoly on the black market; the Landpolizei chief of Oberbayern issued this warning: “Among the general population, the opinion predominates that the development of a black market can be blamed only on the foreigners. This view completely ignores the fact that it is up to us Germans to end the black market. The German factory owner, businessman, craftsman, farmer, and consumer must be strictly taught not to engage in black market activities. Violations must be prosecuted without regard to the personal backgrounds of the perpetrators.”⁷⁴

The above-mentioned *Razzia* in Starnberg illustrates the way in which the indiscriminate application of police authoritarianism was encouraged by the close involvement of both foreigners and locals in questionable economic activities. While the Landpolizei was conducting the *Razzia*, the U.S. Constabulary deployed between the station exits and the approaches to a DP camp in nearby Feldafing, an “assembly center” for various categories of non-Germans awaiting new destinations outside Germany. Previous experience with such *Razzien* in the vicinity of DP camps had led the Landpolizei to conclude that as soon as the police went into action, camp residents, often accompanied

⁷³ PolPräsOB, 608, 19 July 1948.

⁷⁴ *Ibid.*

by their own camp police or security forces, would be likely to rush the Germans' perimeter cordon in an attempt to disrupt the Razzia and allow fellow DPs to escape without being stopped.

The "leader" of the Feldafing camp, a man named Herr Schiff, indeed appeared on the scene and attempted to intervene and halt the individual checks and searches. Brushed aside by the Landpolizei men, Schiff approached the leader of the U.S. Constabulary detachment and protested that the Landpolizei were deliberately giving preferential treatment to German travelers and subjecting non-Germans to extra harassment. Upon hearing this, the Landpolizei officer in charge of the Razzia asked his American counterpart to pay special attention to this issue as the operation went on. According to the Landpolizei report, the Constabulary officer could find no evidence of preferential treatment. This finding was corroborated by Major Clendenning, a higher U.S. Constabulary officer who arrived on the scene half an hour later. Clendenning also confirmed to the increasingly agitated Herr Schiff that the German police were within their jurisdiction in conducting searches of arriving DPs, as individual DPs were exempt from German authority only when they were inside the perimeter of camps officially authorized by the occupation authorities. Clendenning also assured the local Landpolizei of Constabulary support for any future Razzia operations. In the event, most of the seven people held for longer detention by the police were non-German DPs. As such, they were eventually taken into the custody of the U.S. Constabulary and then ultimately back into the safety of the nearby Feldafing DP camp when proof of their identity arrived from the camp administration.⁷⁵

The extension of the authoritarian style of policing to local Bavarians took various other forms apart from Razzia sweeps. In the countryside, police forces were often present when other representatives of the government arrived to requisition quotas of agricultural produce. The enforcement of such delivery requirements was a particular flashpoint between police authority and rural sensibilities during this period of a quasi-command economy. The municipal attorney of Augsburg, for example, forwarded to the Landpolizei a complaint from local livestock raisers in Schwaben about the unnecessarily harsh police response in cases where animals were illegally slaughtered for private consumption

⁷⁵ PolPräsOB, 618, Report from BezInsp. Starnberg to Chefdienststelle, 25 March 1948.

(*Schwarzschlachtungen*).⁷⁶ The complaint maintained that when a farmer was caught in the act of illegally slaughtering animals, a consideration of whether he had already fulfilled his delivery quotas of meat to the rationing authorities for a given accounting period should be the deciding factor in determining whether he was to be considered a hoarder or black marketeer, or whether the slaughtering was a justified and tolerable response to unusual conditions of scarcity.⁷⁷ When the Landpolizei in Rosenheim were assigned to assist a representative of the cattle-rationing authority in the spring of 1947 with the forced requisitioning of one cow each from seven different farmsteads, the affected farmers loudly condemned the state and the police for the “communistic” manner in which the officials forced their way into barns in search of concealed livestock.

These examples suggest that police involvement in emergency regulatory measures was sometimes perceived as large-scale harassment (*große Schikane*). The presence of armed policemen on such expeditions was said to affect the farm population “like a red flag in front of a bull.” Policemen reported encountering large groups of farmers armed with staffs who were determined to bar farmhouse and barn entrances against the police, who they said “stole by day” while criminals “stole by night.”

To avoid possible further damage to police public relations in the area, and to maintain a meaningful effort at “winning the population’s full cooperation with the task of crime-fighting,” the Landpolizei chief for Oberbayern petitioned the Presidium headquarters in Munich to issue directives to other government agencies to try to avoid drafting policemen as enforcement manpower for other government requisitioning offices.⁷⁸ The readiness of the farm population to denounce police interventions in agriculture as “communistic” when they appeared to be directed against the interests of local inhabitants was, however, only one side of a more complex set of rural attitudes; authoritarian measures that did not involve the expropriation of private property were generally accepted even if they infringed on the individual freedoms of locals, provided that they were generally perceived to be directed at the defense of rural areas against outsiders and interlopers. This appears to

⁷⁶ PolPräsOB, 607, Letter from Staatsanwaltschaft Augsburg, 20 January 1948.

⁷⁷ PolPräsOB, 607, Letter from Chefdienststelle to Bezirksinspektionen, 20 January 1948.

⁷⁸ PolPräsOB, 607, “Viehbeschlagnahme,” 16 April 1948.

have been the case, for example, with the issue of police assistance in harvest protection.

Starting with the fall harvest in 1946, agricultural and truck-gardening associations began petitioning the Landpolizei to provide reinforced patrols or special guard units for extra duty in areas where farmers could not rely on undermanned municipal police forces or the local Landpolizei station.⁷⁹ More systematic plans were also worked out by the police in conjunction with Agriculture Ministry officials and local government offices in 1946–1947 for the repeated seasonal deployment of Landpolizei forces during harvest times to cordon off a large part of the Danube floodplain around the Donaumoos area, western Germany’s largest source of seedlings for the staple potato crop during this period. The goals of this operation were twofold: to prevent the widespread illegal diversion of seed potatoes into bulk food shipments to the Ruhr and other parts of industrial northern Germany by large-scale black market operators using connections with the railways, and to seal off the Donaumoos area from thousands of smaller-scale “hamster” dealers from urban areas who were trying to make contact with individual farmers.⁸⁰ Along with their declared economic and agricultural aims, the Donaumoos operations significantly curtailed the freedom of movement of people who lived within the cordoned-off areas. Along with everyone else, they were limited by police roadblocks and checkpoints to traveling along the same limited set of main thoroughfares during preset hours, and faced frequent searches for undocumented potato supplies during the operations. Internal police evaluations of the Donaumoos operations rated them as successful, with relatively little resistance or problems encountered.⁸¹

But perhaps the most dramatic example of the popular acceptance of authoritarian police methods—if a popular consensus existed about its objectives—was the system of auxiliary harvest guard organizations and attendant curfews and restrictions on movement that local police com-

⁷⁹ PolPräsOB, 607, Letter from Gartenbauwirtschaftsverband Bayern to LaPoPräs, 24 October 1947. A similar request from Bayerisches Landesernährungsamt/Referat Getränke and the Brauwirtschaftsverband Bayern for police protection of the hops harvest in letter to Regierung von Oberbayern, 16 September 1948.

⁸⁰ “Hamster” dealers were individual urbanites who engaged in small-time illegal trading of valuables such as jewelry, silverware, and small appliances with farmers in return for food, often returning hamster-like to cities with their pockets and coats bulging with agricultural products.

⁸¹ PolPräsOB, 315, Folder devoted to police protection of Donaumoos potato harvest.

manders were beginning to set up in numerous Landkreise by 1946. A perceived consensus between local American supervisors and the farm population concerning “overwhelming crop thefts” by unidentified outsiders was the *raison d’être* for these organizations. One of the earliest such forces recorded was an organization identified in American correspondence as a “Home Guard” in the Staffelstein/Lichtenfels area, a “voluntary, unarmed, non-uniformed, unpaid, cooperative association” organized by the local police chief.⁸²

Armed with batons, nightsticks, and agricultural implements, harvest guards patrolled the fields and footpaths of their home district by night, enforcing curfew times set by the local government in conjunction with local police commanders, checking the particulars of persons encountered along the way, and restricting civilians to prescribed routes of travel away from unharvested fields. By the time of the second postwar harvest season in 1947, the Bavarian government had issued instructions and uniform guidelines requiring all Landpolizei posts to raise local harvest guard organizations within their jurisdictions using the format described above.⁸³

The lack of detailed records from the first two years of the occupation makes it difficult to evaluate the degree to which these postwar harvest guard organizations were continuations of the interwar Bavarian tradition of rural vigilante organizations such as the *Bayernwacht*, the *Einwohnerwehr*, and the abortive *Polizeimothilfe Bayern* under the aegis of the *Landespolizei* in the later 1920s.⁸⁴ What the record does suggest is that the impetus for the development of a system of restrictions on general freedom of movement in the countryside appears to have come not only from the official Bavarian side but also from the network of farmers’ associations themselves.⁸⁵ The scale of the harvest guard program is suggested by the request of a typical *Bezirk* command in Regensburg for all able-bodied men between the ages of eighteen and thirty to register so that they could be tapped for the guard units as needed.⁸⁶ So

⁸² OMGUS, Box 271, Folder 702, OMGBY Intelligence to OMGUS, 29 August 1946.

⁸³ OMGUS, Box 272, Folder 70 (23), BstMdi to Regierungen and LaPoPräs, copy to OMGUS, 8 August 1947.

⁸⁴ Speckner, “Die Ordnungszelle Bayern,” 137.

⁸⁵ OMGUS, Box 273, Folder 39, Excerpt from field intelligence reports, CIC 21 September 1947.

⁸⁶ OMGUS, Box 269, Folder 24, Intelligence summaries, US Army HQ European Command, 9 September 1947, copy to OMGUS Public Safety.

many potential guards could not all have been employed in actual duty; such “recruitment” drives appear to have occurred as part of efforts to demonstrate to farmers that steps were being taken to contain agricultural theft and diversion by outsiders as well as to dissuade farmers themselves from using the excuse of “crop thefts” to justify not turning in their full quotas during crop-requisitioning drives.⁸⁷

By late 1947, the Landpolizei had refined the roadblock and checkpoint system to the extent that a staff planning document could reasonably expect to create a situation in which “on given days, no one in Bavaria can travel any major distance on a road without being exposed to at least one significant police check.” To this end, five to six lines of picket roadblocks (*Sperrriegeln*) were to be set up across each Regierungsbezirk. At a given time of the day, one of these blocking lines would always be manned, mostly by local units, but backed up by mobile traffic patrols (*Verkehrstreifengruppen*). The police would shift position several times a day, going up and down these parallel lines in an unpredictable pattern.⁸⁸ Radio contact was to be maintained between the active picket lines in each Regierungsbezirk. Each line was to be manned for a maximum of three hours (at which point the element of surprise could be assumed to have disappeared). The positions of the lines would be changed every six weeks. All persons and vehicles encountering a picket line were to be stopped and searched for identification and permits for anything of value they carried. Reactions to this clampdown from the general population were mixed, with the majority accepting the searches with “stoic calm.”⁸⁹

In the attempt to stop the illegal flow of foodstuffs out of agriculturally productive Bavaria to less-well-supplied parts of Germany, the police also faced the problem of significant amounts of material leaving the region in packages sent through the postal system. Instructions from the Interior Ministry to the Landpolizei leadership stipulated that the police could not confiscate packages already in the custody of the postal system. However, packages that were not yet in the actual physical custody of a postal employee remained fair game. These instructions granted the police full access to all parts of postal premises before the actual receiving windows at which clerks sat, which meant that

⁸⁷ OMGUS, Box 272, Folder 708, Internal Public Safety memorandum, 15 August 1947.

⁸⁸ PolPräsOB, 613, Reports on checkpoint activity, 18 November 1947.

⁸⁹ PolPräsOB, 616, Bekämpfung des Schwarzhandels, 14 November 1947.

police were free to monitor and control the activities of anyone sealing parcels or envelopes or otherwise preparing to hand over items to postal employees, including requesting people to open up already sealed boxes.⁹⁰ In practice, police found that short-term posting of policemen in such places did little to stem the tide of postal smuggling of foodstuffs and controlled valuables; word spread easily in local communities about good and bad days to go to the post office. The option of having postal employees check the contents of packages was considered and rejected after consultation with the Justice Ministry; for postal employees to exercise police functions would ultimately be irreconcilable with the principles of postal confidentiality (*Briefgeheimnis*). Nevertheless, local police commanders observed, “A much more effective struggle against black market activity would be possible if the state truly desired it.”⁹¹

A final indication of how widely the authoritarian mode of policing was being applied to German populations by the later part of the occupation is provided by the police response to the large numbers of orphans and other youth without any visible adult supervision, means of support, or permanent residence who congregated in Bavarian communities during the occupation. These groups of children had drawn the attention of American authorities, who eventually instructed the Interior Ministry and the police to address the problem. The Bavarian government accordingly ordered a Land-wide police operation against “vagabond youth” (*streunende Jugendliche*), set for 28 October 1947.⁹² The police were authorized to conduct mass swoops and “roundups” (specifically described as *Razzien*), particularly in those public areas in communities of all sizes where youth with no visible means of support or legitimation were known to gather. These included traffic nodes, black market centers, dance halls, movie houses, formal and informal places of lodging, train stations, freight cars, and railroad yards. In all cases, police were to work with local youth welfare offices to identify promising *Razzia* locations, and were to appear in civilian clothing during this operation as much as possible.⁹³

⁹⁰ PolPräOB, 608, 15 July 1948.

⁹¹ PolPräsOB, 607, 20 November 1947.

⁹² PolPräsOB, 631, “Vorgehen gegen streunende Jugendliche,” letter from Staatsministerium des Innern to Regierungspräsidenten and Präsidium der Landpolizei von Bayern, 15 October 1947.

⁹³ *Ibid.*

The targets of this operation were all persons, whether or not they were chargeable with specific crimes, who were under the age of eighteen and who could not satisfactorily provide a legitimate reason for having business at such places or who had no permanent place of residence or evidence of a family relationship with a responsible adult. Particular attention was to be given to rounding up persons fitting these descriptions who did not have the identification documents required by German and occupation regulations. Finally, all minors in the area who were suspected of a whole catalogue of other offenses were subject to arrest in these Razzien—those involved in illegal border crossings, the black market, vagabondage, begging, and prostitution.⁹⁴

All these arrestees were to be fingerprinted, and their personal information was to be recorded in a special registry set up for the operation in the Central Office for Criminal Identification and Police Statistics (*Zentralamt für Kriminalidentifizierung und Polizeistatistik*) in Munich. After arrest, these persons were initially to be placed in local holding facilities established under the authority of the local youth welfare office and guarded by community police or *Landpolizei*. All individuals charged with specific criminal offenses were to be brought before the district court judge (*Amtsrichter*) (if there was one) operating in the area. Those not charged with specific criminal offenses could be released or, at the recommendation of the local youth welfare office, shipped from individual locations all over Bavaria in large “transports” guarded by the *Landpolizei* to one of two longer-term “intake, reception, and detention camps” (*Auffanglager*)—Augsburg for southern Bavaria and Mellrichstadt for the Franconian *Regierungsbezirke*.⁹⁵ In the *Regierungsbezirk* of Oberbayern alone (the only one for which we have records), the initial operation netted 206 individuals who were held for further questioning beyond their original arrest, 110 of whom were eventually sent to the camp in Augsburg for longer-term detention. Their final fate is not known; nor do the *Landpolizei* records indicate how long the *Auffanglager* remained in operation, or when and under what circumstances the youth who were rounded up eventually were released from state control.⁹⁶

⁹⁴ *Ibid.*

⁹⁵ PolPräsOB, 631, Supplementary instructions accompanying copy of Interior Ministry letter sent from LaPoPräs to *Bezirk* commands, 22 October 1947.

⁹⁶ PolPräsOB, 631, “Zahl der Festgenommenen,” Summary report of results of actions against “streunende Jugendliche,” from PolPräsOB, presumably to LaPoPräs, n.d.

By the end of the occupation, the Landpolizei found itself enjoying unusually wide latitude in developing responses to public-order threats, in an operational environment in which there was little if any oversight from external German or American authorities. Attention to the social conditions of the early occupation allows a clearer picture to emerge of the shifting logics through which police authoritarianism met with approval as well as resistance among both the native population and the many nonnatives. The specific findings about the nature and form of the rural Landpolizei's authoritarianism cannot, of course, be generalized to other areas and police forces in postwar western Germany. Work by Klaus Weinhauer and others on areas such as Hamburg and North Rhine-Westphalia that were experiencing similar waves of population movements (including significant numbers of foreigners) suggests that a similar regime of "traditional" police authoritarianism continued to survive into the 1950s in places that were rather more urban and had presumably longer histories of different population groups living alongside each other than was the case in the Bavarian interior. The extent to which the process of "strangerization" may have been a factor in the public reception of police authoritarianism in these places requires more detailed study. However, the phenomenon is certainly of interest in understanding Bavaria's passage through the occupation and suggests some of the reasons for the remarkably conflict-free acceptance by the population of a police state in daily practice that would stabilize as the dominant model of public order in this region during the coming Adenauer period.

CHAPTER FOUR

A STATE WITHIN A STATE? THE LANDPOLIZEI IN POSTWAR BAVARIAN ADMINISTRATIVE POLITICS

It must undoubtedly be admitted that in some areas the police after 1945 had escaped from the framework of the internal administration (*dem Rahmen der inneren Verwaltung etwas entglitten war*). If it admittedly did not get to the point that it had partly reached in the Third Reich, of becoming a fourth authority in the state, it nevertheless stood somewhat apart from the latter and was more subject to the instructions of the Military Government than to the offices of the inner administration.

—Fritz Stauß, Landpolizei Chief for Oberbayern, 1958¹

Behind the police culture that had established itself in Bavaria after the end of the First World War was an impulse toward organizational survival and autonomy as goals in themselves, beyond issues of ideological commitment.² In a later interregnum after 1945, a similarly pragmatic opportunism, more than any overtly political agenda, was to drive the efforts of the Landpolizei leadership to establish the police as a center of power somehow apart from (*etwas abseits*) but not in opposition to a civil government in the process of reconstituting itself.

The circumstances of this latter transition, however, were significantly different from those of the early 1920s. Between the overthrow of the Wittelsbach regime and the final victory of the White counterrevolution over the Soviet Republic, the usefulness of heavily armed police soldiers in moderating the disruptions of two successive violent political transitions in a political regime became an important bargaining chip

¹ Fritz Stauß, "Die Rechtsgrundlagen für die Dienstführung der Landpolizei und die Zusammenarbeit mit der inneren Verwaltung," *12 Jahre Bayerische Polizei* (Munich: Präsidium der Landpolizei von Bayern, 1958): 107.

² The interaction between these three logics is an underlying theme in Leßmann, *Die Preussische Schutzpolizei in der Weimarer Republik*; Johannes Buder, *Die Reorganisation der Preussischen Polizei, 1918–1923* (Frankfurt: Lang, 1986); Siemann, "Deutschland's Ruhe, Sicherheit und Ordnung"; Funk, *Polizei und Rechtsstaat*.

for police leaders in their negotiations for as much autonomy as possible from the supervision of nervous political rulers. In contrast, after 1945, the ultimate source of legitimacy for both political and bureaucratic power lay in the hands of Bavaria's foreign occupiers. An independent paramilitary role for any native German authority responsible for public order was out of the question. The ultimate coherence of any arrangements between police authority and the native government now rested on flexibility and on a willingness to compromise in a three-way relationship with the Americans. The latter, however, were so focused on their ideological goal of rooting out any vestiges of the specifically Nazi police state that they initially displayed very little interest in or understanding of the historical roots of the power relationship between the civil administration and the "non-political" executive police forces that predated 1933. The patchy quality of detailed information available to the Americans and their relative lack of cultural sensitivity to this issue would play a major part in creating the muddle in police administrative and supervisory matters that characterized the early occupation. Longer-term policy inconsistencies caused by a lack of consensus among the Americans would furthermore do their part to make the establishment of effective control over the Landpolizei more difficult for the Bavarian government after the end of the occupation.

Bavaria's preservation as an intact political entity—an achievement unique in the western zones—was in a sense deceptive; the actual effectiveness and reach of the central organs of administration in the conduct of the daily affairs of local authorities and subordinate agencies still had to be painstakingly rebuilt.³ During the early occupation, much American "policy" consisted of ratifying the grassroots reactivation of individual subcomponents of the traditional pre-1933 governmental structure in unsystematic, expedient ways. The Americans showed little interest in developing consistent policies to ensure that these disarticulated components—the line ministries, the courts, the three-tier geographic administrative system of Gemeinde, Kreis, and Regierungsbezirk, the specialist technical agencies and commissions—were able to work together smoothly as part of a larger whole. No state constitution

³ Barbara Fait, *Demokratische Erneuerung unter dem Sternenbanner: Amerikanische Kontrolle und Verfassungsgebung in Bayern 1946* (Düsseldorf: Droste, 1988), 64, quotes Fritz Schaefer, the first minister-president: "In diesen Tagen bestand eine Bayerische Verwaltung überhaupt nicht"; see also Ludwig Volk, "Von der Staatsregierung zur Reichsmittelbehörde," in Spindler, *Handbuch der bayerischen Geschichte*, vol. 4: *Das neue Bayern 1800–1970*, 518–529.

was in force until the end of 1946, and the ministries did not have reliable contact with agencies or offices outside Munich for much of the first postwar winter.⁴

Many of the individuals in charge of the varied components of this disarticulated early occupation “state” developed the habit of dealing primarily with American supervisory entities at their respective levels on detailed questions, instead of the central government. Long after the legitimacy of the state had been affirmed in December of 1946 by the simultaneous ratification of a new Bavarian constitution and the successful transition to a democratically elected Christian Social minister-presidency under Hans Ehard, most of the ministries would still be engaged in the detailed work of getting the links of control, contact, and communication with both geographical subordinate authorities and technical field executive agencies back on line. This task would occupy the civil government far into the occupation and beyond. Meanwhile, the field executive agencies—authorities such as the police, rationing boards, and housing administrations—went on about their technical business autonomously, gradually gaining a different kind of self-sufficient interior legitimacy—one forged from autonomous achievement, the increasingly hands-off attitude of the Americans, and the hardening of emergency measures into customary practice.

The most high-profile and worrisome public-order problems after the Second World War were no longer rooted in the violent ideological struggles that had turned the urban streets of Weimar Bavaria into a paramilitary battlefield and called forth in response the heavily armed barrack troops of the Landespolizei and Gustav von Kahr’s quasi-dictatorial GSK Order State. The main question of public order in the post-1945 period had instead become the challenge of containing disruptions in the traditional rural and small-town bulwark of the Bavarian polity after two decades of political, economic, and demographic crisis.⁵ Even though many of the top Landpolizei leaders had a background in the barracked paramilitary police of the Weimar period, they were able to relocate the post-1945 chapter in the pursuit of corporate police autonomy away from the paramilitary arena into the less

⁴ Niethammer, “Die amerikanische Besatzungsmacht,” 152–181.

⁵ “Kennzeichnend für die Nachkriegsverhältnisse ist vor allem der Mord durch bewaffnete Banden. Diese Begehungsform kann für die Jahre 1945 und 1946 nahezu als Regel bezeichnet werden. Heimgesucht wird insbesondere einsam gelegene Gehöfte oder von geschlossenen Ortschaften entfernt liegende Einzelanwesen.” See Bader, *Soziologie der deutschen Nachkriegskriminalität*, 28.

spectacular sphere of responsibility of the old rural Gendarmerie. This older force had continued to operate in a traditional manner in rural Bavaria throughout the first half of the twentieth century, until it was nationalized by the Nazis. However, it had finally been dissolved along with the rest of the national SS-controlled system in 1945. Now that the Landespolizei-GSK option of a barracked, heavily armed paramilitary serving as power brokers for a bureaucratic-police “state within a state” was no longer possible, Seisser’s former subalterns found that with American sponsorship, the less glamorous, workaday task of rural and small-town security represented a much-needed and less politically controversial ecological niche—a function vacated by the vanished Gendarmerie—within which to pursue the long-term goal of as much autonomy for police as possible.

The final element in the success of this scenario was Godin’s personal relationships with the top leadership of postwar Bavaria’s early governments, a factor not present to anywhere near the same degree in Seisser’s relationships with the politicians of the interwar Order State. U.S. intelligence reports suggest that Godin and Hoegner were sharing living quarters for much of the rest of 1945 and the first half of 1946, lodging at the house of Munich dentist Fritz Hirschberger. That residence had conveniently also become a gathering place for one of the many “discussion groups” or “party salons” that were springing up in the political landscape as Bavaria geared up for elections later in 1946.⁶ Political operators of all kinds came and went regularly, and the gatherings at Hirschberger’s house brought Hoegner and Godin together with monarchists, Bavarian federalists, and representatives of most of the mainstream political parties. One of the most important contacts that Godin and Hoegner made this way was with Alois Hundhammer, leader of a wing of the new centrist-right Christian Social Union (*Christlich-Soziale Union*—CSU), which was building a broad coalition of moderate elements within this party out of the remains of several pre-Nazi bourgeois political factions. Despite their differences, Hoegner and Hundhammer were able to develop a “broad basis of cooperation” that would help by allowing the same CSU and SPD members to serve

⁶ See Volkmar Gabert and Emil Werner, “In der Goethestrasse kiefen die Fäden zusammen,” in Michael Schröder, ed., *Bayern 1945: Demokratischer Neubeginn* (Munich: Süddeutscher Verlag, 1985); Karl Köhler, “Der Mittwochskreis beim ‘Ochsensepp,’” in *ibid.*; and Hannes Schnagl, “Politische Bildung im ‘Dienstag-Club,’” in *ibid.*; see also Peter Jakob Kock, “Exkurs: Politik in Salons und Parteizirkeln,” in Kock, *Bayerns Weg in die Bundesrepublik*, 165.

repeatedly in cabinets led alternately by members of each other's parties throughout the occupation. Among the other people Godin got to know this way was Hans Ehard, Hoegner's successor as minister-president after 1946, who by late 1945 was already a part of Hoegner's cabinet.

Even as Godin was moving into a position where he could cultivate contacts with the moderate right and simultaneously enjoy the benefits of Hoegner's patronage, his activities and staffing choices in the Presidium and the rest of the Landpolizei structure were already beginning to draw unfavorable criticism from various sectors of public opinion. In mid-October of 1945, two weeks after he was appointed by the Americans as minister-president, Hoegner felt compelled to send a letter to the Winzererstrasse warning Godin about this problem. This letter is worth quoting in its entirety, for both its content and its tone, a subtly comic attempt at formal bureaucratic communication between two friends who were still most probably sharing meals and toilet facilities at Hirschberger's house:

Dear Michael,

In the enclosure I am informing you (*Dir bekanntgeben*) once again of a complaint from the entire Land. Hostility is apparently emerging everywhere because of your employment of former career military men in the Landpolizei. The complaints come in particular from groups in the labor movement. I ask you urgently to be especially careful in your choice of people. Under absolutely no circumstances will I nor the circles behind me tolerate the gathering of a Praetorian Guard. I have unlimited confidence ... that your objectives do not lead in this direction. I ask you, however, to keep your eyes open and not to place too much reliance on your former comrades, whom you have gotten to know well enough.

With heartfelt greetings,

Hoegner⁷

Despite this friendly warning from Hoegner (and evidence of his realism about the long-term implications of Bavaria's tradition of police autonomy), the Landpolizei continued to draw attention to itself after the erection of LaPoPräs in the following spring.

A steady stream of requests flowed from Godin's office to the Americans, inquiring about more personnel and more jurisdictions. In June, Godin sent OMGUS Bavaria (OMGBY) a request for an increase in

⁷ Bayerisches Hauptstaatsarchiv, Records of the Bavarian State Ministry of the Interior [hereafter MIIn].

the size of his force from an estimated 4,600 to 11,060.⁸ In justifying this increase, Godin argued that his force not only had taken over the responsibilities of the pre-1933 Gendarmerie (3,206 men) and state criminal investigation service (494 men), but was also responsible for the tasks that had been assigned to Seisser's Landespolizei (which his request estimated to have numbered 7,360 men). Left unspecified by Godin's letter was the paramilitary nature of his former Landespolizei, its organization into large-scale troop units, and its function as a force for political enforcement and surveillance. In their responses to this request, the Americans revealed in a particularly telling way the superficiality of their knowledge of pre-Nazi German police affairs. An internal OMGUS memorandum on the topic floated a rhetorical question that no one in the American bureaucracy appeared able to answer with anything approaching accuracy, confusing the interwar Landespolizei with the volunteer rural militias (Polizeinothilfe Bayern) that the former had sponsored:

The question is, what exactly were the 7,360 Land police? ... could they in all fairness be considered a part of what is now the Bavarian rural police force, or were they a voluntary organization only loosely connected with the gendarmerie and not actually responsible for the accomplishment of the rural police mission?⁹

This missed the point of the GSK system entirely. To take advantage of its former manpower levels, Godin obligingly drew an innocuous picture of the Seisser "police army" in which he had once served, a picture intended to assuage American disquiet. In his response to the American query, he described the interwar Landespolizei as a nonpartisan force of career professionals

under command of the then Minister of the Interior ... organized according to democratic principles ... with the task to maintain public order and security and care for the welfare of the whole population.¹⁰

Godin did not hesitate, furthermore, to make political capital out of his personal moment on history's stage during the defense of Kahr's Order State:

⁸ OMGUS, Box 272, Folder 24, "Increase in Strength, Bavarian Rural Police," 21 June 1946; Box 272, Folder 24, "The State Police of Bavaria Prior to 1933," 13 June 1946.

⁹ Box 272, Folder 24, "The State Police of Bavaria Prior to 1933," 13 June 1946.

¹⁰ *Ibid.*

On the occasion of breaking down the Hitlerputsch at the Feldherrnhalle on the 9th of November 1923 under the command of the former Oberleutnant of the Landespolizei, the present President of the Rural Police of Bavaria, Freiherrn [*sic*] Michael von Godin, the Bavarian Landespolizei has proved her [*sic*] faithfulness to the democratic state.¹¹

Godin's request for a major increase in Landpolizei strength came at a time of transition in the Public Safety personnel of OMGUS Bavaria. Reviewing the decision already taken by a predecessor to provisionally approve an increase in Landpolizei strength to 9,918, James McCraw, the incoming head of the Police Section of the U.S. Public Safety Department, concluded:

It appears to me to be a justifiable increase. It had been contemplated during Mr. Urton's tenure, and I believe he approved. It will be some time before they can reach any such strength ... It will cause Bavaria some serious headaches in the procurement of arms and uniforms ... however, that is their problem and they have apparently considered the matter in that light.¹²

Regardless of how effectively Godin was able to use American ignorance and Bavarian government distance from the operations of his organization to start developing an autonomous power base in his expanding police organization, he was not able to preserve the low profile that Hoegner had advised. Beginning in early 1947, after Hoegner had left the minister-presidency, attacks on Godin's conduct of both his personal and official affairs appeared with increasing frequency from both the German and American sides.

In the spring of 1947, Godin reportedly sued the *Fränkische Landeszeitung*, a local newspaper in the town of Ansbach, for alleging that official police vehicles and personnel had been employed to pick up a "luxurious oaken bedroom suite" given to him as an Easter present by subordinates. This was just one of several accusations of a petty or even scurrilous nature that collected around him during this period that were reminiscent of the rumors of criminality and drug-running from his time in Austrian exile. Others included smuggling watches from Switzerland, transporting unreasonable amounts of liquor in his car, the arrest of his personal chauffeur together with a notorious black marketer after a purchasing trip into the countryside, and the ominously

¹¹ Ibid.

¹² Ibid.

fetishistic-sounding “diverting police boots to a countess employed by the Staatskanzlei.”¹³

The complaints about the authoritarian and even abusive behavior of the Landpolizei in local areas are typified by a case that enjoyed wide circulation in the Military Government reports concerning Horst Eckhart, described in Landpolizei reports as “a black-haired, unemployed refugee from the Eastern Zone.” After allegedly being harassed and arrested without a warrant for suspicion of theft, Eckhart wrote two letters of complaint to the Bezirk commander of Oberfranken and to Godin’s Presidium itself. The only acknowledgment he received in return was a citation and a fine from a local administrative court (*Amtsgericht*) for contempt of the police officer who had originally arrested him (*Beamtenbeleidigung*). Concerned U.S. intelligence reports juxtaposed this case with the response that Godin allegedly made to the subsequent American investigation: “civil rights are something of a luxury, desirable in times of normality but to be cut down in periods of social disorder.”¹⁴

A wave of criticism from German sources appears to have crested in the summer of 1947. It was not directed primarily at Godin’s personal integrity, but seems rather to have been a reflection of an underlying long-term distrust of police corporate autonomy among some members of the political public. The timing of this wave coincided with the departure of Wilhelm Hoegner from the minister-presidency. These German critics now adapted the currently fashionable American-inspired terminologies of democratization and anti-militarism to their own purposes. Typical of this new surge in criticism was a series of articles in the Würzburg newspaper *Main-Post* that attacked the allegedly militarily organized, over-centralized atmosphere prevailing within the Landpolizei. The accusation repeated the constant motif of discriminatory hiring preferences that favored tapping “high-ranking Wehrmacht officers” to fill leadership positions in the force, and bemoaned the dismissal by Godin of all the original Bezirk commanders (who had been appointed by the Americans before the Oberbayern organization extended itself to the whole state with Godin’s takeover in 1946), and their replacement with his own militaristically inclined creatures.¹⁵ This frequently repeated accusation appears to have been encouraged in part

¹³ BS-1948.

¹⁴ OMBY, Monthly Intelligence Summary, January 1949.

¹⁵ BS-1948.

by the fact that since whole companies of the Bavarian Landespolizei had been reabsorbed intact into the national Wehrmacht in 1935, the reappearance of Landespolizei alumni in high leadership positions in Godin's organization could be interpreted as the favoring of experienced Wehrmacht personnel, since these men had technically belonged to some of the most disciplined and best-trained units of the German army before 1945.¹⁶

Alfred Kiss, a confidential German investigator (*Vertrauensmann*) for U.S. army intelligence, provided his own corroboration of this militarizing tendency in a report he received from an undercover agent embedded in the Landpolizei school at Fürstenfeldbruck near Munich. The report detailed the overbearing discipline, the petty harassments, and the frequent references to police work as a commitment akin to being in a war theater that the staff imposed upon the policemen-students.¹⁷ In February of 1948, Franz Op den Orth, a Social Democratic deputy to the Landtag from Schweinfurt, assailed this emerging culture within the Landpolizei in the course of a parliamentary debate on the Interior Ministry budget. Referring to discrimination against proven anti-Nazi personnel who dared to criticize the operations of Godin's office, Op den Orth "charged that Godin was building up a 'state within a state,'" and castigated him for disregarding cabinet decisions.¹⁸

By the end of the occupation, a perception was developing among a significant proportion of the German public that the Landpolizei was not under the firm control of the Bavarian state. This does not seem to have unduly concerned the Americans, who preferred to suspend judgment and acknowledge that both positive and negative opinions of the Landpolizei were to be found among the Germans. With their departure from detailed involvement in internal Bavarian administrative affairs imminent, the Americans no longer seemed to care about the inaccuracy of Godin's idiosyncratic and self-serving picture of the "democratic" interwar Landespolizei police regime:

¹⁶ Weinbauer identifies as a central part of the "habitus" of postwar policemen in Hamburg and other parts of northern Germany in this same period the persistence of a corporate self-image as a "community of fate" (*Schicksalsgemeinschaft*), membership in which had been sealed by wartime service to the country. Weinbauer, *Schutzpolizei in der Bundesrepublik*.

¹⁷ "Stimmungsbericht über die Landpolizei," Kiss Report to CID [U.S. Army Criminal Investigation Division] of 8 October 1947, OMGBY.

¹⁸ BS-1948.

Although accusations against Baron von Godin emanate from many reliable sources, they remain controversial. His friends point out that the nature of the Landpolizei's work calls for a centralized and disciplined organizational structure ... and to the fact that any man charged with the enforcement of the many restrictive laws in force today cannot very well be popular ... very much speaks in his favor ... on the other hand, the vocal misgivings of many democratic observers should not be brushed aside, because they intimately know Bavaria and the pernicious historic role played by the Bavarian police in frustrating democratic developments.¹⁹

Nevertheless, American attitudes toward the police were still decisive in determining how much autonomous freedom of action the Landpolizei enjoyed even by the later half of 1948. Godin's organization continued to flourish in the bureaucratic crawlspace between American sponsorship, ineffectual German criticism, and distance from the rest of the Bavarian government. Throughout the entire occupation period, the Landpolizei had also began moving into areas of policing that had little to do with securing peace and order in rural areas. As early as 1946, the field detectives of its Kriminalaußenstellen had already begun to pursue cooperation with their counterparts in the community police forces. Even earlier, despite an official ban on police reserve forces and the deployment of policemen in large-scale units, Godin by September 1945 had already managed to secure American approval for a miniature version of the paramilitary police troop formations of the Sicherheitspolizei era, an armed "*Spezialkommando*" strike force of about fifty men directly under his command in the structure of the Presidium itself. This company-sized household guard unit was eventually deployed in such special tasks as the pursuit of suspected neo-Nazi *Werwolf* guerrillas, gangsters, and notorious black market operators.²⁰ In the summer of 1945, Godin's office had taken the first steps to create a mobile supra-local reaction force to patrol the larger highways that crossed Bezirk boundaries—the so called *Verkehrsstreifengruppen* (traffic patrol groups). In September of 1948, the Interior Ministry had conceded to the Landpolizei jurisdiction over water police activities on the Danube and the Bavarian lakes. In September of 1949, Godin's force took over the transport of prisoners from the custody of one local police force to another.²¹

¹⁹ Ibid.

²⁰ Binder, "Kurzer Abriss," 16.

²¹ Ibid., 23–25.

In the year and a half before the formal end of the occupation, one more wave of controversy emerged about the Landpolizei's ambitions for autonomy and expanded jurisdictions. The issue this time was a jurisdictional struggle over detective work between the Landpolizei and offices within the Ministry of the Interior that were interested in expanding the role of the civil bureaucracy in this area of public order and safety. The conflict was refereed by the Americans, with inconclusive results. The affair began with a meeting in Munich on 14 June 1948 between Dr. Heindl of the Bavarian Interior Ministry and James McCraw, the deputy chief of public safety for all of the U.S. Zone, who had come down from Berlin for the occasion.²² They had agreed to meet to discuss the formation of a "*Polizeiabteilung*" (Police Section) in the Interior Ministry. What Heindl eventually unveiled in the course of the discussion was a plan for raising a separate detective service directly under the ministry's command, to be called the *Landeskriminalpolizei* (State Criminal Police). After agreeing that such a plan was within the boundaries allowed for by Military Government's Title 9 regulations, Heindl reported to McCraw that this was a particular pet project of *Ministerialdirektor* Ritter von Lex and *Ministerialrat* Felix Brandl, Interior Ministry officials who up to that point had specialized in legal affairs. They had sent him to sound out the Americans on this matter before proceeding further.

As the occupation drew to a close, Brandl had prevailed upon Heindl to represent him in laying before the Americans a plan that would actually reduce the monopoly that Godin's system of *Kriminalaußenstellen* currently had over detective work outside the cities.²³ Through Heindl, Brandl proposed that the *Landeskriminalpolizei* be set up as a detective force with full executive powers, with himself as its head. He further suggested that this *Landeskriminalpolizei* might take over the Interior Ministry's preexisting Central Office for Criminal Identification and Police Statistics (*Zentralamt für Kriminalidentifizierung und Polizeistatistik*), a recordkeeping staff agency that until then had possessed no executive powers, which Heindl coincidentally headed.

At this point in the discussion, Heindl and McCraw entered into a charade of exaggerated courtesy that indicated that both men understood only too well the wider implications of the political hot potato they had before them. Heindl graciously declined the option to have

²² Heindl's conference notes, dated 14 June 1948, OMGUS, Box 272, Folder 12.

²³ *Ibid.*

Brandl work as his subordinate, suggesting to the Americans that the Landeskriminalpolizei could instead be set up as yet another “independent, small authority” of its own within the family of Interior Ministry desks already dealing with police matters. The proposed Landeskriminalpolizei should get its orders not from Heindl’s desk, but “exclusively from Military Government-Bavaria, the Ministry of the Interior, the prosecutors, investigative-judges and court-presidents who are responsible for the work in the individual case according to the German ‘*Strafprozessordnung*.’”

In other words, Heindl was proposing to stay out of any possible crossfire by being “competent only for certain administrative tasks ... regarding record-keeping for the new agency.” This was “the cheapest, and for the duration the most collision-free way” to allow civilian officials to begin moving into executive police work, with (incidentally) only Brandl fully exposed to the possible reaction from the Americans and the preexisting Landpolizei detective system under Godin’s control. McCraw coolly said that he “thought” OMGUS would ratify such a plan (as Heindl had fine-tuned it) if it were formally submitted as a proposed ministerial order for approval by the Americans. However, he reminded Heindl that first “The Bavarian government should issue an ordinance or a law regarding the establishment of a Bavarian [Landeskriminalpolizei] without previously asking OMGBY or OMGUS’ (which did not approve of preliminary feelers).” Upon notification of the promulgation of such a law, “OMGUS would decide whether it would oppose or keep silent.”²⁴

Godin learned of this civilian ministry initiative almost immediately. He most likely was kept abreast of these developments by the Americans as they occurred. His reaction was swift, stealing a march on Heindl’s pace. On 19 June 1948, five days after Heindl’s conference with McCraw, Godin submitted to Military Government in Bavaria and simultaneously to the Bavarian Interior, Finance, and Justice ministries a complete (and competing) “Application for Immediate Establishment of a *Landesermittlungsstelle* (Land Criminal Investigation Agency) at the Presidency of the Rural Police of Bavaria.”

This was not the first time that Godin had submitted such a proposed agency for approval. It is important to remember here that in 1945 the Americans had already approved a Landpolizei detective

²⁴ Ibid.

investigation section (*Kriminaluntersuchungsstelle*), a network of field sub-offices, and a technical crime laboratory as part of the original establishment of the Bezirk command offices of the Oberbayern Landpolizei that Godin had started out in. However, this detective function had been strictly limited to crimes that for technical reasons required specialized training to investigate, or that had implications for mobile criminal activity that went beyond local jurisdictions. The Kriminalaußenstellen of this system were detective field stations that had no jurisdiction over crimes in the larger towns that required detective-style investigation; the latter were to be handled by local forces. In a subsequent 1947 proposal submitted directly to the Americans, bypassing any consultation with his nominal superiors in the Interior Ministry, Godin had already attempted to expand the geographical as well as technical jurisdiction of this in-house detective system. He had outlined the disadvantages that poorly equipped and undermanned local detective forces suffered from in the fight against murder, arson, black marketeering, and fraud. In the 1947 proposal, Godin had suggested that restrictions be removed on investigating only certain types of crimes. He had also proposed that this comprehensive "Land Detective Force" have powers of arrest and enforcement in the towns as well as in the countryside, which would resolve the problem of jurisdiction in such crimes, which tended to involve more than one locality.

In this 1947 proposal, Godin had diplomatically presented the Americans with the option of attaching this Land Detective Force either to Heindl's Zentralamt or to Godin's own Landpolizei. He argued, however, that Heindl's agency did not have enforcement powers and possessed neither the infrastructure nor the manpower to take up such a task. Instead of undertaking a prerequisite overhaul of Heindl's agency, Godin in 1947 had already suggested instead that

In its detective department the presidency of the Rural Police of Bavaria already disposes of a similar well-organized establishment set to work within the area of responsibility ... considering personnel and equipment it would be easier to use the existent detective department of the Rural Police as this proposed Land Detective Department than to establish a new office. Within this future Land Detective Department the already existing offices could continue operating without any difficulties.²⁵

²⁵ OMGUS, Box 272, Folder 718, "Establishment of a Land Detective Department," 18 August 1947.

Godin does not seem to have made much progress toward getting this proposal accepted the first time he tried in 1947. When he resubmitted a revised version of it in response to the Heindl/Brandl initiative of June 1948, the rewrite expanded in greater detail on certain questions of area jurisdiction vis-à-vis local forces. While still employing a rhetoric of delivering “assistance upon request” from local forces, the proposal repeated that local detective agencies in practice simply “did not dispose of that efficiency required” to guarantee proper investigation of crimes in their bailiwicks. “The matter, however,” continued the 1948 proposal, “looks different if in such cases trained and experienced policemen [with a Land-wide reach] could be detailed” to the task. Particularly in cases of political corruption, “interference of a superior [Land police authority] is ... necessary the more as in individual communities the local police feels somewhat tied in respect to the political predominancy of a certain party.” The document at this point crossed a very subtle line into the subject of political policing. It directly alluded to a previous tradition of detective work in this area from the interwar Order State era, as one of the responsibilities that partisan urban detective organizations such as Ernst Pöhner’s Munich political police had taken over. The 1948 Landpolizei proposal explicitly argued that political corruption “was one of the reasons to place the Criminal Police under a uniform state command after World War I.” The detective entity in the 1948 Landpolizei proposal, now to be called the “State Criminal Investigation Office” (*Landeskriminalamt*), should be expanded beyond existing limited technical responsibilities such as narcotics and forgery work, to include jurisdiction over murder, arson, poaching, “corruption of any kind” [including official corruption], and other “delicts concerning disturbance of public peace and order.”²⁶ After two weeks of silence from the Americans in response to this application, a 30 June letter from Godin to an unnamed U.S. Military Government official indicates the intensity with which the head of the Landpolizei continued to pursue the idea, the degree to which the Landpolizei still enjoyed direct access to Military Government policymakers in the last year of the occupation, and the frankness with which Godin expressed his personal stake in the matter:

May I remind you of the conversation we held on 18 June 1948 when we were your guests in the “Haus der deutschen Kunst.” After the lunch

²⁶ OMGUS, Box 272, Folder 718, “Organization of the Rural Police Detective Force,” n.d.

we discussed plans which I had worked out in harmony with Title Nine, Paragraph 234 ... may I request you to *further my ambitions* [italics added] by actively promoting the scheme, if necessary?²⁷

An internal OMGUS memorandum on the matter dated 17 July evaluated the competing plans of Godin and Heindl/Brandl. Without coming to firm conclusions, the document reveals a fundamental American suspicion of further moves toward the centralization of investigative functions with *any* German authority and a growing awareness of the extent of Godin's ambitions in particular:

it is also immediately obvious however, that von Godin's proposal would ... violate Military Government policy. It also appears that von Godin intends to incorporate into his Land Rural Police organization many of the service functions now performed by Heindl's [Zentralamt].²⁸

At this point, the Americans were still applying the hands-off policy described by Edward Peterson, waiting for a German consensus to emerge before deciding whether or not to allow it. Here the matter might have stood indefinitely, with the Land Investigative Agency project apparently stalled in a polite three-way standoff between the Americans, the Landpolizei, and the Interior Ministry. Meanwhile, efforts to expand the Landpolizei's authority were moving beyond the specific issue of detective agencies. On 17 March 1949, the Justice Ministry forwarded to the Americans for commentary a proposal it had received from Godin's office that would have allowed the Landpolizei in a given Kreis, with the authorization of the chief prosecutor of the next highest jurisdiction in the Bezirk capital, to intervene in local community investigations without the express invitation of any local police forces that might be directly responsible in the locality. According to this proposal, it was up to the Landpolizei commander on the spot to determine whether "danger in delay" (Gefahr im Verzug) warranted the intrusion into local community prerogatives.²⁹ On 15 April, another Justice Ministry proposal arrived at U.S. Military Government, this time a plan to designate Landpolizei men as permanent auxiliary police

²⁷ OMGUS, Box 269, Folder 24, Untitled and unaddressed translation, 30 June 1948.

²⁸ OMGUS, Box 279, Folder 24, "Proposals for Bavarian Criminal Police," 17 July 1948.

²⁹ OMGUS, Box 269, Folder 24, "Central Combatting of Crimes Activity of the Land Police in Towns with Own Police in Particular," 17 March 1949. Proposal from Justice Ministry enclosed in OMGUS internal cover memo, "Centralized Activities of the Rural Police," 8 April 1949.

officials of the public prosecutor's office. This would have broken down the division between the legal system and the police. As an American reaction paper put it:

it presently appears that the police, acting in their capacity as auxiliary officials of the public prosecutor's office, have gone so far in some prosecution proceedings as to push this latter office into a relatively unimportant position ... this causes speculation on the existence of ulterior motives on the part of the Bavarian government.³⁰

Coming hard on the heels of the recent conflict between the Interior Ministry and the Landpolizei over detective forces, these proposals acted as a lightning rod for the growing American misgivings about the direction that Bavarian police affairs were taking. The ensuing storm broke most heavily over the Landpolizei and Godin. In a series of reports based on field investigations in the spring of 1949, various OMGUS offices provided a composite picture of the Landpolizei's impact on Bavaria over the past four years of U.S. supervision:

The subject police department has apparently successfully established a "state within a state" as all efforts of minority legislative groups in the Bavarian Land Government and this headquarters to decentralize it have been futile ... Under these circumstances, the Bavarian Rural Police Department has become a strong and influential factor in the Bavarian government and is making its power felt by the entire German population in this Land.³¹

The report described how the Landpolizei had "further accentuated [its] jurisdictional and functional expansion ... the present 9,135 members ... make it by far the largest single police unit in the U.S. Zone of Germany." The Americans took the Landpolizei to task for measures that they themselves had earlier approved, such as absorbing the waterways police and building a radio communications network, with which it "compelled other police services in Bavaria to go to it for this communications channel" (and incidentally undergo monitoring). The Landpolizei's detectives had refused to coordinate their fingerprint files with those of Heindl's Zentralamt, thus forcing local police forces into "the position of having to contact both agencies ... to obtain comprehensive identifications."

³⁰ OMGUS, Box 269, Folder 24, "Bavarian Police," 15 April 1949. The original proposal is missing, but a summary of it is contained in the U.S. reaction.

³¹ OMGUS, Box 269, Folder 24, two reports with common title "Bavarian Rural Police Department," 24 March 1949, 15 April 1949.

The reports then moved on to more subjective evaluations:

it appears that this organization is meeting only minimum requirements in complying with [OMGUS regulations]. The President of the Bavarian Rural Police Department believes in police centralization ... Past Bavarian proposals concerning the formation of a Land criminal investigative unit substantiate this conclusion ... members of the aforementioned department who do not follow orders implicitly and without question have been suppressed or removed by its president.

Turning finally to the ill-timed proposal by the Justice Ministry concerning the deputizing of policemen as auxiliary prosecutors, the report concluded, "Authority of the type requested ... would in effect create a centralized super German police force in Bavaria. This action would not only ... infringe on local government but also would provide the basis for the future establishment of another police state in Bavaria."³² The American reaction put a momentary stop to any further pursuit by both Interior Ministry and Landpolizei headquarters of their competing plans for new or expanded criminal investigative agencies. Although the head of the entire U.S. Military Government's Civil Administration Division was moved to say, "I believe that an entirely new and independent organization would be preferable to incorporating this function into the [Landpolizei],"³³ no decisions were forthcoming on this matter in the remaining months of 1949.

The last-minute emergence of a hostile attitude toward Godin's organization in U.S. circles at the end of the occupation would have an impact on the further development of the still-unresolved issue of the relationship of the police to the Bavarian government. As the period of direct and routine U.S. supervision ended in 1949 with the proclamation of a semi-sovereign Federal Republic, OMGUS ceased operations, to be replaced by the much more hands-off Allied High Commission for Germany (HICOG). Among the organizations in the different state administrations that consequently lost direct contact with U.S. overseers was the Bavarian Landpolizei. From a position of relative isolation from regular German government supervision during the OMGUS years, Godin's organization had been able to independently develop fundamental elements of its structure and operational style. By 1949, legacy agencies such as the Landpolizei were thus confronted with the delayed emergence of long-dormant crises of legitimacy. Police leaders faced

³² Ibid.

³³ OMGUS, Box 269, Folder 24, "Political Police."

the challenge of negotiating a passage on the best terms possible into a stable place in the native administrative systems based on the state constitutions. The hostile administrative parting shot delivered by the Americans to the Landpolizei just as the occupation ended ensured that the ensuing struggle for jurisdictional turf and autonomy between Godin and the Bavarian government would begin with the police leadership on the defensive.

American unease about the Landpolizei carried over after the end of occupation to find expression in an initial letter of instruction about police matters to state governments from the new High Commission in September 1949. Despite the technical sovereignty of the states and the new federal government, HICOG emphasized its own abiding final responsibility for public safety affairs. In the dawning Federal era, German police functions and structure had to remain compatible until further notice with the relevant provision of the Occupation Statutes (which in this case perpetuated the Title 9 police enabling “law” past 1949) as well as with the new Federal Basic Law and the existing state constitutions.³⁴

On the issue of police organization, however, the HICOG letter included a paragraph that reignited older occupation-era controversies about German police forces centralized at the state level. This represented the most significant threat to the continued existence of Godin’s organization since its foundation in 1946. It required all German police forces to be automatically decentralized back down below state level unless the High Commission gave specific authority for a centralized force to continue. In effect, it initiated a review and reevaluation process for all police forces that had been set up since 1946. This paragraph was not just a sign that the anti-centralization attitude remained alive in American circles. It would also provide a useful mechanism for elements within the Bavarian Interior Ministry intent on ending the autonomy of the Landpolizei.³⁵

On 7 October, Godin, together with his staff secretary Ernst Binder, met at the Alpine lakeside town of Spitzingsee with State Secretary Schwalber from the Interior Ministry to discuss the Bavarian response to the instructions from the Allied High Commission.³⁶ The Land-

³⁴ Bayerisches Hauptstaatsarchiv [hereafter BayHStA], Documents of the Präsidium der Landpolizei von Bayern (LaPoPräs), Folder 11.

³⁵ Ibid.

³⁶ The subsequent consultations between Godin, Schwalber, Binder, and the

polizei now had to include civilians in its planning to maintain credibility as a legitimate Bavarian government organization. Schwalber was an interesting candidate as Interior Ministry representative at this meeting. In March of 1948, he had drafted and submitted an ultimately fruitless proposal to the Americans that would have required local police agencies and other community authorities to regularly forward information about suspected neo-Nazi and Soviet-inspired agitators living in their respective areas to the nearest detective offices of the Landpolizei.³⁷ The day after the Spitzingsee meeting, Godin's staff was ready with a first draft of a response to the High Commission's proclamation.³⁸ Godin and Schwalber grasped the need for speed in responding to the U.S. proclamation, which had the potential to immediately destabilize the basis of Landpolizei autonomy at this crucial juncture in the triangular U.S.-Landpolizei-Bavarian government relationship.

The Godin/Schwalber response document of 8 October was partly an internal guide to strategy, partly a public-relations effort for external consumption. It started with the fundamental expectation that Allied High Commission ratification of the current centralized form of Landpolizei organization was not forthcoming. It then outlined a reorganization plan intended to address the Americans' concerns. In a clever tactical stroke, however, the document managed to keep the decentralization controversy separate from the ultimately more fundamental issue of effective control over the police by German civil authority. Stressing the key role of American fiat in the Landpolizei's genesis and its development to date, the 8 October document observed that the resulting Land-level organization had proven itself through its performance. The staff and support functions of the Präsidium, in particular, had ensured uniform levels of performance in all of the Bavarian Bezirke. Among other things, the document stressed the importance of Godin's office in standardizing training and screening procedures for both existing personnel and new hires, the development of specialized criminological skills in the entire force, and the provision of the best technical equipment, armament, transportation, and accommodations possible under the circumstances. The secure police communications network stretching across Bavaria that Godin's office had set up and maintained on

HICOG officers are not fully documented, but Binder kept a chronology with annotations that is the basis of this part of the narrative; BayHStA, LaPoPräs, Folder 11.

³⁷ OMGUS, Box 269, Folder 24, "Political Police," 20 April 1948.

³⁸ BayHStA, LaPoPräs, Folder 11.

behalf of all police offices in the state was held up as an example for other police systems in western Germany (*vorbildlich für den gesamten westdeutschen Polizeiapparat*).

In view of these technical achievements, the 8 October document painted as problematic the persistent voices in the Landtag and among the ranks of the civil Regierungsbezirk administrators that had consistently and sharply criticized the Landpolizei's centralization and its separation from the regular administration ever since the force's inception. Such inter-German controversies were likely to strengthen the hand of those among the occupiers who had consistently pressed for decentralization and the elimination of the Landpolizei as a unified force. In view of the lack of major controversy over the centralized police establishments found in other states (which, in contrast to Bavaria, had no historical tradition before the occupation period), the 8 October document speculated that the decentralization review provisions of the High Commission proclamation might have been designed to specifically target the Bavarian Landpolizei. The report concluded that the quality and effectiveness of Landpolizei operations and the morale of its rank and file could no longer be guaranteed in this environment of existential insecurity.

In order to preserve a "basis for acceptable performance" while accommodating American pressure to decentralize, the document concluded with a short, conciliatory list of suggestions for apparently fundamental changes to the structure of the Landpolizei. Godin's office itself (the *Landpolizeipräsidium*) as a centralized executive command (but not as a supporting technical staff authority) was to be dissolved. The decentralization required by the High Commission was to be achieved by "subordination" (*Unterstellung*) of each of the Chefdienststellen in the RBs to the civil government of its respective Bezirk. The operational and executive command powers formerly wielded by Godin's Präsidium (*Sachgebiet Einsatz*) would devolve to the Bezirk police leaders in the Chefdienststellen.

The 8 October document even made a key concession on the issue that had caused such controversy in the final months of the occupation: the Landpolizei's detective *Kriminalabteilung* would be separated from the Präsidium proper and merge with the Central Office for Criminal Identification and Police Statistics in the Interior Ministry under Dr. Heindl. Duplication of effort between the two agencies would cease, and the technical functions that had once been performed by the Landpolizei's *Kriminalabteilung* would now be the responsibil-

ity of a comprehensive forensic and investigative authority operating outside the Landpolizei structure. This was not as generous a concession as it appeared on first reading, however. Almost in passing, this part of the plan provided as a counter-concession that the new leader of the expanded Zentralamt would be the police official who had already headed the Landpolizei's Kriminalabteilung.³⁹ The document concluded with recommendations regarding the remaining staff support functions of Godin's office—training and education, personnel management, legal questions, and logistical support. The former departments responsible for these matters would now form the core of a new “Inspectorate of State Police in the Ministry of the Interior” (*Inspektion der staatlichen Polizei im Staatsinnenministerium*). It is useful to note here that this solution would have been very similar to the description and terminology that had “normalized” Landespolizei chief Hans Ritter von Seisser's post in the interwar Interior Ministry while allowing him to retain the autonomy useful for later setting up the quasi-dictatorial Order State with Kahr's GSK.

In these areas of training, personnel questions, telecommunications, logistics, and internal administration, the 8 October document continued, this proposed Inspectorate would continue to have unspecified “powers of instruction” (*Weisungsrecht*) over Landpolizei forces operating in the various Bavarian Bezirke. The Inspectorate would also have the power to inspect conditions in the separate Bezirk forces, report on these to the interior minister, and recommend to him any steps needed to ensure uniform standards and performance across Bavaria. The current Landpolizeipräsidium staff working for Godin would form the core of this new office's personnel. The document was careful to emphasize, however, that the Inspectorate would have no direct command authority over field personnel in questions of organization, actual operational deployment, and discipline. All of these prerogatives would devolve to the chiefs of the separate forces in each Bezirk.

Armed with this plan, Godin wasted no time in getting in touch with the Americans. These efforts at contact were extremely informal, taking place entirely outside the regular channels for communication between German and U.S. agencies. This latest round of American

³⁹ In a manner of speaking, this was indeed accomplished in February of 1950, when LaPoPräs's technical crime laboratory passed into the control of the Zentralamt. The actual detective forces in the Kriminalaußenstellen, however, remained part of the Landpolizei. Binder, “Kurzer Abriss,” 25.

contacts brought Godin back full circle to the atmosphere in which he had first made contact with the OSS in his days of exile. Four days after the completion of the position paper, while conveniently on a holiday in Bern, Switzerland, Godin met or “accidentally” ran into Mr. Urton of the High Commission’s Public Safety Branch.⁴⁰ It is characteristic of both the informal and personal nature of Godin’s relations with the Americans and the enduring significance of the pre-governmental, émigré origins of these relations that this meeting took place under the spy-novel conditions of an “informal” chat in neutral Switzerland—where Godin had first developed his relationship with U.S. security interests during his anti-Nazi exile—instead of in the goldfish bowl that was the Bavarian capital. At the end of the American occupation regime, it was back in Switzerland, outside the jurisdiction of his nominal German masters, that Godin met with the Americans to review the future of the organization he had created under their sponsorship.

During their “private talk” in Bern, Urton invited Godin to bring his proposals to a meeting at a HICOG office in Bad Nauheim, where they could be discussed at greater length in the presence of McCraw. Schwalber was informed of this meeting and the invitation by Godin upon his return to Munich, and gave his assent to the visit. A week after the encounter in Bern, Godin and his staff had produced an improved second draft of the recommendations for Landpolizei reorganization to present to the Americans. It was this revised “Ansbach Draft” [*Ansbacher Entwurf*] that Godin submitted to Urton and McCraw during the conference at Bad Nauheim, which took place on 24–25 October.⁴¹

The Ansbach Draft added new emphases to the existing case for preserving centralized support functions in any coming reorganization. It documented the failure of the separate Bezirk-level Landpolizei establishments to cope with vital technical and support problems in the pre-Präsidium period, stressed the usefulness of centralized direction in insulating the Landpolizei from local party-political influence, and pointed to the ability that centralization afforded to shift police manpower and resources across Bezirk boundaries as needed. The document then quantified the performance of the force in combating crimi-

⁴⁰ BayHStA, LaPoPräs, Folder 11, Binder’s chronology. A penciled note on Binder’s report of this meeting reads “accidental” [*zufällig*].

⁴¹ BayHStA, LaPoPräs, Folder 11.

nality (a claimed 80 percent success rate in solving all reported crimes) and attributed it to centralized direction.

By accepting the realities of the situation and appropriating an often repeated and fundamental goal of his critics, Godin created a springboard from which to make his case with the Americans for the preservation of some non-command functions in a central police inspectorate to replace the *Präsidium*, instead of separating these out and assigning them to existing civilian offices in the ministry. The levels of efficiency and professionalization of police operations required to maintain public order were impossible without a mechanism to enforce Land-wide standards in such matters as criminological training, unified personnel policies, equipment, transportation, weapons, clothing, pay, and a unified radio communication system. In addition, the Ansbach Draft suggested that the Inspectorate could serve as a single expert advocate for the *Landpolizei* in the presentation of consolidated police budget and hiring applications to the Ministry of Finance and the Land Personnel Office, respectively. There was no mention of the Interior Ministry as intermediary in these matters. There was also a role for this "Inspectorate" as a clearinghouse to coordinate, screen, and relay instructions and requests for police action from various civilian ministries to the field echelons. Finally, the Ansbach Draft revisited the need for an agency to report on the state of the *Landpolizei* to the interior minister in his capacity as the official responsible for the security and public order of Bavaria. Only with a technically competent police inspection apparatus directly under his control, the document concluded, could the interior minister be in a position to "prevent the development of conditions not compatible with a democratic concept of security and public order."⁴²

For the most part, Urton and McCraw appear to have been satisfied with Godin's reorganization plan as it was presented to them at Bad Nauheim; the report on the meeting drawn up afterward by Binder indicates that American reaction was mostly limited to minor adjustments in emphasis on certain details and changes of wording.⁴³ However, defusing tension on the American side over centralization did not necessarily translate into decisive U.S. sponsorship of the organizational changes that Godin proposed. The days of American fiat or blessing as the decisive factor in any German bureaucratic decision were over; in

⁴² Ibid.

⁴³ Ibid.

the weeks after the Bad Nauheim meeting, Godin's office would have to face the Bavarian civil administration in a more exposed position than had been the case in the previous stages of Landpolizei evolution.

A closer examination of certain implications of the Godin/Schwalber recommendations suggests that they ignored another set of issues of greater concern to German than American officialdom. Such an examination will also provide a better understanding of what was at stake between the Landpolizei leadership and the Bavarian government as Godin returned from Bad Nauheim. The Ansbach Draft deftly separated the issue of decentralization from that of effective civilian oversight and control. Its recommendations addressed only the former, and furthermore were essentially cosmetic. For the set of concerns that most preoccupied the Americans, this was enough. In the eyes of certain sectors of American opinion, centralized police command had always been suspect, tolerating a dubious concession to the realities of postwar chaos. Ultimately, however, many Americans felt that German police centralization was an apocalyptic portent that, if not kept in check, would herald a return of the police "state within a state," identified in simplistic terms as a key element in Germany's eternal default option of belligerent authoritarianism. The result of tension between the two impulses of expedient use and ideological condemnation was the policy muddle that had allowed Godin's autonomy to flourish.

Back in 1945, little or no meaningful provision had been made for integrating the original Landpolizei under the control of the regular Bezirk administrations (a failure epitomized by then-Bezirk Chief Godin's non-relationship with Oberbayern's Regierungspräsident Osthelder). No further steps toward resolution of this issue appeared in the Godin-Schwalber recommendations of 1949. Godin's "concessions" to the High Commission's decentralization imperatives amounted to little more than a return to the status quo of the pre-Präsidium period, with the added presence of a centralized Inspectorate with comprehensive authority over logistics and staff work, if not command. As the final act (or non-act) of direct U.S. policymaking concerning the Landpolizei, the Urton-McCraw approval of Godin's "concessions" was a fitting end to a half-decade of persistent American inconsistency, confusion, and ignorance of inter-German dynamics in the police question.

On 19 November, about a month after Godin returned from Bad Nauheim, the civilians in the Interior Ministry produced a response

to the Landpolizei's initiatives to the Americans. It took the form of a comprehensive report to the minister-president on outstanding questions of police and security policy as Bavaria entered the Federal period, drafted by Ministerialrat Felix Brandl.⁴⁴ The Brandl document framed itself as a response to the original High Commission proclamation on review of centralized forces. However, much of it consisted of reactions to specific proposals found in the Ansbach Draft, whose content must therefore have been disseminated to the Interior Ministry previously.

The Brandl document appears to have considered the acceptance of Godin's Ansbach proposals as the basis of Bavarian government policy to be imminent and likely. Brandl's draft accepted as a *fait accompli* the survival of some sort of autonomous Landpolizei agency such as the Inspectorate as a self-contained unit within the Interior Ministry. It accepted without demur the assignment of much the same list of staff functions for the Inspectorate as Godin had envisioned. It raised no questions regarding the relationship between the Landpolizei and the Ministry's Public Safety and Order Section. Where it challenged Godin's proposals was over the issue of linkages between police and the regular subordinate civilian chain of command. The Brandl document envisioned a systematic incorporation of the Landpolizei into the regular state apparatus at all levels. Brandl aimed to place each individual Landpolizei field post or *Inspektion* in a given *Landkreis* under the direct command of the civil administrative office in that *Kreis*—the *Landratsamt*. The Interior Ministry memo also dusted off the concept of the *Amtmannschaft*, an idea that the *Präsidium* itself had previously considered. An *Amtmannschaft* was a supervisory office, with no actual forces at its disposal, responsible for the administrative and recordkeeping chores for three or more *Kreis* inspectorates. Relieved of paperwork, the inspectorates would be freed for executive tasks. Brandl's proposal also emphasized the role of the *Amtmannschaft* as a link between an inspectorate and the Landpolizei coordination desk in its respective *Bezirk* government. *Amtmannschaften* could also function as close support for an *Inspektion* in cases of conflicts between the *Landrat's* wishes and instructions and the legally prescribed course of action or instructions of higher police echelons. This, the writers of the memorandum felt, might alleviate the fear that investing elected *Landräte* with pow-

⁴⁴ Ibid.

ers of command over the Landpolizei in their Kreis would result in conflicts of interest and friction.

Before these conflicting visions of the future of the Landpolizei could confront each other, however, a series of meetings between Interior Ministry representatives, Godin's staff, and Interior Minister Willi Ankermüller that had been convened to mediate the controversy instead put the question on hold indefinitely. Meeting notes taken by Ernst Binder, Godin's assistant, mention that after Ankermüller met with the Allied High Commission, he handed down the abrupt instruction that no further proposals for changes in the leadership arrangements of the Landpolizei would be worked on for the time being. Binder's notes also mention that direct comparisons with previous episodes of jurisdictional conflict between police and civil authority—referring directly to the tense relationship between Landespolizei chief Seisser and the interwar Interior Ministry's Christian Pirner (*Hinweis auf die Ara Pirner-Seisser*)—were made in the course of these meetings, most likely by Brandl's side.⁴⁵ The Ankermüller freeze on further discussion meant that the current structure of Godin's office and its full control of the field commands of the Landpolizei would go on as usual. With no basic legislation on police matters except the inherited occupation statutes, with the question of civilian authority over the Landpolizei as yet undecided, Bavaria would enter the era of the Federal Republic served by a police organization that in the past five years had successively been accused or suspected of being a "Praetorian Guard," a "state within a state," and "the basis for a future police state."

Whether Godin engaged in any unofficial backstairs lobbying with supporters among the Americans to produce Ankermüller's intervention is a mystery on which the Landpolizei records do not shed any light. One possible explanation for the abruptness with which both sides of the controversy seemingly became quiescent is a fear on the German side that any evidence of disunity or conflict among them would prompt an intervention from the Allied High Commission at this critical juncture, which might have derailed the whole project of Bavarian and Federal sovereignty. What is clear is that decisive questions about the relationship of the police to the civilian government and to the constitutional order were not be settled as the Federal Republic emerged and Bavaria left the occupation and entered the

⁴⁵ Ibid.

era of economic recovery in the 1950s. The Landpolizei remained an autonomous actor as the domestic security regime of the Adenauer era in that state began to take shape.

The ambiguous relationship of the Landpolizei to the central Munich authorities informed the picture of Godin's organization drawn by the Law on the Organization of the Police in Bavaria (*Gesetz über die Organisation der Polizei in Bayern*—POG) of 1 November 1952. Together with the subsequent Law on Police Tasks (*Gesetz zur Aufgaben und Befugnisse der Polizei von Bayern*, or *Polizeiaufgabengesetz*—PAG) of 1954, the POG was supposed to replace the American Title 9 regulations as the foundation for a constitutionally grounded police in Bavaria. Not only did it take until the middle 1950s for this new legal regime to come into full effect (the POG had to be substantially amended to conform to the PAG when the latter came out), but both perpetuated a pattern already evident in Title 9 of vagueness in language that preserved a considerable gray area between the broad autonomy and prerogatives of the traditional police state and the constitutionalizing or minimalist intentions of all these documents' preambles. In the case of the 1952 POG, this gray area received further elaboration in extensive commentaries by administrative and legal specialists in the Landpolizei and the Interior Ministry that appeared as special editions or appended booklets in police service publications. A commentary by *Oberregierungsrat* Dr. Rudolf Schiedermeier is a good illustration of how the new constitutional/liberal democratic framework of the 1950s was understood and received by the bureaucratic subculture of police leaders and security specialists.⁴⁶

Carrying over much of Title 9's provisions for the existing police agencies, the POG recognized the central state and the separate individual communities of Bavaria as joint "bearers" of police authority, although by this time the Landpolizei's takeover of individual community police forces was well under way. It defined as optional the right of any community with more than 5,000 inhabitants to sustain a separate police force within its boundaries, but provided for an obligation by the central state to provide a police presence if a given community chose not to exercise this right. The law laid out guidelines for smooth cooperation between municipal and state police forces, for uniform service regulations, pay scales, training, and budgeting procedures. Overlap-

⁴⁶ Rudolf Schiedermeier, "POG-Gesetzestext und Kommentar," Special Edition, *Die Neue Polizei* (1954).

ping somewhat with the later PAG, the POG provided a general catalogue of police functions that were the ultimate responsibility of the central state. The two most prominent items on the list were the suppression of criminally punishable acts or fine-incurring misdemeanors and the prevention of “acts hostile to the constitution” even if these were not criminal acts in the strict legal sense. There followed more specialized tasks to be conducted by separate technical police forces, such as transportation security, civilian air defense, prisoner transport, and border patrol. Individual communities, on the other hand (or at least the steadily diminishing number that retained their own police forces), were responsible for the enforcement of local regulations and ordinances. Nevertheless, the law reserved to the higher administrative authorities at the Landkreis, Regierungsbezirk, and Interior Ministry level the prerogative of introducing future regulations to limit or qualify local community police powers.

The POG devoted separate sections to the different state police agencies (the Landpolizei, the Border Police, the Waterways Police, the Railroad Police, and the new *Bereitschaftspolizei*—a basic training and riot-control unit envisioned as the main source of subsequent assignments to other agencies) as well as the community police. On first reading, the sections of the POG dealing with the Landpolizei appeared to come down definitively on the side of the minimalist public safety and crime-control approach that already underlay Title 9’s initial assumptions. After formalizing the separation between policing and routine community administrative tasks such as residence and motor vehicle registration, however, the POG somewhat confusingly provided what amounted to workarounds for what Schiedermeier described as a continued “close relationship between the police and the general inner administration.” These allowed local civilian administrations (the former *Polizeibehörden*) to issue “instructions” or “commissions” (*Weisungen*) for the fulfillment of local ordinances and administrative regulations that required the Landpolizei to act as enforcers (*Vollzugsorgane*), as long as these local regulations were covered as part of the “relegated functions” (*übertragener Wirkungskreis*) transferred by the central state to local authorities. A final reflection in the POG of how muddled the Landpolizei’s relationship with the rest of state authority continued to be into the 1950s appeared in the law’s treatment of Godin’s autonomy as head of the Landpolizeipräsidium. The law recognized the official existence of the civilian Landeskriminalamt, but denied it all power of command or instruction over the Landpolizei, authorizing it only to place

“requests” (*Ersuchen*) with Godin’s office. The Landpolizeipräsidentium, on the other hand, managed in the POG to retain its freedom from control by any other authority within the rest of the bureaucracy, remaining directly (*unmittelbar*) under the sole authority of the interior minister’s office. The halt called in the infighting between Godin and the civilian security bureaucrats not only contributed to the POG’s character as a transitional law, but together with the subsequent PAG it also ensured that the same uncertainty about the nature and limits of police power that had marked the occupation would continue on into the Bavaria of the early Federal Republic.

CHAPTER FIVE

POLICE AND CULTURAL DEFENSE: UPHOLDING PUBLIC ORDER IN RURAL BAVARIA IN THE 1950S

Around noon on 15 May 1952, Teresa H., a fifteen-year-old servant girl, appeared before the Landpolizei station chief (*Hauptwachtmeister*) Nunner in the town of Töging am Inn in Upper Bavaria. Too young for the regular government-issued residence registration and identity card (the *Personalausweis*), Teresa was applying for a temporary ID document from the police in order to travel to a “youth rally” in Essen. Free transportation was somehow being made available for people from Töging and other country towns who wished to take part. His suspicions aroused, Nunner called the Munich Landpolizei headquarters, which informed him that the Essen “rally” was actually a meeting of the *Freie Deutsche Jugend* (Free German Youth), the youth arm of the German Communist Party (KPD). Teresa led Nunner to Xaver Hahn, the trip’s local organizer and publicist. At Hahn’s house later that day, the police detained a number of waiting youths and the driver of a bus that had arrived from the neighboring town of Neuötting. Hahn was interrogated at the Töging Landpolizei station, the bus was driven back under police escort to Neuötting, and the bus firm was placed under police observation. Hahn’s interrogation revealed that a stranger named Rohmann or Grohmann had provided him with money and posters announcing the trip. Rohmann/Grohmann’s trail grew cold, however, when the bus company owner could not provide any further information. The fate of Hahn was not recorded; nor do we know whether Teresa H. ever got her temporary identity document.¹

The American occupation had attempted to circumscribe German police activity to crime control and public safety. Teresa H.’s experience, however, highlights the way in which the Landpolizei was still

¹ PolPräsOB, Folder 2, “KPD bzw. FDJ Treffen in Essen am 11.5. 1952,” Letter from Nunner, Polizeiinspektor, Gemeindepolizei Töging/Inn to Interior Ministry, Regierung Oberbayern, Landrat Altötting, Resident Officer Altötting, Gemeinderat Töging, copy to Landpolizei Oberbayern, n.d.

intimately involved in many aspects of both “administrative policing” and the surveillance of routine non-criminal community life into the 1950s. Into the period of the Federal Republic, the force continued to perform a variety of authoritarian functions quite distinct from the maintenance of basic public safety. This outcome was encouraged primarily because an official legal basis for a more limited concept of policing did not appear until 1954. A gap thus existed between the end of U.S. supervision in 1949 and the beginning of native efforts to reevaluate police operations from a legal and constitutional standpoint. The first years after 1949 were therefore a second phase in the transition to peacetime during which occupation regulations and practices were still operative. When new police laws did appear by the middle 1950s, they reflected a persistent ambiguity about the nature and purpose of the police force and its proper tasks. Despite a stated agenda of limiting police powers, the provisions of this new legislation in effect managed to subtly fossilize some of the conceptual overlaps that historically had linked police functions with the rest of the German state administration.

The persistence of a traditional basing structure joined legal ambiguity as an important factor encouraging the survival of traditional forms of police authoritarianism. Policemen in 1950s Bavaria remained scattered in small posts in hundreds of rural communities. Continual patrolling of the same area perpetuated the familiarity with the habits, interests, and conflicts among the settled inhabitants (and an attendant knowledge of changes in movement patterns, economic diversification, and the relations of traditional and non-traditional population groups) that had provided the foundation for authoritarian forms of policing in previous eras. Both legal ambiguity and ongoing close contact with the population would eventually encourage a tendency to deploy police power in the interests of conservative cultural defense against economic and demographic change.

From their far-flung network of local stations, policemen continued to enforce the compulsory registration of the identities and residence of the inhabitants of the communities they patrolled.² Such activities were only one manifestation of the lingering attractions of an older police model. In the same tradition, police supervision of building, health, and other community regulations continued to be

² Fairchild, *German Police*, 37.

part of daily experience. The Landpolizei also continued to regulate individual freedom of movement in rural areas, and to conflate non-traditional, mobile ways of living with the racialized concept of “Gypsy mischief” (*Zigeunerunwesen*), which had been criminalized in Bavaria since long before the Nazis.³ Furthermore, even after new reform legislation attempted to redefine and narrow the police function, the force not only maintained the older practices described above, but actually began to assume intrusive functions that were unprecedented in the modern period, such as direct supervision of traditional definitions of authenticity and quality in food production and food retail.⁴ In Adenauer-era Bavaria, a case can be made that the discreet charm of the old-fashioned European administrative police state managed to remain an organic part of the definition of public order in the countryside.

New Bavarian police legislation that appeared in 1954 took the limits on police structure laid out in the Police Organization Law of 1952 (POG) and explored further their effect on police powers. The resulting doctrine took form in the Polizeiaufgabengesetz of 1954 (PAG), “the first ever comprehensive codification of material police law in Bavaria.”⁵ The law formally committed the state to a new, more circumscribed model of policing focused on the tasks of public safety and crime control. It claimed to break with all previous Bavarian and German police tradition by stipulating that its description of these core tasks (*Aufgaben*) would not serve as a blanket legitimization of all arbitrary operational measures (*Massnahmen*) to fulfill them—as had been the case before 1945. Every active police measure was supposed to be covered by its own specific enabling legislation. Not only did the law define the areas of police responsibility, but it also defined and lim-

³ For concise, useful summaries of the development of anti-Gypsy policies before 1933 and after 1945, see “Introduction” and “Victims and Perpetrators,” in Lewy, *The Nazi Persecution of the Gypsies*, 1–18, 199–202.

⁴ Stauß, “Lebensmittelüberwachung als wichtige Aufgabe der Polizei,” 101–103.

⁵ Mayer, “Die Aufgaben und Befugnisse der Polizei,” 177. The complete text of the PAG with annotations can be found in Horst Emmerig, “Gesetz über die Aufgaben und Befugnisse der Polizei,” Special Edition, *Polizei-Kommentator* (Munich, 1954). The general expression of police powers (Art. 99) limited by civil rights (Art. 98) can be found in the summary of police functions in the Bavarian constitution of 1946. However, prior to the Polizeiaufgabengesetz of 1954, no comprehensive statement of the nature and limits of police powers had existed for Bavaria. See Bavaria, *Verfassung des Freistaates Bayern* (Munich: Information Control Division, Office of Military Government, Bavaria, 1946), 19.

ited the powers (*Befugnisse*) that the police could exercise in the execution of their responsibilities—including arrest, investigation, detention, search, seizure, public summons, custody of property, dispersal, application of force, citation, and fines—and linked these to specific legal authorization.⁶ The PAG also marked the first attempt in Bavaria to use legal means to rein in the long-term tendency of the twentieth-century police to deviate from the control of civil administration through ad hoc bureaucratic arrangements.

However, in many ways, just like the POG of 1952, the 1954 PAG was still a transitional document. Although it identified the function of police as the “preservation of public safety and order through defense against dangers and control of disturbances ... the protection of the constitution and of basic rights ... and assistance in catastrophes and emergency,” the law went on to recognize that the relationship of the police to the administration still required a delicate balance between control, autonomy, separation, and coordination. While reaffirming the nature of the police as a purely executive arm of the regular civil government, and aiming to keep them from being deployed indiscriminately to perform tasks for bureaucrats “beyond duties specific to the force’s nature” (*über den ihr wesenseigenen Aufgabenbereich hinaus von der Verwaltung herangezogen zu werden*), the PAG still provided (as had the Weimar-era police laws of various German states) for the possibility of administrative tasks being nevertheless assigned by specific legislation.⁷ However, the exact implications of these “natural” limits on police powers were still being sorted out in the actual practice of policing Bavarian rural communities, even after eight years of U.S. and native reformist decree and legislation. One indication that there was confusion on some level in German official thinking about the potential conflict between the formal doctrine and the actual relationship of the police to the administration is the publication of a series of articles in specialist police journals throughout the 1950s with titles such as “The Legal Basis for Landpolizei Operations and Cooperation with the Domestic Administration” and “The Place of the Police as an Organ of Admin-

⁶ Mayer, “Die Aufgaben und Befugnisse der Polizei,” 178.

⁷ Horst Emmerig, ed., *Gesetz über die Aufgaben und Befugnisse der Polizei in Bayern (Polizeiaufgabengesetz-PAG): Gesetzestext und Kommentator* (Isny: Martin Pausch Verlag, 1954), 3. In practice, however, the law as applied to Godin’s Landpolizei did not succeed in ending the relative insulation from direct civil control that this apparatus had maintained until the end of the occupation.

istration,” in which the bureaucracy tried to explain to itself what that relationship entailed.⁸

It can be argued, as indeed has been done in the case of Germany’s police, that the daily operations of any official apparatus require a period of transition before they can catch up with recent legislative or doctrinal innovations.⁹ However, garden-variety organizational inertia and bureaucratic confusion cannot completely explain the systematic and sometimes even expanding deviations in actual 1950s police practice from the new, ostensibly more circumscribed legal doctrine. These were not isolated flukes or irregularities attributable mainly to poor field supervision of a force that had become detached from outside oversight in the course of a badly managed transition. Neither did they involve only a few older policemen who were unable or unwilling to change the habits of a lifetime. Instead, far into the 1950s, the Landpolizei field force (as well as the remaining independent municipal police forces that Godin’s organization was gradually assimilating) continued to systematically carry out a whole range of functions beyond the suppression of crime or the maintenance of basic public safety—functions that ultimately belonged to an older model of policing, operating in the flexible framework of new legal limitations.

With respect to the issue of residence registration and movement control, for example, in November of 1947, the Americans had gotten around to nullifying the Bavarian anti-vagrancy and anti-Gypsy law of 1926, leaving the Landpolizei with no legal grounds for proceeding against persons simply because they had no fixed place of residence or fixed employment, or because they lived a mobile lifestyle.¹⁰ In theory, suspicion of specific criminal activity or violation of specific laws now determined whether someone without a permanent registered residence would become the subject of police attention. However, the language of police reportage in the transition from occupation to Federal Republic indicated not only widespread resentment by police officials that such an effective tool as the ethnically specific 1926 law could no longer be deployed,¹¹ but also an underlying readiness among the

⁸ From this cottage industry, two examples are Stauß, “Die Rechtsgrundlagen,” 105–115 (from the police side); and Ernst Emmerig, “Die Stellung der Polizei als Organ der Verwaltung,” *Die Neue Polizei* 11 (1954): 179 (from the side of the Interior Ministry).

⁹ Fairchild, *German Police*, 6–17, esp. 15–16.

¹⁰ Lewy, *The Nazi Persecution of the Gypsies*, 200; Emmerig, “Zur Neuordnung des Landfahrerwesens.”

¹¹ For nostalgia about the 1926 law, see Emmerig, “Zur Neuordnung des Land-

police to continue blaming deviant or criminal tendencies on ethnic origin. *Polizeiobermeister* Eckstein of the Landpolizei post in Gräding near Munich reported that with the disappearance of the 1926 anti-Gypsy law, a new, effective legal remedy was needed for the “fight against this race which has forfeited any right to exist” (*zur Bekämpfung dieser jeder Existenzberechtigung entbehrender Menschenrasse*).¹²

As the occupation gave way to the Federal Republic, such paranoid official fears about losing the “struggle” against “races” of people who had no “right to exist” were losing any tenuous basis they might have had in ethnic reality; by the early 1950s, the Landpolizei had already managed to deport the majority of Bavaria’s ethnic Gypsies who had escaped Nazi persecution across the Land borders into other German or foreign states.¹³ Technically, following the depressingly familiar late 1930s–early 1940s logic of sentiments such as Eckstein’s, the biological basis for continuing this mode of mobility control by the state had now disappeared.

To understand how an official of the postwar Bavarian state could nevertheless get away with such extreme language in an official written report at this late date (even granting the widest possible latitude for ambiguous emphasis in the wider connotations of the German concept of “*Rasse*,” as opposed to the more specific English notion of “race”), and to better understand what the term “Gypsy” may have meant to policemen in the late 1940s, it might be useful to consider that the successful conclusion to the so-called “fight against the Gypsy plague” (*Bekämpfung der Zigeunerplage*) represented by the early 1950s deportations did not mean, of course, that the actual movements of all transients in the Bavarian countryside were now under satisfactory levels of control.

By the early 1950s, the first refugee waves and dependent members of marginal farming households—two sources of cheap and mobile agricultural labor in the immediate postwar era—were beginning to find settled places in the recovering industrial-commercial economy. In the Bavaria of the early Federal Republic, however, the pattern that had developed by the late occupation period of relatively stable working

fahrerwesens,” and PolPräsOB, 599. For reports on Landfahrerwesen after legal reform, Report from LP-Inspectorate Traunstein to PolPräsOB, PolInsp. Hölzl, 15 November 1954.

¹² PolPräsOB, 599. Status report from LP-Inspectorate Grafing to PolPräsOB, 1 November 1954.

¹³ Lewy, *The Nazi Persecution of the Gypsies*, 201–202.

relations between larger farmers and more or less successfully settled expellees or dependents of smallholders was replaced once again by a trend toward short-term non-contractual arrangements. The demand for agricultural labor would ultimately shrink as a result of increasing mechanization and the rationalization of farming operations. However, this would still have to play itself out over the course of the next two decades as part of what Paul Erker termed the “deprovincialization” of postwar Bavaria.¹⁴ In the meantime, the less secure rural labor pool characteristic of the 1950s increasingly consisted of individuals who could not yet be integrated into the industrial labor market—the least-educated strata of the local and refugee population, a newer wave of refugees from the eastern zone of Germany, and, finally, a traditional subpopulation of itinerant laborers who had lived at the margins of local rural Bavarian society since pre-modern times. These economic and demographic changes were the backdrop to the shifting priorities of policemen in the late 1940s and early 1950s. The occupation-era focus on excessively mobile or undocumented foreign displaced persons and ethnic Gypsies gradually gave way in the early years of the Federal Republic to an increasing police concern with the mobility of economically marginal people such as Teresa H. who could not be convincingly construed as ethnically “other.” Suspicions about mobility and the lack of a stable domicile, which had been projected onto a much broader segment of the population during the disruptions of the immediate postwar period, took on a more narrowly focused form into the 1950s in official perceptions of the native subpopulations that made up the short-term rural labor pool during the first years of the economic miracle.¹⁵ Official attitudes from the occupation period that criminalized mobile outsiders persisted into the Adenauer period as a kind of template for a process by which the movements of marginalized native German rural subgroups could be singled out as a public-order issue.

As the Landpolizei dealt with this new situation, the most significant legacy that the force carried out of the occupation period was

¹⁴ Arnd Bauernkämper, “Ländwirtschaft und ländliche Gesellschaft in der Bundesrepublik Deutschland in den 50er Jahren,” in Schildt and Sywottek, *Modernisierung im Wiederaufbau*.

¹⁵ For a recent summary of these trends, see Antonia Maria Humm, *Auf dem Weg zum sozialistischen Dorf? Zum Wandel der dörflichen Lebenswelt in der DDR von 1952 bis 1969 mit vergleichenden Aspekten zur Bundesrepublik Deutschland* (Göttingen: Vandenhoeck und Ruprecht, 1999), 117, 167–172.

not doctrinal reform, but the experience of almost five years of emergency operations in frequently chaotic conditions under the auspices of foreign military rule.¹⁶ Not only did harsh police responses to the challenges of the occupation period serve as a kind of transmission belt into the 1950s for techniques of regulation and surveillance developed by earlier versions of the traditional authoritarian police state, but even given the definite personnel discontinuities with the Third Reich produced by the relative seriousness of Allied denazification efforts in the police arena, it is at least arguable, judging by comments such as Eckstein's, that the redeployment of such methods in the late 1940s also increased the likelihood of nevertheless transmitting the underlying attitudes and cultural values of the pre-Nazi and Nazi decades prior to 1945.

With the American oversight that had nullified the 1926 law no longer in place by the end of the occupation, a new wave of regulations in the early 1950s indicated the Bavarian state's intention, regardless of the language of the PAG, to keep official policies for the regulation of personal mobility linked to issues of cultural outsider status, and to keep enforcement in this area a police matter. The new Rural Travelers Ordinance (*Landfahrerordnung*) of 1953 no longer used language that specifically singled out ethnic Gypsy status as grounds for police surveillance and interdiction. Nevertheless, the 1953 law preserved the conception found in the 1926 law that defined as "asocial" or (to a lesser extent) indicative of a criminal nature the tendency to travel out of a "deep-seated inclination (*Hang*) or out of a strong aversion to leading a sedentary life."¹⁷ This new law retained most of the operational procedures prescribed by the 1926 law against people found wandering on the roads, thus maintaining the link between a sedentary lifestyle and minimal acceptable civic behavior in a settled and policeable society. The Zigeunerpolizeistelle card index registry, which had been reactivated during the occupation, and which consisted largely of lists of ethnic Gypsy families, was now expanded to include other transients and continued to operate under the new, sanitized designation of *Landfahrerszentrale* (Rural Travelers' Clearinghouse).¹⁸ Even though more and more people in the countryside were traveling greater distances and more often by car as the economic miracle gained momentum

¹⁶ Kramer, "Law-Abiding Germans?" 41.

¹⁷ Emmerig, "Zur Neuordnung des Landfahrerwesens," 34–35.

¹⁸ Lewy, *The Nazi Persecution of the Gypsies*, 202.

in the later 1950s,¹⁹ the system of police-operated surveillance of transients that had been codified in the form of the Landfahrerordnung was not abolished until 1965. Even deprived of this legal cover, the Landfahrerzentrale would live on as part of the public-order system in Bavaria until the beginning of the 1970s.²⁰

Apart from the transient/Gypsy issue, the methods for enforcing residence registration continued to give the police a lot of oversight over the movements of the settled local population. The fundamental concept of the state's right to document people's identities, and to systematically use this information to track people's movements and whereabouts, survived (and, as we have seen, was indeed abetted by) the conflict between Allied reform efforts and administrative expediency. The continued use of compulsory residence registration and ID cards was a particularly interesting way in which the Adenauer government chose to honor its electoral campaign promises to avoid drastic changes or innovations in the traditional texture of German public life.²¹ In this congenial environment of "No Experiments," the older tradition of a comprehensive bureaucratic police state could gradually assimilate itself into the competing model of a much more circumscribed authority for the control of crime and public order functioning under the jurisdiction of a normative constitutional state. The outcome of this process of assimilation was that the concept central to the old nineteenth-century police state of a documented, registered, legible, and therefore policeable subject population remained part of the received consensus on valid methods of administration available for use by the postwar German liberal constitutional state. The system's survival into the 1950s also helped perpetuate the traditional police predilection for monitoring contacts between inhabitants of local communities and "strangers" for signs of disruptive or threatening political agendas. These practices obviously did much to stamp a markedly authoritarian tone on the daily texture of public life in many communities in Bavaria (and other German states with similar police environments) during the economic miracle years and even beyond.²²

¹⁹ In addition to Südbeck, see Reinhard Paesler, *Urbanisierung als sozialgeographischer Prozeß: Dargestellt am Beispiel südbayerischer Regionen* (Regensburg: Lassleben, 1976).

²⁰ Lewy, *The Nazi Persecution of the Gypsies*, 202.

²¹ Christoph Kleßmann, "Ein stolzes Schiff und Krächzende Möwen: Die Geschichte der Bundesrepublik und ihre Kritiker," *Geschichte und Gesellschaft* 11 (1985): 485.

²² Klaus Weinbauer detects a comparable survival of "traditional" authoritarianism

This tone is evident if we revisit the Teresa H. case for a moment. Even though she was under eighteen, the age at which possession of a regular Kennkarte became compulsory, one reason that Teresa still needed a temporary identification document to travel was that at any point along the trip, policemen in other jurisdictions (at least in Bavaria, if not in other states) were empowered by new Federal as well as Bavarian law to demand proof of her settled residence (*fester Wohnsitz*) somewhere in Germany.²³ Whether through a formal personal identity card and registration system or the expedient use of driver's licenses, welfare system cards, or comparable items originally designed for other purposes, all modern industrial states (even those rooted in the historically less centralized Anglo-Saxon traditions) have used routine mechanisms for enabling police to establish the particulars of anyone they encounter in their daily operations. However, the subsequent uses to which this ability to read a legible population is put depend on the place of the administration in the society's political culture. The swift transformation of a servant girl's request for ID into a police stakeout against a busload of alleged communist agitators suggests that basing identification and registration systems on police enforcement in Adenauer-era Bavaria remained, despite changes in the constitutional/legal definition of policing, part of a long practical tradition of ideologically motivated state surveillance over a subject population. Echoing the siege mentality (*Festungspraxis*) in the nineteenth-century Prussian police state identified by Alf Lüdtke,²⁴ Hauptwachmeister Nunner relayed the reason for Teresa's request to Land police authorities, where it was checked against a list of reasons for travel that the state's political system had a vested interest in discouraging.

Despite the stated intent in the POG and PAG to separate police powers from administrative powers, the Teresa H. case in Töging indicates that community police stations in the former U.S. Zone were able to perpetuate into the Adenauer years what had started out as emergency registry offices during the 1946 Kennkarte initiative. The available evidence does not definitively establish that all Landpolizei posts

in the practices of urban policemen in northern Germany up to the 1970s. Weinbauer, *Schutzpolizei in der Bundesrepublik*.

²³ As provided for in the Bundesgesetz über Personalausweise of 19 December 1952. Emmerig, "Zur Neuordnung des Landfahrerwesens," 35.

²⁴ Alf Lüdtke, "Praxis und Funktion staatlicher Repression: Preussen, 1815–1850," *Geschichte und Gesellschaft* 3 (1978): 198.

were still acting as registry offices in this period. The designations of scattered police posts such as Töging's as registry offices in the correspondence of higher authorities is not matched by preserved records of such operations in the only available Landpolizei field file collection that has survived, from the Regierungsbezirk of Upper Bavaria. Thus it is difficult to describe in more detail the process by which such record-keeping functions were shared between the Landpolizei and the local offices of the civil administrative system.²⁵

What the records have left us, however, is evidence of efforts by Godin's organization to ensure that traditional practices of movement control were not overly hampered in the coming dispensation by the newer and more circumscribed legislative models of policing, with their emphasis on due process and freedom from search and arbitrary detention. It is useful to contrast this to the lack of concern about procedural niceties with which German police organizations before 1949 sidestepped the original restrictions expressed in ineffective and half-hearted Allied reform agendas. In their enforcement of population registration and identity card requirements during the Adenauer period, however, policemen continued to exploit whatever opportunities were still offered by remaining areas of legal ambiguity; nevertheless, their freedom to act arbitrarily was coming under increasing restraint.

Policemen had strong opinions on this matter. In a 1949 position paper developed as part of a regular series of exchanges between local commanders, Georg Seemüller, the Landpolizei station chief in the community of Haag, noted that recent ministerial directives anticipating the PAG had begun prohibiting the police from detaining persons solely to establish their identities, and that these changes were becoming a serious deterrent to the maintenance of public order. Modeling theoretical cases as well as citing examples from logged reports of actual incidents, Seemüller sought to demonstrate that policemen's ability to stop people and to use their identity cards in investigations, as well as to detain those who could not satisfactorily explain their personal circumstances, had led to the solution of many serious crimes. He observed

²⁵ Evidence from elsewhere in the ex-U.S. Zone suggests that this was a very gradual process. The turnover from the Hessian state police to civil offices of Ausweis- und Meldewesen (and many other Verwaltungspolizei) functions, for example, was not legally formalized until the early 1970s; cf. Edmund Stiller, "Verordnung über die Zuweisung von Aufgaben der Gefahrenabwehr an die allgemeinen Ordnungsbehörden (Zuweisungsverordnung) vom 18. Juli 1972," *Hessisches Gesetz- und Verordnungsblatt* 1 (1972): 255. There is no reason to suggest an earlier timing in Bavaria.

that since not carrying an identification document remained a punishable offense in accordance with Bavarian law,²⁶ police theoretically had sufficient grounds to arrest someone under suspicion of illegal activity if they suspected that the person did not carry such a document, just as they could upon suspicion of any other crime or misdemeanor. However, this approach left the arresting officer open to subsequent countercharges if such documentation was indeed present. Seemüller appealed for the preservation of some legal mechanism whereby policemen could detain people solely for identification purposes without committing themselves to a formal arrest, since “every respectable person will consider it in order when a police officer requests him in a courteous manner to show his identification.” Otherwise, concluded Seemüller, the entire system of compulsory registration would become a pointless and superfluous waste of police time and effort, and policemen would be “reduced to harmless strollers” (*harmlose Spaziergänger*). The right of the police to stop people solely to check their identification was indeed reaffirmed in Article 14 of the 1954 *Polizeiaufgabengesetz*, “For Purposes of Establishing Identity” (*Zweck der Personalienfeststellung*).²⁷

Although by 1952 the *Bundesgesetz über Personalausweise* (Federal Law on Identity Cards) had created the basic framing legislation for making residence registration and the carrying of identification cards compulsory all over the Federal Republic, the statute had left it up to the states to decide which administrative agencies would enforce this public obligation. While this committed the Federal system to the perpetuation of traditional compulsory identity and residence registration, the continued role of the police as in Bavaria was not the only possible model. Efforts in different German states and occupation zones to determine the appropriate level of police involvement in this matter continued into the Adenauer period.²⁸ Exploring the details of how identity card and residence registration activities had migrated from police responsibility and were integrated into regular civilian systems

²⁶ PolPräsOB, 70, “Ausweispflicht und Polizei,” letter from OKomm Georg Seemüller, LP-Posten Haag, to Chefdienststelle Oberbayern, 20 April 1949, Series “Gedanken u. Erfahrungsaustausch.” Seemüller was referring to the registration obligations in Art. 102 of the Bavarian Penal Code (StPO) “Verdacht der Nichtregistrierung.”

²⁷ Emmerig, “Gesetz über die Aufgaben und Befugnisse der Polizei,” 22–23.

²⁸ OMGUS, Box 273, Folder 43, Conference Report, 19 December 1946. Back in December of 1946, at a conference on a project for a uniform identity document for all four zones, a British participant already noted that unlike the Americans, “in the British zone the police did not do the registration, but a separate office under the Bürgermeister called the Einwohnermeldeamt.”

of public administration in most German jurisdictions after the end of the Adenauer period is a task beyond the limits of this work. It suffices to note here that the result by the 1970s was a national network of inhabitants' registries (Einwohnermeldeämter) responsible to municipal "Public Order Offices" (*Ordnungsämter*).²⁹ However, the distribution of competencies between police and non-police agencies had not been comprehensively rationalized by 1950; in the early Federal Republic, separate lines of development continued in each state.³⁰

Students of postwar German administrative development have attempted to develop taxonomies that divide the federal states into two groups over this issue. Susanne Steudten, for example, identifies one group of states, including Baden-Württemberg, Bremen, Rheinland-Pfalz, and the Saar, in which the police retained control of many significant public regulatory functions apart from the core tasks of crime control and public safety—the so-called *Polizeibehördensystem*. In another group of states that adopted what Steudten called the *Ordnungsbehördensystem*—Bavaria, Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, and Schleswig-Holstein—she reports that the police eventually lost control of identity card and residence registration (and many other Verwaltungspolizei functions) to civil offices with no inherent disciplinary powers.³¹ This neat division, separating mainly French-occupied states from the others in the western zones, obscures the protracted confusion, inconsistency, and frequent reversal that Jeffrey Richter has uncovered in administrative policing in the British Zone.³² In the American Zone, evidence from Hesse suggests that the civilian takeover of Ausweis- und Meldewesen was not legally formalized until the early 1970s.³³ All of these instances, as well as our evidence from

²⁹ Werner Süsmuth, "Einführung in das Melderecht," Bundesministerium des Innern, online document, Bonn 2000, <http://www.gtzsfgg.or.id/documents/EinfMelde-recht.doc>.

³⁰ In addition to the exploration of this issue provided for states in the British Zone by Richter, another work that mentions the significance of this decentralized approach to "de-policing" the job of residence registration is Helmut Hildebrandt, "Grundlagen des Polizei- und Ordnungsrechts," online manuscript from the Verwaltungsakademie Berlin, 1999, <http://www.berlin.de/imperia/md/content/seninn/vak/vs/lehrbriefe/por.pdf>, 10.

³¹ Susanne Steudten, "Ein synoptischer Vergleich der Struktur der Lebensmittelüberwachung der Bundesländer und der Schweiz" (M.A. thesis, Fachhochschule für Polizei/Villingen-Schwenningen, 2001), 3–5.

³² In Fürmetz, Reinke, and Weinbauer, *Nachkriegspolizei*.

³³ For the eventual turnover to non-police authority in certain states by the 1970s, see, for example, Stiller, "Verordnung über die Zuweisung von Aufgaben," 255.

Bavaria, suggest the lingering tensions in the Adenauer period between legal principle and operational practice. These were conflicts driven by the same fundamental confusion over the proper role of the police that had produced such earlier stopgap administrative improvisations as the police-based 1946 identity card initiative and the 1953 Landfahrerordnung.

Understanding the persistence of this kind of policing requires a closer look at its physical basis—the traditional organizational form in which the Landpolizei manifested a presence in the communities of rural Bavaria in the late 1940s and 1950s. Apart from the shrinking number of towns that had their own community police forces, most of the towns in each Landkreis during this period had at least a small Landpolizei detachment, responsible for the immediate area and perhaps a few satellite communities. In 1948, for example, between seven and fourteen Landpolizei stations could be found in each of the twenty-six Landkreise in the Regierungsbezirk of Upper Bavaria.³⁴ As was generally recognized by both the local population and many policemen at the time, this form of deployment strongly resembled the earlier pattern of small rural Gendarmerie posts that had operated in the same area for generations.³⁵

Even as late as 1957, the structure of the force still consisted largely of the network that had functioned during the occupation and the first years of the Federal Republic: 1,223 field stations with one to five policemen each, under 143 inspectorates with generally one of the latter in each Landkreis. An estimated 5,800 policemen served at these small stations, most of them inherited from the wartime Gendarmerie (with many still housed in the original buildings of that defunct force).³⁶ In addition to these basic field forces, there were forty detective offices at selected, centrally located inspectorates, small accident-response teams (*Unfalltrupps*) at each of the Kreis inspectorates, one traffic-patrol group at each of the seven Bezirk headquarters, and three water police units for the Danube, Main, and Lindau areas. Of the regular field stations, 374 were manned with five or more policemen, 238 with four, 360

³⁴ PolPräsOB, Folder 25, Report on strength, force disposition, and available transportation in the Kriminalaußenstellen of Upper Bavaria, 6 December 1948.

³⁵ Martin Maurer, "Als der Polizeibeamte noch Gendarm war (III)," *Polizeinachrichten: Berufskundliche Hefte der Polizei* 36, no. 4 (1994): 2.

³⁶ A. Rieger, "Die Bayerische Landpolizei vor und nach ner Umorganisation," *Bayerische Landpolizei* (1962/1963): 89.

with three, 236 with two, and 15 posts had only one policeman on permanent assignment.

Although some policemen were assigned to the inspectorate staff in the Landkreis seat, to the duty station, to the detective Kriminalaußenstelle, or to the traffic-patrol group based in that large town, the bulk of the Landpolizei men in a Landkreis would be on duty in the small, detached field stations or substations. Policemen were strongly encouraged to live in a town or village within their station's jurisdiction, usually the settlement that had the most reliable communication and transport connections with the outside world, perhaps a post office, and the highest concentration of housing and population that existed in the area.³⁷ The typical Landpolizei man found himself sharing a small town or village assignment with a limited number of colleagues, often numbering as few as three or four. In addition to the duty room, office space, and perhaps a garage, some of the larger stations housed secure detention and storage areas, and perhaps also sleeping rooms for unmarried policemen.³⁸ However, even into the later 1950s, many smaller stations remained far more modest affairs. At Schwindegg in Landkreis Mühldorf, for example, the station building also doubled as the home of the station chief, Obermeister Blumel, and his wife. The other two policemen assigned to the area rented rooms in private houses, one several blocks and the other a kilometer away from the station building. These rented billets had no telephone connections, which made it very difficult for the policemen living there to respond promptly to emergencies. Despite standard procedure requiring that a duty desk with a telephone had to be manned at all times, the station often had to be shut down while its three policemen responded to simultaneous incidents in the different communities within Schwindegg's jurisdiction. It was particularly difficult to both perform field work and man the station when one of the three was ill or off duty. Station Chief Blumel's wife was constantly having to answer the duty phone, deal with the public, relay messages, and even per-

³⁷ A regular system of home exchanges allowed most policemen to bring their families along to live with them at their place of assignment. PolPräsOB, Folder 70, "Gedanken- und Erfahrungsaustausch" Series, Status report of housing of policemen. Letter from Oberinspektor Girbinger to Chefdienststelle, OB, 22 November 1948. Same series, "Wohnungswesen," report on home exchanges, Abbt. II/Unterkunft to Chefdienststellen, n.d.

³⁸ Martin Maurer, "Als der Polizeibeamte noch Gendarm war (II)," *Die Bayerische Polizei* 47 (May/June 1996): 4.

sonally fetch the separately billeted policemen, all of which had led to criticism from the public about the unreliability of police responses to calls for assistance, and to fears among the policemen about the damage to the professional image of the force.³⁹

Even the larger and more important stations sometimes had trouble maintaining effective operations. Mühldorf, for example, the inspectorate to which the station in Schwindegg reported, also had an attached duty station, a major post in a medium-sized county seat. Anywhere from seventeen to twenty effective-duty policemen were available for an area with a population of around 18,000. When the station chief decided that the frequency of night patrols needed to be stepped up, the only option was to reduce the number of policemen assigned to watch duty at the station itself. The remaining station duty personnel often had to respond to multiple emergencies or attend to matters some distance away, sometimes leaving the station completely unattended for significant lengths of time.⁴⁰

The situations in Schwindegg and Mühldorf were not isolated cases, but rather epitomized the most significant drawback of this stationary mode of policing. In a postwar environment where reliable transportation and portable communications could not be taken for granted, the only real choice was to spread manpower thinly but evenly. All throughout the postwar period, a constant theme in Landpolizei internal communications was the woefully understaffed and under-equipped state of the force. The question arises, then, of how, in light of these material and logistical shortcomings, the police could sufficiently cover the entire state with a convincingly “authoritarian” comprehensiveness in the performance of their daily work. Historically, authoritarian policing in this part of the world never did require high numbers of policemen or overwhelming force and resources—as long as the operational style of the force in question matched up well with the existing physical arrangements and habits of deference to state authority in the commu-

³⁹ PolPräsOB, Folder 30, Letter from Obermeister Blumel (station chief Schwindegg) to Landpolizei-Inspektion Mühldorf, 3 June 1958.

⁴⁰ PolPräsOB, Folder 30, Report from Landpolizei station Mühldorf to LP-Inspektion Mühldorf, 4 June 1958. As befitting a larger station responsible for a county seat, the desk duty officers at Mühldorf station also had to monitor the alarm circuits for two local banks and the fire department, which made the absences due to overstretched manpower even more a matter for concern. Although the Inspektion in Mühldorf also included a traffic patrol unit and a Kriminalaußenstelle of the detective network, these forces were not responsible for routine patrol duties at the station.

nities being policed. The very fact that the Landpolizei had no other real option than to retain the traditional format of multiple widely dispersed small stations ensured—in the same way that as pebbles get progressively smaller, their exposed surface area rises in proportion to their total mass—that each policeman would have the maximum level of exposure to and impact on the population.

While this reliance on small stations scattered throughout the countryside enabled police to maintain the traditionally high level of daily contact with the population, it also posed major logistical problems. The characteristic material limitations that had affected all German public activity in the occupation period could not really be mitigated in the Landpolizei's case by consistent rationalization, regardless of how much the force's leadership may have striven for this in theory. The only way to maintain all of these individual stations was to duplicate the most basic levels of funding, equipment, and manpower many times over, and to preach economy and thrift in their use. The transportation problems experienced by plainclothes detectives, whose duties required more mobility over larger areas than the uniformed Landpolizei patrol forces in the stationary community posts, underline the extent of the problem. The detectives of the Landpolizei's detective field investigative offices in Upper Bavaria in 1948 had only thirty-one vehicles available to cover twenty-six Landkreise. At any given time, however, about a third of those vehicles were out of commission, with some Außenstellen having no usable vehicles at all. The non-detective uniformed Landpolizei forces in the local community posts were even less mobile, and many of them remained so even into the period of the economic miracle. As late as the summer of 1958, for example, the only available motor vehicle for the regular service of the entire Mühldorf inspectorate and station was a single motorcycle.⁴¹

Although bicycles were available in many of these stations, the Landpolizei leadership appears to have favored foot patrols because they provided much more thorough, if slower, coverage of each station's

⁴¹ For overstretched manpower, PolPräsOB, 186, "Monatsbericht über den Sicherheitszustand," LP-Inspektion Miesbach to LP-Direktion Oberbayern, 3 September 1956; for insufficient, unstandardized, or obsolete and unreliable equipment, PolPräsObb, 70, "Sparrmassnahmen," Report by Sachgebiet Unterkunft to Polizei-Direktion Oberbayern, 9 July 1949, and PolPräsObb, 25, Report on available transportation in the Kriminalaußenstellen, 6 December 1948; for instructions on economy measures, PolPräsObb, 70, Letter from Hinkelman, Oberamtmann der Landpolizei Oberbayern to Binder, LaPoPräs.

area of jurisdiction.⁴² Foot patrols were the decisive factor in ensuring the kind of intimate daily contact with the population that had been the foundation of traditional authoritarian policing. A station's area of responsibility was overlaid with a pattern of numbered beats that connected significant man-made and natural features, such as hills, bridges, and water towers. The station chief divided the responsibility for regularly patrolling each of these beats among the available policemen in his station. Each policeman had to cover a given beat within a predetermined range of time. On the way, he was required to go by a fixed list of prominent points, including settlements, hamlets, farmsteads, industrial or business sites, railway stations, woods, main streets, power stations, post offices, hospitals, schools, storage buildings, major crossroads, mills, inns, and major stores. Individual policemen were free to determine the order and path by which they visited these points, and were encouraged to vary their route to avoid overly regular and predictable patterns. Without a system of police call boxes or any means of portable communication, Landpolizei patrolmen were required by regulations to make arrangements with private households along the beat where messages could be left around the clock and contact with the station could thus be maintained, either by telephone or by messenger.⁴³

The communities within these beats were small ones. Even with the influx of refugees and displaced persons in the immediate post-war years, most small communities still contained less than a thousand inhabitants. Many amounted to no more than a few individual farmhouses or a hamlet. Given enough time, the rural policeman could get to know the regular inhabitants of each of these places in the course of his daily rounds. Although the Landpolizei leadership pointed to its freedom to reassign personnel as one way to protect the force from the local pressures to which the few remaining community police forces were vulnerable, such lateral mobility was not common in actual practice. Especially in the era before the mid-1960s, a Landpolizei man could normally expect to serve in the same station for decades, if not for his entire career.⁴⁴ This gave him ample opportunity to learn about the local settled population's habits, peculiarities, interests, friendships,

⁴² PolPräsObb, 70, Correspondence Series "Gedanken- und Erfahrungsaustausch," Letter arguing for effectiveness of bicycle patrols from Hauptwachtmeister Geisberger of LP-Posten Wasserburg/Inn to Chefdienststelle Oberbayern, 16 July 1949.

⁴³ *Dienstvorschrift für die Landpolizei von Bayern*, 32–33.

⁴⁴ Maurer, "Als der Polizeibeamte noch Gendarm war (III)."

and conflicts. Through such constant slow patrolling of the area over a long period of time, the individual Landpolizei man was able to note changes in such things as traffic or movement patterns, shifts in the nature of economic activity, and progress in integrating traditional and non-traditional population groups.⁴⁵

In addition to enabling close observation of the community over a long period of time, policemen's regular contact with the population and their own residence in the area encouraged their participation in local social life. Landpolizei men founded or supported local sports associations. Their children went to local schools. Although some of this was undoubtedly undertaken for reasons of public relations, some policemen were reported to have devoted off-work time to independent community initiatives. For example, they did informal work with delinquent youth, actively seeking out apprenticeships for them in local crafts or businesses and vouching for their reliability before local courts and other authorities. There is evidence that Landpolizei men were elected as private citizens to village and town councils. However, the fact that the Landpolizei's chains of command, logistics, and pay remained sealed off from local influence may account for the generally approving tone in which police journals reported such evidence that men of Godin's organization were becoming integrated into the communities they were policing. Police writers in these journals often concluded that this combination of intimate knowledge of local circumstances with relative freedom from local influence was an indispensable factor in the successful restoration of "normal" conditions of order by the Landpolizei in the countryside during the late 1940s and 1950s.⁴⁶ However, that same intimacy would increasingly appear as a liability as changes in the countryside began to accelerate later in the 1950s.

Paperwork appears to have been a major drain on the time, efforts, and attention of the men assigned to these small posts. Whether or not the Landpolizei remained responsible for residence registry in a particular community, there was plenty of other types of paperwork to be done, including routine communications with superior police and governmental offices, crime statistics, and case reports.⁴⁷ Some of these sources of time-consuming paperwork illustrate particularly well the survival of an older model of policing based on the fact that a

⁴⁵ *Dienstvorschrift für die Landpolizei von Bayern*, 24.

⁴⁶ Maurer, "Als der Polizeibeamte noch Gendarm war (III)."

⁴⁷ Fürmetz, "'Betrifft: Sicherheitszustand,'" 74.

policeman's presence in a small community was often the only regular contact the inhabitants had with central state authority. In many small communities in Bavaria during the Adenauer period, a Landpolizei man could be called upon to carry out miscellaneous regulatory functions that had nothing to do with crime-fighting or order control. Although their competencies and powers were now legally separate, police and local non-police civil authorities worked very closely together. While this is nothing unusual in the operations of local police and government or municipal field offices in most modern states, its manifestations in the Bavarian case are noteworthy as part of a system of enforcement characterized by particularly broad discretionary intervention in many areas. For example, although the documentation is sparse, scattered reports indicate that the Landpolizei, in a continuation of similar functions from the occupation, was still checking building permits for new construction and work permits of employees in business and industrial enterprises in the 1950s, acting as the enforcement arm of district building and labor offices.⁴⁸

Perhaps the most remarkable of the miscellaneous administrative functions that the Landpolizei eventually took on in the communities it patrolled in the 1950s was the supervision of food production purity, wholesale and retail distribution, and public food service (*Lebensmittelüberwachung*). In this capacity, the Landpolizei was not acting as the enforcement arm of some other agency's operations, but was the main state instrumentality responsible for this function.⁴⁹ This gave Godin's organization detailed access to the daily operations of thousands of large and small businesses, shops, and food factories all across Bavaria.

"Market and business police" (*Markt- und Gewerbepolizei*) had been a recognized category of German Verwaltungspolizei even before the transition to modern times, and uniformed police had certainly been responsible for rationing and supply enforcement after both world wars. However, even though Bavaria was the birthplace of some of the earliest food-purity ordinances in Europe (such as the ducal *Reinheitsgebot* of 1516 for beer production),⁵⁰ direct supervision of food production and marketing does not seem to have been a function of the police in the

⁴⁸ PolPräsOB, 70, "Bekämpfung der Schwarzarbeit," Section b) in letter from LP Posten Ramsau to PolPräsOB, 14 July 1950, Series "Gedanken- u. Erfahrungsaustausch."

⁴⁹ Stauß, "Lebensmittelüberwachung als wichtige Aufgabe der Polizei," 102.

⁵⁰ Ibid.

various Bavarian administrative regimes from 1870 to 1950. The first written documentation of Landpolizei involvement in the Lebensmittelüberwachung system comes from the summer of 1951. The instructions from the Interior Ministry justified this novel move by arguing that oversight of food quality was part of the task of “ensuring the safety of the population” and therefore now properly belonged within the police’s area of responsibility.⁵¹ This decision may have been spurred by the fact that no system existed in the countryside to match the specialized municipal food-supervision offices found in areas with large urban consumer populations. Most of the smaller towns and villages where Bavaria’s food was actually produced could not afford to maintain such permanent establishments. As a partial response to this situation, rural community councils with authority for food supervision delegated from the central government (the “übertragener Wirkungskreis” mentioned in the POG) sometimes retained local country doctors and veterinarians as deputies or contractors for activities related to food supervision. However, the latter often lacked the requisite specialized skills, were expensive to retain, and generally could conduct inspections only occasionally, in whatever time they could spare from their own practices. Having attempted to delegate such responsibilities to the community, the central government had not followed through by developing a permanent field force for food supervision in the Agriculture or Economics ministries themselves. The university-based State Chemical Testing Institutes (*Staatliche Chemische Untersuchungsanstalten*), which did have the technical resources to provide such services, did not have the manpower or infrastructure to undertake anything beyond once-yearly checks (*Stichproben*) on small samples from a narrow range of representative sites. Except for such occasional sampling, the bulk of Bavaria’s food products from the end of the war until the early 1950s appear to have gone on the market without undergoing a regular process of independent quality control.⁵²

At the beginning of the Federal Republic, the Landpolizei posts scattered across the countryside represented the most comprehensive and permanent network of representatives of central authority in the Landkreise where the bulk of Bavaria’s food and agricultural products were produced. Starting in 1951, therefore, the State Chemical Testing Institutes conducted regular training courses in food supervision and

⁵¹ Ibid.

⁵² Ibid.

testing for a selected group of Landpolizei men. Eventually, at least one of these specially trained policemen was assigned to each Landkreis in Bavaria. Bypassing the local community council structure, this Landpolizei man was the central government's local technical specialist for food supervision science and the official in charge of enforcement in that district. He was responsible for personally conducting regular and random inspections of all establishments in the Landkreis where food was produced, sold, or served to the public, or arranging for these inspections to be carried out in the course of the normal patrols of colleagues assigned to stations in specific areas. Bakeries, butcher shops, food stores, restaurants, breweries, and mills, as well as temporary stands at fairs, were to be checked for permits and honest business practices in their operations. Not only the food itself, but tools and production equipment, weights and measures, storage areas, and personnel were to be checked for adherence to hygienic and fairness standards.⁵³

By the early 1950s, Landpolizei operating manuals and instruction files for food supervision duty began to fill up with the kind of detailed technical information that in other countries was the concern of health and sanitation offices without police powers, such as the Food and Drug Administration or Department of Agriculture extension offices in the United States. The State Chemical Testing Institutes and other laboratories provided detailed data and extracts from the relevant laws to the Landpolizei food supervision officer of each Landkreis regarding the permitted ingredients in and labeling, preparation, and sale/presentation requirements for a wide variety of products. Among many other topics, these included instructions for the proper baking and slicing of bread; standards for the production of deviled eggs and meat salad, and for food-service hygiene at popular festivals; lists of allowed and disallowed ingredients for literally hundreds of products, including sausages, gravy mixes, extracts, dough, and marmalade; inn-keeping regulations; and labeling of artificial coffee and soft drinks.⁵⁴ Most of these instructions were in turn sent on from the Kreis inspectorate to

⁵³ Ibid.

⁵⁴ PolPräsOB, 625. Detailed instructions from food technology experts in the Untersuchungsanstalten for designated Landpolizei Lebensmittelüberwachung specialists. This folder contains data of the most detailed kind regarding the permitted ingredients, labeling, mode of preparation and sale, preservation, etc., of a wide variety of products. There is often reference made to pre-1945 food-purity guidelines, but no indication of whether the police were also responsible for enforcement then.

local police posts to be filed for reference purposes and used where applicable in the routine patrols of establishments in the area.⁵⁵

Starting in the later nineteenth century, many industrialized societies began professing a desire to guarantee healthy and nutritious standards for the food made available to large populations. However, such “objective” welfare and safety functions tended to operate through the subjective prisms of projects of cultural defense and received definitions of “wholesomeness.” A 1957 Landpolizei report on food supervision suggests a desire in Bavarian government and police circles to reaffirm standards that were part of a traditional European food culture in a period of changing consumer habits by defending familiar types of food provided by traditional sources against changes brought about both by consequences of war and by changes in food technology.⁵⁶ In particular, the steep rise in the use of artificial ingredients and the provision of food from unfamiliar sources were singled out by police food inspection authorities as a troublesome postwar development in and of themselves, quite apart from considerations of health, safety, and honest business practice.

The report argued that the episodes of scarcity that most Germans had experienced at times throughout the mid-twentieth century had led to the widespread use of newly invented artificial ingredients and low-grade substitutes in food products, and encouraged an acceptance of these products by a hungry population.⁵⁷ It identified a further complication, of course, in the major influx of refugee and other newcomer populations into the countryside, who had brought new food preferences with them that gradually affected the local population’s eating habits. Ultimately, however, the food cultures of most of the refugee and expellee populations from the east were not all that different from those of the local Bavarian rural population. More worrisome was the entry of new “industrial” food products containing high concentrations of processed artificial ingredients, or bearing labeling information consid-

⁵⁵ PolPräsOB, 624. An entire series of folders containing instruction on such topics as proper weight of bread loaves (PolPräsOB, to all inspectorates, 6 May 1965), allowable recipes for meat salad (31 May 1966), wine labeling (23 May 1966), etc.

⁵⁶ Stauß, “Lebensmittelüberwachung als wichtige Aufgabe der Polizei”; 1950s shifts in consumption habits have been studied on the national level by, among others, Michael Wildt, “Privater Konsum in Westdeutschland in den 50er Jahren,” in Schildt and Sywottek, *Modernisierung im Wiederaufbau*, 275–289.

⁵⁷ Konrad H. Jarausch and Michael Geyer, *Shattered Past: Reconstructing German Histories* (Princeton, N.J.: Princeton University Press, 2003), 342–369.

ered misleading by Bavarian standards⁵⁸—a concern that survives today in the preoccupation of many middle- and upper-middle-class Germans with food “wholesomeness,” which they see as under attack from artificial sweeteners, irradiated vegetables, and genetic manipulation of animals and crops. In the Bavaria of the 1950s, as in later periods, such fears tended to be associated with recently introduced products of non-Western European (usually American) origin. Products from the “*Curtis-Candy-Company von Chicago*,” for example, were banned from the Bavarian market in the 1950s upon police recommendation because, legally speaking, they were not genuine “specialty dessert products” (*Konditoreierzeugnisse*) but rather “imitation chocolate” (*nachgemachte Schokolade*), for which there was no place in the healthy German diet. Reflecting an investment in the protection of public order and safety of truly surreal dimensions, armed and uniformed policemen in Bavaria’s small towns thus had the authority to penalize stores on the spot for selling Baby Ruth candy bars and to take Clark’s Coconut bars away from children. But the Curtis Candy Company had even more ominous options. Landpolizei Lebensmittelüberwachung reports claimed that Butterfinger bars were an especially egregious assault on local cultural and linguistic sensibilities. Not only were they made of imitation chocolate, but the police considered them an example of misleading and mysterious American labeling in yet another way: they contained no butter.⁵⁹

According to police sources, the huge pent-up demand released by the 1948 currency reform encouraged manufacturers to delay renovations and instead retain substandard or unhygienic production facilities that had been built during the occupation so as to ensure uninterrupted volume production.⁶⁰ With the easing of licensing regulations, new and technically unqualified food providers had emerged in many communities outside the traditional guild-like system of food-service apprenticeships (*Innungslehrlingsstellen*) or long-established family businesses. Driven, according to police observers, only by “unscrupulous deal-making and a compulsion for self-enrichment” (*skrupellose Geschäftemacherei und Be-*

⁵⁸ Stauß, “Lebensmittelüberwachung als wichtige Aufgabe der Polizei.”

⁵⁹ The police war against American snack food can be glimpsed in a letter from Interior Ministry to Regierungen and LaPoPräs, “Dessertstangen ‘Butterfinger,’ ‘Baby Ruth,’” u. a. Erzeugnisse der Curtiss Candy Company, Chicago, 24 June 1958.

⁶⁰ Stauß, “Lebensmittelüberwachung als wichtige Aufgabe der Polizei,” but also Trittel, *Hunger und Politik*, esp. 267–298.

reicherungsdrang), these unregulated individuals conducted business without any sense of responsibility to the consumer whatsoever. Using unmistakably value-laden rhetoric and categories of judgment open to much subjectivity that betrayed an underlying and traditional European cultural unease about unregulated free enterprise (and, incidentally, also echoing terms used by earlier regimes in their condemnation of cosmopolitan and economically threatening cultural outsiders), increasingly agitated police reports from the 1950s asserted that the current economic environment encouraged unreliable food producers and irresponsible business operators (*unzuverlässige Lebensmittelhersteller und verantwortungslose Geschäftemacher*) to use artificial ingredients and offer inferior food that had been “cosmetically” altered to increase its salability.⁶¹

To counteract such asocial activities, card files on all food-related businesses in the area were kept at the local Landpolizei station, noting the frequency of visits per year, specific problems and violations, arrests, citations, warnings, and problems to be referred to higher authorities. The Landpolizei food inspector retained authority throughout the 1950s to order the destruction of food found to be in unsatisfactory condition, to enforce technical standards of operation and hygiene by issuing warnings and imposing fees and other penalties, and to order the temporary closure of non-cooperative establishments. Unlike comparable food inspection officials in Anglo-American systems, he also retained all of his other police authority, and he could enforce his own judgments on the spot. Although discretion and an appreciation of the difficulties under which most businesses were still operating in the early stages of the economic recovery were expected, the Landpolizei inspector could arrest repeat offenders, assess penalties, and recommend to higher authorities that an establishment be permanently closed and its proprietor be barred for life from further work in food production or service (*Berufsverbot*).⁶²

Despite their resemblance to the practices of policing in the authoritarian or quasi-authoritarian administrations, dictatorships, and occupation regimes that ruled nineteenth- and early-twentieth-century Ba-

⁶¹ Stauß, “Lebensmittelüberwachung als wichtige Aufgabe der Polizei.”

⁶² PolPräsOB, 630. A detailed statistical picture of this system at work in one Landkreis is found in “Jahresbericht: Lebensmittelüberwachung.” Annual report forwarded to PolPräsOB from LP-Inspectorate Bad Aibling, 19 January 1959.

varia, the practices of the Landpolizei were, at least from the legal standpoint expressed in the 1954 Polizeiaufgabengesetz, no longer supported by catchall police ordinances that encouraged arbitrary intervention. Their random black market Razzias, rural harvest guard programs modeled on martial law, and crackdowns on displaced persons were specific responses to the realities of life during the occupation, and disappeared from the daily scene at the close of the 1940s. We cannot be as sure, however, that the underlying disregard of legalist norms in favor of expedient action, the readiness to intervene in the private lives of individuals without due process or judicial oversight, and the Landpolizei's self-image as a closed corporate bureaucratic apparatus set above and apart from a "policed" subject population similarly became irrelevant with the end of the occupation. Alongside the guarantees of due process and circumscribed definitions of police powers and tasks in the first part of the 1954 PAG was an equally marked emphasis on reaffirming the place of the police alongside the authority of the civil administration, obligated to assist and enforce the latter's policies. Although this part of the law was a reaction to the gradual separation of the police from civil oversight that had developed through the GSK Order State, Nazi, and American-supervised phases of a long mid-century emergency interventionist state (*Maßnahmenstaat*), and although the 1954 PAG limited this assistance and enforcement to actions germane to the nature of the police function (*wesenseigen*), this "nature" remained fluid despite the limitations on the extent of police tasks in the first section of the law. Apart from the carryover of central tasks of Verwaltungspolizei such as identity and residence registration, these constitutional safeguards were compromised by yet other provisions of the PAG that allowed for special administrative instructions that could still empower the police to perform specific non-security-related regulatory functions such as Lebensmittelüberwachung. This provision was to be exercised on a case-by-case basis at the discretion of officials and lawmakers who were constitutionally accountable for such measures, and thus was a modest improvement over the sweeping police powers inherent in the pre-1945 enabling ordinances. It led, however, to a proliferation of specialist internal technical interpretations and commentary in police journals that, over the course of the 1950s, developed into a parallel doctrine of the police as the "eyes and long arms of the administration," or "like a seismograph, able to register developing difficulties and so-called trendy offenses (*sogennante(n) Mode- oder Konjunkturstraftaten*) or im-

minent disruptions of public order, and report these to the administration as soon as possible.”⁶³

In the end, the relationship between 1950s Bavaria and its police continued to go beyond the latter’s function as an impartial public utility securing a basic level of order in daily life (the so-called night watchman [*reiner Nachtwächterstaat*] model). The police remained bound to the normative values of a conservative *Rechtsstaat* that defined itself partly in opposition to social or lifestyle threats from nonconformists. It was only after the Adenauer period was over that the efforts by parliaments and legal reformers in the various West German states to gradually transfer such executive police functions to non-police authorities got under way, eventually leading to the disappearance of the more paternalistic, police-supervised, and intrusive aspects of *Ausweis- und Meldewesen*. Although the early Allied planning for occupation reform in the late 1940s had envisioned this fundamental transformation, the legal and operational steps that ultimately separated policing from the registration of identity and residence and other *Verwaltungspolizei* functions in western Germany actually took a long time; in many states, these changes were not fully implemented until the 1970s. The story of the changing relations between police, state, and society in the more “daringly democratic” West Germany of the Willy Brandt era and afterward remains to be written.

In the meantime, police authoritarianism as exemplified by the practices of the *Landpolizei* in the Adenauer period persisted long enough after the Second World War to have a long-term effect on public sensibilities that went beyond a reflexive nostalgia for the golden heyday of extensive powers (divorced from any consideration of the political realities that had accompanied it) among 1950s *Landpolizei* officials such as Georg Seemüller. In the case of duties connected with residence registration and identity cards, the experiences of the Adenauer period preserved and carried forward a fundamental link between the concepts of German citizenship and the right to permanent residence, on the one hand, and the existence of a specific local community of recorded settlement as a physical or legal basis from which such citizenship rights could be enjoyed and exercised, on the other. Admittedly, this linkage between status and place has been fading since the emergence in the 1990s of new provisions for a concept of citizenship and residence rights

⁶³ Mayer, “Die Aufgaben und Befugnisse der Polizei,” 37.

less solidly tied to a particular place of recorded settlement.⁶⁴ However, the persistence of parochial attachments to place and local community among many Germans with careers in highly mobile professional, economic, and technology sectors must be understood in the context of the significant level of effort and time still required for successfully registering permanent changes of residence with the public-order authorities.

The ultimate effects of the longevity of the broader tradition of authoritarian policing were not limited to the narrow realms of bureaucratic and institutional evolution. The continued deployment of police in the 1950s for many regulatory tasks that went beyond basic public safety helped to perpetuate in current generations of Germans a still-noticeable cultural tendency to label (and perhaps even still subjectively experience) as “police” activity a wide variety of regulatory actions by public authorities. Implied in this idea, as suggested by the moralistic condemnation of food code violators, “Gypsy-like” people with “no right to exist,” and other targets of police work, was a lack of clarity about whether the police were merely fulfilling a morally neutral function of considerable public utility or whether they stood in a kind of didactic, morally engaged relationship with the realization of the public welfare. Up to the time of this writing, even young, university-educated Germans—who, when pressed, will usually acknowledge their awareness that police powers have been limited to public safety and crime control since the 1960s—still find nothing unusual in the habit of referring to the fact of being properly registered for residence purposes as being “*polizeilich gemeldet*” (registered by the residence police), to any kind of business regulatory activity as “*Gewerbepolizei*,” and to variations on that idea such as morals enforcement (*Sittenpolizei*). The deliberate or unconscious fuzziness in the use of such terms, and all they still signify for the subjective experience of the interaction between state and society, is part of a cultural tendency that collectively amounts to a folk memory of the formerly pervasive role of the police in daily public life.

⁶⁴ See in particular Para. 12 of the 1994 Federal “Framing Law on Residence Registration” (Melderechtsrahmengesetz), <http://www.datenschutz-berlin.de/gesetze/meldere/melderec.htm>. Dealing with “mehrere Wohnungen,” the law provides for the legality of second, third, and even more official residences as a reflection of the increasingly mobile habits of the population. Nevertheless, the principle that every one of these residences must be registered was upheld. Much of present-day Ausweis- und Meldewesen in Germany is conducted on the Internet; any keyword search on the term “Einwohnermeldeamt” will call up hundreds of local community web pages where inhabitants can register.

Such latter-day conceptual confusion persists as an echo of a time in the history of early post-Nazi Germany when personal attachment to the moral and legal identity and the material culture of one's Heimat in an age of demographic, economic, and landscape change was not just a matter of sentiment; rather, it was enforced with the power of the police.

CHAPTER SIX

THE LANDPOLIZEI, THE “POPULAR MOOD,” AND POLITICAL POLICING

At 11 p.m. on 16 September 1952, the two Hauptwachtmeister Reinwald and Paulus of the Landpolizei detachment in Landkreis Schrobenuhausen left the crowded dance floor during a wedding party at an inn in the village of Gachenbach. To the steady beat of traditional folk music, they had been busy checking the identification papers of the merrymakers. Having worked up a thirst, they were headed downstairs to the cellar bar for a quick beer before resuming their nighttime foot patrol. A few minutes later, the unmarried and appropriately named mechanic Josef Rauscher entered.¹ According to Reinwald's subsequent report, Rauscher suddenly said in a loud voice, “That pig-dog (*Sauhund*) Adenauer, he ought to be hanged; he's good for nothing, and I'll be right up there next to him!” After raucously singing the Federal anthem and sundry Bavarian folk melodies, he then left the bar. Recognized as a local, Rauscher was arrested by the Landpolizei at his house soon after. The exact charge is not known. The subsequent interrogation and background checks with higher Interior Ministry and police sources turned up no previous political or criminal activity. Reinwald's report noted that when Rauscher spoke his “insulting words against Herrn Bundeskanzler,” the inn was full of guests who “by their expressions clearly disapproved.” Unfortunately, the report does not specify whether Rauscher sang the currently acceptable third strophe of the national anthem (*Einigkeit und Recht und Freiheit*) or the repudiated imperialist/*Grossdeutsch* first strophe (*Von der Maas bis an die Memel*). In any case, in the interest of avoiding a disruptive fracas, Reinwald had restrained himself from taking any action to eject Rauscher during his outburst. The interrogation resulted in a written apology from Rauscher that attributed his remarks to too much drinking. He denied any membership in radical extremist parties, and ended with

¹ German “Rausch” roughly approximates English “intoxication.”

a formal written retraction of his insulting statements against the first democratically elected chancellor of the new Federal Republic.²

At the end of June 1957, the Landpolizei station chief for the Kreis of Traunstein sat down to compose a monthly report on the mood of the population (*Stimmungsbericht*). He had previously gathered that month's raw material from his patrolmen, who regularly noted down a kaleidoscope of current conversational topics from the area for the information of his superiors in the police and the Bavarian government. Themes for that month's report from Traunstein included changes in the nature and frequency of resentful comments and complaints lodged by natives against the remaining temporarily housed refugees in the district, the impact on the local economy of new wage demands by unions, complaints by food store customers about excessively high prices, the political exploitation of a recent accident at a nearby *Bundeswehr* garrison by local electoral hopefuls, public reactions to the attempted "streamlining" of local government, and local resistance to official commemorations that "trivialized" the anniversary of the 17 June 1953 uprising in East Germany.³

The station chief in Traunstein was only one of the thousands of policemen in Bavaria during the 1950s who were faced with this regular chore. During the 1959 Christmas season in the district of Weilheim, for example, other Landpolizei officers were busy duly noting down the public comments of people such as an old man venting about the shortfall between pension and expenses, and a mother of four who blamed "big financial powers" for her inability to feed her four children properly. Patrolmen had unobtrusively eavesdropped on both conversations while inspecting a food store during the holiday rush.⁴ Throughout the Adenauer period, thousands of such monthly reports flowed in to the Landpolizei headquarters and the Interior Ministry from rural police stations all over Bavaria, synthesizing hundreds of thousands of casual comments and other observations overheard by policemen from conversations in public places.

² PolPräsOB, Folder 2, Letter from Reinwald, LP Hauptposten Schrobenhausen to LP Bezirksinspektion Schrobenhausen concerning "Beleidigung des Herrn Bundeskanzler Adenauer," n.d. Interrogation statement (with apology) dated 18 September 1952 appended.

³ PolPräsOB, 941, Bericht über die Stimmung in der Bevölkerung, Landpolizeiinspektion Traunstein to Presidium Oberbayern, 1 July 1957.

⁴ PolPräsOB, 971, Bericht über die Stimmung in der Bevölkerung, Landpolizei Inspektion Weilheim to Presidium Oberbayern, 31 December 1959.

Political surveillance over the rural population on behalf of the central government was one of the more interesting duties inherited by the discreet Bavarian police state of the early Federal Republic from the occupation-era public-order system. Although the initial impetus for the postwar reemergence of police reporting on the mood, preoccupations, and opinions of the population had come from the Americans and their particular security priorities, this surveillance was only one component of a wider range of older practices that eventually reemerged to constitute a renewed system of political policing in 1950s Bavaria. The other major component was the actual repression of undesirable political activity. While the records of the occupation period contain substantial evidence of surveillance, similar levels of documentation regarding the second function of active repressive intervention do not clearly emerge until after 1950, in the context of the narrowing of political options and the disqualification of "extremist" political parties that marked the emergence of a "defensible" or "militant" democracy (*wehrhafte Demokratie*) in the Adenauer period.⁵ However, all of these practices lay squarely within the authoritarian logic that had underpinned the rural policeman's status as the local "man of the state" in every previous political regime in modern Bavarian history.⁶

Alongside the protections of basic rights of free expression, privacy, assembly, and conviction, the 1946 Bavarian constitution had also contained vague language allowing for some kind of regular role for the police in protecting the political security of the state and (eventually) the Federal Republic. The 1954 *Polizeiaufgabengesetz* had reiterated this responsibility, also in general terms. While the surveillance function was explicitly authorized by the Americans and eventually became part of the package of autonomous jurisdictions protected from civilian German oversight into the 1950s by the resourceful *Landpolizei* leadership, no similar American authorization for an active regular police role in political repression has come down to us from the records of the occupation. The available evidence suggests that the *Landpolizei* became involved in this repressive function more directly in the early 1950s, through an effort approved by the Interior Ministry to develop in-house administrative arrangements and informal links between the regular

⁵ Patrick Major, *The Death of the KPD: Communism and Anti-Communism in West Germany, 1945–1956* (New York: Oxford University Press, 1997), 257–282.

⁶ This role has been studied in the case of the nineteenth-century *Gendarmerie* by Emsley, *Gendarmes and the State*, 250–267.

uniformed police, the detective agencies run by the Landpolizei, and the constitutionally authorized agencies of West German internal political security such as the Federal and Bavarian State Offices for Constitutional Protection (*Bundes- bzw. Landesämter für Verfassungsschutz*).⁷ By the middle of the Adenauer period, these developments had spurred Godin's organization to develop its own internal political investigative and repressive machinery. The Bavarian experience exemplifies how the political security preoccupations of the Cold War German Federal and state governments found expression in the daily field operations of regular police agencies. Although this process of informal bureaucratic linkage has obvious major implications for our understanding of daily life in the Adenauer period, it has so far received little detailed attention from historians.⁸

Konrad Jarausch and Michael Geyer have pointed to the need for histories of the post-Nazi period that explicitly "conceptualize the democratic transformation as a prolonged and contested process of cultural re-orientation."⁹ If bureaucratic habitus (and the assumptions about the nature of the relationship between state and society that undergird them) are conceded to have a cultural dimension, then explaining the survival of authoritarian political policing in forms that would be easily recognizable to nineteenth-century officialdom remains part of any understanding of a postwar cultural reorientation to democracy in this part of Germany. Political policing operated as part of an authoritarian "cocoon" or "scaffolding," within which took place what Jarausch and Geyer describe as a "lengthy learning process ... to wean illiberal political elites from ingrained authoritarian tradition."¹⁰ Despite the positive reinforcement of the Cold War in spurring the deployment of all available means to secure a frontline state in a new ideological showdown, the record suggests an equally significant reluctance on the part of the Landpolizei and civilian Bavarian leadership to clearly own up to the role of political policing as a legitimate expression of the ordinary policeman's authority. The police state in post-

⁷ Jarausch and Geyer, *Shattered Past*, 171.

⁸ One of the first works to reconstruct the creation of a state Verfassungsschutz office (that of North Rhine-Westphalia) and explore its links to the rest of the government though actual archival records is Wolfgang Buschfort, *Geheime Hüter der Verfassung: Von der Düsseldorfer Informationsstelle zum ersten Verfassungsschutz der Bundesrepublik (1947–1961)* (Paderborn: Schöningh, 2004).

⁹ Jarausch and Geyer, *Shattered Past*.

¹⁰ *Ibid.*

war Bavaria remained discreet—a classic example of useful doublethink and the slow cultivation of a transformed society with “greater levels of responsible participation in public affairs and greater tolerances for differences of opinion” through illiberal means.¹¹

We can begin our examination of postwar political policing with an exploration of how Germans may have continued to define “normal” policing during this period in terms of lived experience. One way to understand the “strangerization” or “foreignization” of early postwar criminality and disorder is to view such reactions as part of a German effort—both official and popular—to bracket out the last chapter of an “abnormal” 1940s from the resumed flow of “authentic” rural community experience. This is implicit in contemporary descriptions of occupation policing as a special short-term emergency task of negative integration, a sort of police version of clearing out the rubble—in this case, the detritus of foreignized criminality and disorder left by the war. It is important to remember that this view of occupation policing was bound up in German perceptions with two characteristic associations. From this vantage point, not only was public order in the occupation a response to unique, short-term, and period-specific threats, it also was the product of a confused, ineffective regime of idealistic experimentation imposed by foreigners that, in the eyes of many Germans, ultimately prolonged the state of disorder.¹²

Once the task of criminalistic “rubble-clearing” (*Trümmerarbeit*) had been accomplished and the bothersome and ambiguous pressure of external reformism had been removed by the end of active U.S. supervision in 1949, there would have been little incentive to institutionalize the recent “democratic” Title 9–driven U.S. experiments and redefinitions of police doctrine in the daily practice of the state-level and local police organizations. The fact that the Godin-era Landpolizei, in particular, was sealed off in this period from meaningful civilian oversight certainly aided this process. However, since the wider civilian bureaucracy of the period was itself no hotbed of reformism, there is no need to cast the police as a particularly concentrated bastion of authoritarian holdovers.¹³ It is true that democratizing and constitutionalist

¹¹ Ibid.

¹² OMGUS, Box 276, Folder 15, “Public Attitudes toward German Police,” n.d., 1949; OMGUS, Box 278, Folder 9, “Authority of German Police,” 5 August 1948.

¹³ For an overview of the survival of pre-democratic traits in the political culture of the Adenauer-era bureaucracy and civil service, see Garner, “Public Service Personnel in West Germany in the 1950s,” 136–195, esp. 140–148, 155–157. For a more detailed

rhetoric of ultimately American origin or instigation was retained in public and internal police discourse after 1949 as a talisman of legitimacy in the new constitutional order, until it found expression in the 1954 PAG. Ultimately, however, the methods of the traditional German administrative and political police state remained available as useful options for the daily practice of a corporate bureaucratic entity sealed off from direct civilian control, as 1950s Bavarian society began a re-stabilization process modeled in many respects on “normal” conditions in the 1920s and 1930s.¹⁴ Just as combining the maintenance of public order with other miscellaneous manifestations of the state’s administrative presence restored the legitimacy of established practice,¹⁵ the perpetuation of the political surveillance and repression component of this tradition was aided, among other things, by the hardening of anti-radical stances in the “No Experiments” regimes in both Munich and Bonn in the mid-1950s.

By itself, however, this explanation is incomplete, and perhaps too deterministic. The models for much of 1950s police practice did originate in the experiences of the prewar period; however, reliance on such “restorationist” monocausality misses the full role of the intervening U.S. and German doctrinal and operational environment between 1945 and 1950 in determining the subsequent outcome. In the occupation, the traditional forms and practices of the police state did not somehow lurk dormant like one of Jeffrey Diefendorf’s intact architectural ground plans buried beneath temporary adaptation to American norms, reemerging unchanged and ready for retro-rebuilding after

examination of inefficiency and obstructionism in the occupation-era German civil service (including police), with particular attention to Bavaria, see OMGUS/ODI [Office of the Director of Intelligence], Box 134, Folder 1–4, “The Government of Bavaria versus Military Government: A Partial Study of the Emasculation of Military Government’s Policies, Objectives, and Operations by Bavarian Practices of Delay, Circumvention and Non-Compliance,” Annex to Weekly Intelligence Report for week ending 7 January 1948, OMGBY to OMGUS.

¹⁴ For a recent reference to the “long 1930s” thesis and its impact on 1950s conditions, see Garner, “Public Service Personnel in West Germany in the 1950s,” 136. A longer discussion of the phenomenon of an arrested and resumed “high modernity” causing a 1920s and 1930s hangover in mid-century German social, cultural, and political experience can be found in Arnold Sywottek, “Wege in der 50er Jahre,” in Schildt and Sywottek, *Modernisierung im Wiederaufbau*, 13–39, esp. 23–25.

¹⁵ For rural manifestations in the nineteenth century, see Emsley, *Gendarmes and the State*, esp. 173–179 (for central Europe/Bavaria) and 264–267; Bernd Wirsing, “Die Geschichte der Gendarmeriekorps und deren Vorläuferorganisationen in Baden, Württemberg und Bayern, 1750–1850” (Ph.D. diss., University of Constance, 1991).

the rubble was hauled away.¹⁶ This theory sometimes cropped up in the fears expressed by U.S. supervisors who were preparing to depart. However, it fails to address the degree to which the prolonged period of U.S.-supervised doctrinal and operational disruption in mid-century made its own contribution to determining the character of the "normalized" policing of the post-1949 period.

To better understand its impact on the 1950s, we need to reexamine the widespread perception of occupation-era policing (along with many other areas of U.S.-determined policy) as an interlude of ineffective and muddled reform that is best forgotten. Alternatively, we can view it as a key component in the relatively successful mid-course restabilization of what, for want of a better term, we might call a mid-century German Maßnahmenstaat (emergency interventionist state) that has less to do with ideological politics than with the daily experience of the encounter between society and the state.¹⁷

One of the implications of the thesis advanced by Martin Broszat and others that the years from 1942 to 1948 were a "Stalingrad to Currency Reform" incubation period for postwar German society and culture is that intrusive, "crisis" modes of state (or at least official) intervention in everyday life constituted an increasingly prominent element in the daily experience of growing numbers of "normal" Germans from the end of the 1930s to the postwar currency reform.¹⁸ Having attained its definitive form in late 1942–1944 as the Third Reich made the transition to total war, this first era of the Massnahmenstaat had entered a phase of acute crisis and breakdown by the spring of 1945. However, the thesis of Broszat and company suggests that the Massnahmenstaat did not die with the Nazi regime, but rather moved on from this moribund host and gradually stabilized in a new regime during the occupation period. We can extend the argument into the early Federal Republic by suggesting that (in the area of police affairs, at least) this restabilized Massnahmenstaat did not abruptly end in 1948–1949, either.

¹⁶ Jeffrey Diefendorf, *In the Wake of War: The Reconstruction of German Cities after World War II* (New York: Oxford University Press, 1993).

¹⁷ It is important to distinguish this current use I am making of the word "Massnahmenstaat" from its more common usage in the context of the Nazi regime's development of a terror-based police "counterstate" to ensure destruction of its targets if the regular state mechanism could not attain this desired result. I have tried to make my alternative definition clear in the text.

¹⁸ Martin Broszat, Klaus-Dietmar Henke, and Hans Woller, eds., *Von Stalingrad zur Währungsreform: Zur Sozialgeschichte des Umbruchs in Deutschland* (Munich: R. Oldenbourg, 1988), esp. "Einleitung," by the editors, xxv–xxvii.

The regime of policing and public order in 1950s Bavaria can thus be understood as an environment uniquely defined by three elements: features from the older, pre-Nazi past; the experiences of the previous several years of the Broszatian crisis; and the first results of a homegrown, post-Allied reform German reconceptualization of the police function. The initial standards of “normality” in the Landpolizei’s enforcement of public order in the 1950s were largely derived from a creative blending of the two layers of previous lived experience—daily life in the “crisis normality” that the Massnahmenstaat police were trying to sustain under two ideologically antithetical but operationally similar regimes throughout the 1940s, superimposed on the heritage of older patterns of policing in rural communities. The two sets of previous experience influenced the daily practice of policing after 1950, and how the subsequent process of legal and doctrinal reformulation both reflected the previous decade’s experiences and formed a framework for the further development of police practice.

Ironically enough, the most significant legacy that the Landpolizei carried out of the “democratizing” occupation period was not doctrinal reform, but the experience of almost five years of authoritarian police operations under the auspices of U.S. military rule.¹⁹ Despite official American rhetoric, the true priorities of the occupiers had in practice made the period a conduit into the future for expediency-driven methods of maintaining public order that revitalized or helped perpetuate much of the non-crime-fighting police regulatory and political surveillance environment of prewar eras until the eve of the 1950s. Although this process was already under way with the Massnahmenstaat practices initiated or authorized by the Americans, it subsequently took on a life of its own. Both before and after the proclamation of the Federal Republic, Bavarians capitalized on American precedents in refurbishing useful aspects of traditional German police practice despite their incompatibility with revised doctrinal norms, and refurbished further traditional elements on their own after 1950.

In their original Public Safety Plan, the Americans had singled out “political” policing as one of the most undesirable features of all the German regimes that had preceded their occupation. The occupiers initially had acted vigorously to prohibit any spontaneous postwar German manifestations of such activity. Among the incidents of so-called

¹⁹ Kramer, “Law-Abiding Germans?” 241; Glueck, *Continental Police Practice*, 33.

"Verwaltungspolizei" infractions in Bavaria that drew American censure was a report on the municipal police department in the resort town of Garmisch from February 1948. This report suggested that in some jurisdictions, the slow process of resurgent administrative policing had already gone beyond the resumption of such technical tasks as vehicle licensing and residence or identification cards, into far more sensitive kinds of activity with political implications:

The Garmisch City Police Department has as an integral part of its organization a Verwaltungspolizei Bureau. This bureau is performing functions which are not a police responsibility, among them being the control of political party meetings ... this situation would have been avoided if the above mentioned police department had possessed a copy of Title 9 of Military Government Regulations.²⁰

By the end of the first six months of occupation, while American intelligence authorities were quick to censure the independent German innovations that were emerging out of the confusion over allowable police functions, the occupiers' own Public Safety bureaucracy already had its own system of mass surveillance of the general non-criminal population. However, this system required the active cooperation of German police agencies, growing as it did out of the reporting of crime statistics already begun by the various *Hilfspolizei*, *Gendarmerie*, community police, and *Landpolizei* agencies in the late summer of 1945.²¹ By December of that year, U.S. Public Safety officers were requiring community police and *Landpolizei* posts to append to these statistical crime-rate summaries additional written prose reports of prevailing attitudes on economic, political, cultural, and other issues among the local population that could affect the overall security situation. By April 1946, with the coming of a unified *Landpolizei* command for all of Bavaria, this kind of non-criminal surveillance had become standardized as the third section of the monthly series of *Landpolizei* reports on criminality trends and the general state of security (*Kriminalitäts- und Lageberichte*). While these were part of the information that the *Landpolizei* regularly submitted to local U.S. Public Safety officers, mid-level Bavarian authorities in the regional *Bezirk* capitals also collated and summarized them, then forwarded them to the Interior Ministry in Munich. Ultimately, this system of reporting would outlive its original

²⁰ OMGUS, Box 278, Folder 19, Letter from Land Director, OMGBY, to Minister President, 25 February 1948.

²¹ Pre-May 1945.

audience; after the U.S. demand for these reports disappeared with the end of the occupation, the police would continue to submit them, original format essentially unchanged, to the Bavarian government until at least the end of the Adenauer era.²²

The first category of information that policemen collected in these reports was the prominent topics being discussed by the public (*Gesprächsthemen*) in the locality during the reporting period. The second category included public attitudes toward the state of the food supply, the labor market, and other economic issues. Noted in the third category were criticisms of Bavarian and, by 1949, Federal German authorities. In the fourth category were similar criticisms against Allied supervisory authorities, including, after 1949, the Office of the High Commissioner. Finally, the fifth category recorded the policemen's impressions of general political attitudes to be found in the population.²³

This system and its categories remained very similar to those that had structured similar reporting conducted by the police and other agents of the Bavarian state in the previous 150 years. Whether the Americans deliberately perpetuated or unwittingly reinvented an updated version of the information-reporting categories of earlier regimes, and whether German policemen in 1946 consciously applied this heritage of preexisting categories on their own initiative to a general request for information from the occupiers, are difficult questions to answer with the available evidence. Whether or not there was a conscious carryover from the past, it is clear that tendencies toward population surveillance and reporting that had historically evolved to enable the police to be the eyes of a "fortress-state" suspended above an internally colonized population had once again transcended a profound political caesura and become useful for the new political masters who were busy managing the post-Nazi transition.²⁴

Somewhat at cross-purposes to the post-1945 *Stimmungsbericht's* utility for immediate administrative and security purposes, internal evidence suggests that some of the inspectorate chiefs who composed these weekly reports went to considerable effort to consciously craft them as subjective reflections of their own anticipatory narratives. These docu-

²² Fürmetz, "Betrifft: Sicherheitszustand," 42-44.

²³ PolPräsOB, 917, *Stimmungsbericht* for the Landkreis of Bad Aibling from 29 June 1955.

²⁴ Siemann, *Deutschland's Ruhe, Sicherheit und Ordnung*, 1-30; Lüdtke, "Gemeinwohl," *Polizei, und "Festungspraxis."*

ments reveal some of the preexisting images and attitudes that policemen held regarding the society whose gradual transition back to stability they were monitoring. These narratives assumed, and indeed awaited, a specific direction of desirable political change. This was particularly true of early reports, which sometimes summarized or evaluated differences between social or political attitudes at the start of the 1950s and those previously noted in the immediate postwar period. A February 1950 report from Mühldorf somewhat impatiently observed that changes from the baseline of the 1945–1948 period were “not yet” in evidence, that the rural population remained religious and conservative, choosing only between the Christian Social Union and the Bavarian People’s Party, while “the refugees remained, as before, with the SPD and the WAV.” Now that the homogeneity of the rural population could no longer be taken for granted (in contrast to the postwar 1920s), one underlying political question that the government was interested in tracking was whether the new and more diverse population base could develop a stable political culture. The undesirable alternative was expressed in a report from the same period by a policeman at the Landpolizei post in Garmisch-Partenkirchen, the wording of which reflected more than anything else the officer’s own opinions: “the growing unemployment represents the greatest poison of creeping Bolshevism.”²⁵

Such subjectivity was commonplace, and sometimes resulted in reports in which it was very difficult to separate the popular opinions ostensibly being reported from the views of the policemen drafting the reports. Part of the problem was the high degree of generalization that was expressed in many of these reports. “The population is unsatisfied with the Bonn government” or “satisfied concerning the good grain harvest.” However, another report from the post in Garmisch-Partenkirchen, this time summarizing local reactions to Konrad Adenauer’s statements in favor of West German rearmament, points to a more fundamental problem inherent in the reporting format. The views of the Landkreis population on the issue are summed up in a unified statement that imperceptibly shifts from relatively neutral coverage of popular reactions to the report writer’s own subtle editorializing against Adenauer’s position. After noting that the majority of local inhabitants “generally agreed” with opposition SPD leader Kurt

²⁵ PolPräsOB, 150, Berichte über die Stimmung in der Bevölkerung. The WAV, or *Wirtschaftlicher Aufbau-Verein* (Economic Construction Association), was a populist mass party of the occupation period.

Schumacher, who had declared that “for such a major decision, at least the parliament should give its assent,” the report continued in an ambiguously impersonal mode, noting that “one cannot understand” how a few weeks ago “reparations and dismantling of industrial property” were being authorized and carried out against the wishes of the local community, and now “an active contribution to the defense of Western culture was ... being demanded.”²⁶ Beyond the difficulty of establishing whether any actual dismantling took place in the American Zone, noteworthy here is the widespread and deliberate use of the indefinite German article *man* for the impersonal English “one” as the subject of the sentence. This impersonal style is very common in these reports—the word *man* is used much more frequently than would be typical of German idiom in either popular or official registers, to designate some composite point of view of the population being monitored. This stylistic overuse of the impersonal *man* has already been remarked on by native German scholars studying early postwar Bavarian police reporting, including Gerhard Fürmetz. Such verbal idiosyncrasies were among the rhetorical methods by which such reports elided popular opinion, the viewpoint of the police officer writing the report, and the sensibilities of the higher offices that would receive the report. Sentences such as “One asks oneself why now one speaks so much of a western culture to be protected, after one was fully in agreement five years ago that the cultural values of one of the main bearers of European civilization were to be completely destroyed” were semiotic, ideological, and epistemological tangles in which crypto-nationalism, free-floating resentment of the occupation, and fear of Allied vengeance among the occupied seem to be expressed in the interweaving of sentiments from the observer, the observed, and the immediate subject matter.²⁷

Some of the favorite themes of popular discussion handled in this way by such reports were predictable; they include taxes, joblessness, the distribution of public assistance between newcomers and traditional inhabitants, and the scarcity of farm labor. The policemen, however, also noted the reactions of the locals to events on the national and international level, including the future prospects of the newly established Federal Republic, the progress of the Korean War, and relation-

²⁶ PolPräsOB, 150, Stimmungsbericht LP-Inspectorate Garmisch-Partenkirchen, 31 August 1950.

²⁷ *Ibid.*; Fürmetz, “Betrifft: Sicherheitszustand,” 51.

ships between Bavaria and the rest of Germany. Fürmetz has pointed out another interesting and idiosyncratic constant in the reports' close attention to rumors currently circulating in the population, which provide a glimpse into the dreams, insecurities, and fantasies that were developing in this rural population during a time of stress, political uncertainty, and upheaval. He cites a rumor captured by police who were monitoring the district of Fürth, asserting that auxiliary female personnel of the Wehrmacht in Soviet captivity were required to "produce a child" for the Communist state as a condition of repatriation back to the West. Other such folk-political rumors to be found in Landpolizei reports include stories of secret Allied training of hidden German armies to renew the fight against the Soviets; updated versions of traditional exhortations to moral and religious reform by rural Bavarian fortunetellers, religious mystics, and locally venerated seers (*Wahrsager bzw. Wahrsagerinnen*) to include Cold War-related anti-Communist themes (à la the Fatima visions in Portugal); and widespread speculation about the relationship between recent meteorological displays of the aurora borealis and the possible impending outbreak of a third world war.²⁸

Throughout the course of the 1950s and into the 1960s, the Stimmungsberichte that particular stations deposited with higher Landpolizei offices began to coalesce into characteristic patterns of generic content, which varied from station to station but tended to remain consistent in each station's output, as the same station chiefs regularly produced the same results and observations in these routine documents over extended periods of time. A decade's worth of reports from the station in district Aichach, for example, reflect the particular preoccupation of their writer, *Oberkommissar* Härtle, with his own idiosyncratic set of favorite issues of foreign policy and military strategy, topics having little direct impact on events in his district. Consistently among the longest and most verbose of the monthly reports from the Landpolizei inspectorates that have come down intact to us, Härtle's output from this period runs to pages and pages of involved analyses across long reporting intervals, obsessively returning to matters such as the diplomatic implications of Korean War developments and other new items of current foreign policy. Härtle's industriousness resulted in expertly

²⁸ Ibid., 50; rumors about aurora borealis in PolPräsOB, 150, Stimmungsbericht LP-Inspectorate Mühldorf, 1 March 1950; reports of Germans being drafted by U.S. forces in PolPräsOB, 859, Stimmungsbericht LP-Inspectorate Aichach, 1 September 1950.

worded “popular” appraisals of the Federal government’s diplomatic performance that might have come from the professional staff of the Foreign Office. However, there are few indications in his reporting of how all this interpretive work could possibly have been derived from the opinions of surveilled inhabitants of Aichach. Härtle’s reports, on the other hand, consistently gave short shrift to the other categories of economic, domestic, and cultural information that were required by the overall reporting format. He covered those topics with short entries that, in comparison with his pet topics, are perfunctory and undeveloped. The constant and time-consuming production of these reports was a task that local Landpolizei men were sometimes reluctant to fulfill. In contrast to the compulsively enthusiastic verbosity of Härtle in Aichach, some other stations, after an initial period of compliance, regularly turned in one-paragraph statements with single sentences summarizing their results for entire information categories, or, increasingly regularly, the notation “Nothing to report” (*Fehlanzeige*).²⁹ Both extremes of reporting from individual stations—verbosely idiosyncratic and perfunctory—drew reprimands from higher Landpolizei offices and demands for more careful and accurate reporting.³⁰

Some of this reluctance to fulfill anything but the most minimal of reporting requirements must have come from the sheer extra burden of yet another paperwork responsibility on top of the cornucopia of other non-criminal control tasks that the police were saddled with by the 1950s. There are isolated instances of more principled resistance, however, such as one in which the works council (*Betriebsrat*) representing the Landpolizei rank and file in the Bezirk headquarters in Schwaben unsuccessfully petitioned Godin’s Präsidium to cease this regular reporting activity, “since it does not belong in the area of police responsibility to investigate the views of the population on current events.”³¹ The Augsburg Betriebsrat did not sufficiently appreciate the usefulness of the *Stimmungsberichte* to the headquarters staff of Godin’s Landpolizei Präsidium in the latter’s efforts to define a secure position for themselves in the bureaucratic power relationship between various executive police and security organs and the political and administrative leadership of the Bavarian state. The subtle

²⁹ PolPräsOB, 947, *Stimmungsbericht* with no contents from LA-Inspectorate Pfaffenhofen a.d.Ilm, 12 December 1957.

³⁰ Fürmetz, “Betrifft: Sicherheitszustand,” 52.

³¹ *Ibid.*

inclusion of subjective viewpoints in these reports' identification of security problems and concerns, in which attitudes of the population being monitored were conflated with those of the policemen monitoring them, and both were then tailored to be acceptable to the policemen's superiors, provided, Fürmetz argues, “less an unadorned picture of actual public attitudes” than a “composite construct of police-defined security policy problems and agenda that could then be presented by their superiors to the higher governmental authorities in the guise of popular attitudes.” Regardless of the accuracy of the *Stimmungsberichte*, Fürmetz stresses that they were perceived by the central government as a valuable source of otherwise unavailable insight into domestic administrative problems, making the *Landpolizei* an apparently indispensable source of information for the state.³²

This ability to consistently monitor public attitudes from many stations in the field was a key advantage enjoyed by the *Landpolizei* over the government's more official political security agencies, such as the Bavarian State Office for Constitutional Protection (*Bayerisches Landesamt für Verfassungsschutz*—BLfV). Fürmetz suggests that this helps explain the willingness of the *Landpolizei* leadership to saddle field stations with the expense of time and effort required to produce these reports, and to tolerate the ongoing problem of idiosyncratically subjective or perfunctory results from individual stations. All of this was a small price for Godin's organization to pay in the contest to demonstrate to the Bavarian government the usefulness and indispensability of the *Landpolizei*'s own security apparatus.³³

The Federal *Bundestag*'s initial legislation authorizing the creation of the Offices for Constitutional Protection as federal (BfV) as well as state (in Bavaria's case the BLfV) internal political security agencies had limited their functions to investigation and information-gathering, and had denied them any coercive powers of arrest or other executive action. The *Bundestag* went on to include general language mandating cooperation between these domestic security agencies, the courts, and the regular police, with the latter responsible for the enforcement of any actions against groups or individuals found to be liable for violations of specific laws.³⁴ The *Landpolizei* managed to go beyond this and establish a surveillance and investigative sub-apparatus in its own

³² *Ibid.*, 46–52.

³³ *Ibid.*, 52.

³⁴ Reinhard Schiffers, ed., *Verfassungsschutz und Parlamentarische Kontrolle in der Bundes-*

organization, and then to win subsequent approval for it from the Interior Ministry and the minister-president. This remarkable rehabilitation of a para-constitutional political police entity was not the result of any received policy decision from the Bavarian government itself. Only after the fact did the government legitimize and take official responsibility for this police initiative.

The institutional foundation for the reemergence of active political policing took place in the winter of 1953, during Wilhelm Hoegner's second term of office as acting Bavarian minister-president and concurrent interior minister. Although no written evidence has survived of direct personal consultation about this issue between Hoegner and Godin, it seems reasonable to assume that personal and ideological bonds of mutual trust continued to exist between the police chief and the powerful and highly placed Social Democratic politician during the Landpolizei's successful bid to gain political police powers in the early 1950s.³⁵ In the early fall of 1952, during a meeting with *Regierungsdirektor* Dr. Kanein from the Interior Ministry, Godin brought up recent and upcoming decisions from the Federal Constitutional Court (*Bundesverfassungsgericht*) regarding radical political parties declared to be threats to the constitutional order and thus illegal. These included the recent Federal ban on the neo-Nazi Socialist Reich Party (*Sozialistische Reichspartei*—SRP), the criminalization of “subversive” activities and organizations such as the Freie Deutsche Jugend associated with the Communist regime in eastern Germany, and the upcoming likelihood of a similar ban (*zu erwartendes Verbot*) on the Communist Party of Germany (KPD) itself. Godin argued that the time had come to rationalize police investigative resources and other “measures” (*Massnahmen*) against these newly formalized threats to public order. He suggested to Kanein that the necessary level of coordination and systematization between police, courts, and BfV/BLfV could be met only by the creation of a “small special desk” (*die Bildung eines kleinen speziellen Referats*) in the plainclothes detective section of his office. Godin further emphasized that personnel and resources

republik Deutschland 1949–1957: Mit einer Dokumentation zum “Fall John” im Bundestagsausschuss zum Schutze der Verfassung (Düsseldorf: Droste, 1997), 13–72.

³⁵ This relationship of personal trust between Godin and Hoegner had its origins in their shared wartime emigration to Zurich, their subsequent 1945 trek back to Munich courtesy of Allen Dulles, and Hoegner's initial sponsorship of Godin's resumed police career in 1945–1946.

would be assigned to and withdrawn from this section as circumstances required, but it was essential that a permanent specialist for political investigations be selected from the staff of investigators and provided with the proper support to ensure continuity and effectiveness in this sensitive area. Godin concluded by observing that *Polizeiamtman* Martin, the Präsidium detective staff officer already responsible for coordinating with outside police authorities regarding investigations with possible political ramifications, was performing these duties alongside his other administrative and operational tasks. Martin was thus currently overburdened and would be unable to ensure effective performance unless he was relieved of the political component of his responsibilities.³⁶ On the basis of Godin’s presentation, Kanein concurred on the need to create such a political desk in the Landpolizei, on the condition that in the search for a permanent specialist from the force’s senior staff, technical or professional qualifications would need to be balanced by proof that the successful candidate’s “personality” would enable him to act with equal amounts of objectivity and intensity in implementing the “ordered measures against both the left and the right.”³⁷

This conversation between Godin and a mid-level representative of the Interior Ministry is one of the few bits of available evidence that the Landpolizei’s plan to move into the field of political security surveillance and enforcement was ever subject to initial approval by any outside entity. Functionally, it seems that the 1952 meeting between Godin and Kanein was very similar to the occupation-era demarches with which Godin had attempted to secure assent for fundamental expansions of Landpolizei power directly from sympathetic and specialized American Public Safety officers, often bypassing or sidestepping the less conveniently cooperative offices responsible for overall occupation or government policy. By 1952, in contrast, the Bavarian higher court system and parliament—two institutions that could be supposed to be fundamentally interested in the question of police authority in political matters—were undoubtedly fully operational. In this context of such a fundamental expansion of postwar police power and jurisdiction, no evidence survives that the Landpolizei’s plans for a political investigation desk were ever submitted for judicial or parliamentary review and approval.

³⁶ PolPräsOB, 2, “Vormerkung.” Preliminary minutes dated 27 October 1952 of Godin/Kanein meeting, probably drawn up by Ernst Binder.

³⁷ Ibid.

Instead, Godin's office received instructions directly from Kanein's boss Hoegner (signed in the latter's capacity as minister-president, but written on letterhead from Hoegner's other portfolio as interior minister) in February 1953 instructing the Landpolizei to submit plans for staff sections at the Präsidium and at all regional Bezirk commands responsible for "all tasks dealing with questions of constitutional protection" (*Sachgebiete zur Behandlung aller mit Fragen des Verfassungsschutzes zusammenhängende Aufgaben*) and requesting lists by the next month of qualified nominees to head these sections. Hoegner's memo stipulated that staffing decisions for these sections were to reflect the special and sensitive significance of "political police work," subsequently referring to this kind of activity under the more politically correct term "constitutional protection" (*Verfassungsschutz*). Another indication of the continued importance of personal trust in this surviving old-boy network of former exiles was Hoegner's *sotto voce* warning that Godin and his Bezirk chiefs were personally responsible for keeping an especially close eye on the activities of such sections when they became operational.³⁸

Godin's office responded in March with a plan for a Verfassungsschutz desk in the Präsidium and additional dedicated political investigation personnel for the detective (*Kriminalwesen*) desks at the Bezirk level. Separate Verfassungsschutz desks in the Bezirk commands were, according to Godin's plan as submitted, not necessary. While the Landpolizei chief argued that there would be closer coordination and supervision of police Verfassungsschutz personnel if they were attached to preexisting desks, the desire to avoid having too high an organizational profile in the field in the postwar environment of unknown and uncontrollable public opinion on the issue may have also influenced this decision. The facilities, equipment, records, transportation, and other resources (as well as access to uniformed support in the field) of the general plainclothes detective department in the Landpolizeipräsidium and in each Bezirk headquarters would be available to the Verfassungsschutz political specialists. A separate letter, unfortunately not preserved, listed Godin's staffing nominees. The Interior Ministry approved the plan and (provisionally, pending final security clearance) the nominee list at the end of April, and ratified Godin's top bureaucratic appointee

³⁸ LaPoPräs, 14, Staatskanzlei/Interior Ministry to LaPoPräs, "Betr: Schaffung von Referaten für Fragen des Verfassungsschutzes beim Präsidium und den Direktionen der Bayer: Landpolizei," 19 February 1953.

for the new IID (“Verfassungsschutz”) desk at the Präsidium, a *Polizeiinspektor* Rupert Ziring.³⁹

Once ministry approval was received for these plans, however, the detailed instructions that Godin’s Präsidium subsequently sent out to each Bezirk command exceeded the original outlines and established separate “DII” desks for political investigations at these regional headquarters. The Präsidium’s instructions spelled out the limits of the geographical and technical competence of these regional Verfassungsschutz desks, and authorized their section heads to take over investigations of other departments in the detective services as soon as political ramifications developed. While Godin reiterated the need for Bezirk commanders to keep a particularly close eye on DII because of the sensitive nature of its operations, any lack of cooperativeness shown by the rest of the investigative staff toward the political specialists was also to be dealt with in the “strongest possible” way. The political investigators provided both intelligence-gathering and reporting services for the Bezirk chiefs, as well as the Präsidium and the Interior and Justice ministries, and thus enjoyed direct access to these authorities higher than their own district commanders.

DII men were also authorized to carry out executive action on their own (*präventivpolizeiliche Tätigkeit*) against political offenders, a prerogative that the federal and state BfV and BLfV themselves did not have. Godin’s instructions grounded an anticipatory justification of the DII sections’ authority to pursue political investigations by looking forward to the relevant paragraphs of the upcoming 1954 Polizeiaufgabengesetz as well as the recent *Strafrechtsänderungsgesetz* (Penal Code Amendment Law), which by 1953 had already criminalized radical political activity. Interestingly enough, Godin’s instructions also cited the security challenges described in the Bavarian law of 22 November 1950 establishing a *Landesamt für Verfassungsschutz* (*Gesetz über die Errichtung eines Landesamts*

³⁹ LaPoPräs, 14, Organizational plan for Verfassungsschutz sections submitted by LaPoPräs to Interior Ministry, 13 March 1953; Interior Ministry approval letter, 29 April 1953. In using the designation “IID” to designate a semi-covert political intelligence-gathering section within the organization, the Landpolizei leadership was evoking the alphanumeric designations historically used by the German military to designate operational and support functions at the command staff level. The American equivalent would be the S-1/S-2/S-4 system to designate comparable intelligence, quartermaster, and other functions. The way in which the Landpolizei’s “IID” soon began mutating into “IID” or “DII” in internal and external communications also reflects a common practice in the international military and intelligence communities of varying the designations of units and offices over time to maintain better communications security.

für Verfassungsschutzes) (“State Office for Constitutional Protection”) so as to justify the creation of an autonomous Landpolizei apparatus that essentially duplicated this earlier and constitutionally authorized recognized agency.⁴⁰ Despite Godin’s initiative in developing his own independent political police apparatus, the IId/DII specialists of the Landpolizei and their counterparts in the Bavarian Office for Constitutional Protection evolved together peaceably enough throughout the 1950s into complementary parts of an overall political security system. The third major Bavarian security agency, an entity that began life as the occupation-era Interior Ministry’s Central Office for Criminal Identification and Statistics, eventually evolved into today’s State Criminal Investigation Office (Landeskriminalamt–LKA).

The Landpolizei, of course, did not operate under conditions similar to the BLfV’s constitutionally unquestionable and legally supervised freedom to conduct political investigations; nor could Godin’s organization hope to duplicate the latter’s politically legitimated accretion of specialized skills, resources, and direct links to the Federal BfV and its national investigative network and intelligence clearinghouse. Godin’s modestly staffed IId/DII desks also could not match the BLfV/BfV’s development of extensive databases dedicated to keeping tabs on and neutralizing individuals and groups perceived as potential threats to the Bavarian and Federal German political system. However, the latter needed to rely on the Landpolizei’s broad and permanent penetration into individual communities. Nevertheless, speaking functionally, the Landpolizei IId/DII’s relationship to the official Verfassungsschutz infrastructure was never formalized into an overarching hierarchy in the way the criminal police, the Gestapo, and the regular uniformed Ordnungspolizei or Gendarmerie had become constituent departments along with the political Sicherheitspolizei of Reinhard Heydrich’s Reich Security Main Office during the previous Nazi regime. The less formal administrative arrangements in the 1950s that linked the Landpolizei and BLfV bore a closer resemblance to the shifting landscape of official and unofficial political investigation activities that had sprung up in an uncoordinated fashion among Germany’s national, state, and regional police and security agencies in the Weimar period. This return to older patterns of political police empire-building nevertheless offered comparable possibilities for effective surveillance and decisive action on the

⁴⁰ LaPoPräs, 14, Detailed instructions from LaPoPräs to Bezirk commands, 3 June 1953.

grassroots level against perceived political threats to the "liberal democratic basic order" of Adenauer Bavaria. A good example of this system at work is the summarized transcript of a phone call made by the Landpolizeipräsidium to the Upper Bavaria district command on or about 26 October 1951, requesting the latter to conduct political surveillance and interrogation of newly arrived German ex-POWs returning from Yugoslav captivity. Godin's office was relaying a request from the BLfV, which wished to know whether Communist spies might have infiltrated this batch of returnees.⁴¹

The low profile of the relationships between BLfV and Landpolizei, together with the latter's development of capabilities for in-house political investigation, also helped to preserve the formal convention that the constitutionally authorized organs of West German political security did not have executive powers but merely provided information for the legal and executive machinery to act upon. However, the reality of Verfassungsschutz work in Bavaria was never the simple division of labor into political investigation by the BLfV/BfV, mediation, vetting, and oversight by the Justice and Interior ministries, and finally, transmission of orders for action to the police executive arm. In Bavaria, at least, the situation was further complicated by parallel investigative and surveillance networks set up by the police themselves, whose leaders chose to exploit an emerging official culture of political exclusionism in the early 1950s to carry out an older agenda of autonomous proliferation of police power traceable back to the early Weimar Republic.

The Landpolizei records on political investigation that have survived (all from the single district of Oberbayern) suggest the scope and comprehensiveness of the direct involvement of uniformed police in the realm of political security in Bavaria during the early Adenauer period. This not only took the form of enforcement against individuals or groups involved in specific offenses, but also found expression in systematic surveillance, interdiction, and repression of those who as yet had not committed acts punishable by law. In the period leading up to their respective bans in 1952 and 1956, the Landpolizei monitored meetings of the far-right Socialist Reich Party and the KPD. Indicating the routinization of this function, Landpolizei stations received from the Munich Presidium a sample format for recording the results of such surveillance, as well as lists of auxiliary and front organizations that

⁴¹ This transcript summary is found in PolPräsOB, Folder 2.

were subject to the same measures as their parent parties, together with the relevant legal decisions by the Federal or Land court enabling such surveillance.⁴² Surveillance reports were turned in to inspectorates, and from there to higher authorities, not only by local stations, but also by the mobile traffic patrol groups, as well as, naturally, the plainclothes Landpolizei detectives of the Kriminalaußenstellen.

In the low-profile but sustained efforts to repress political movements defined as extremist, the police received regular updates from the Interior Ministry, the BfV, and other higher government agencies concerning ongoing, newly launched, or planned propaganda or agitation campaigns by KPD or related organizations for which appropriate responses had to be prepared.⁴³ Sometimes the connection between direct party-political activity and specific public events emerged only after the Landpolizei had spent some time investigating the latter; not all such surveillance was directed at pre-identified target organizations. Some types of public events, such as rallies of the unemployed,⁴⁴ were, by their very nature, likely targets of such police infiltration and surveillance. Specific persons identified or suspected as having ongoing links with radical organizations or causes were also sometimes placed under long-term surveillance (*Polizeiaufsicht*).⁴⁵

Upon closer examination of many of these instances of political surveillance activity, it is difficult to see how the Landpolizei could have carried out such operations without the help of confidential agents (*Vertrauensleute*) who had infiltrated these groups. Unfortunately, no available sources have revealed any details of such infiltration activity, or if there were any, whether the infiltrators were working for the Landpolizei or for other security agencies and simply sharing their information with local representatives of Godin's organization. It is difficult to explain how else the Landpolizei post in the town of Olching

⁴² PolPräsOB, Folder 2, Sample format for surveillance of mass meetings, 23 March 1955. LaPoPräs to PolPräsOB and other Bezirk commands.

⁴³ For example, PolPräsOB, Folder 2, "Kommunistische Erwerbslosenbewegung," 3 February 1953, warned local district administrations and police that a "Versammlungs-Propaganda- und Aktionswelle" was to be expected in the next three months on the part of communist-affiliated groups of the unemployed. Similar was the warning about a "KPD Landsonntag" planned for the entire Federal Republic; Letter from LaPoPräs to all lower Dienststellen, 11 November 1951.

⁴⁴ PolPräsOB, Folder 2, "Auflösung einer Erwerbslosenversammlung in Tüßling," Report from LP-Inspectorate Altötting to PolPräsOB, 10 March 1953.

⁴⁵ PolPräsOB, Folder 2, "Anordnung der Polizeiaufsicht; hier: Guba Karl, geb. 26.1.1924," Letter from PolPräsOB to lower Dienststellen, 3 August 1955.

in Kreis Fürstenfeldbruck, for example, was able not only to report the names, addresses, and particulars of local KPD cell members who were helping plan details of a Bavarian contingent to a zone-wide meeting with representatives of the East German Socialist Unity Party (SED), but also to provide the exact locations in the cell members' homes where communist propaganda was hidden. Beyond this, the Landpolizei also knew what kind of accommodations a husband-and-wife team and other Olching cell members had been given during a previous indoctrination visit to East Berlin, and exactly how much money the East German government had given them in per diem and travel allowances.⁴⁶

In the early 1950s, the involvement of the Landpolizei in the enforcement of political security policy had ramifications for the degree of access to rural areas that outsiders enjoyed, as well as for the ease with which locals could leave the countryside. Reprising their occupation-era role of cordoning off rural districts for such purposes as black market sweeps and harvest security curfews, Landpolizei men in the Adenauer period were constantly on the lookout in their districts for "cultural" activities or groups possibly originating from the Soviet Zone and/or sponsored by local organizations with suspected communist or radical tendencies. Surveillance reports from Landpolizei field stations on contacts between such local and eastern groups, as well as instructions from central offices alerting policemen about the current campaigns or activities of such organizations, streamed in steadily throughout the 1950s.⁴⁷ Policemen generally justified the surveillance of locally based individuals and groups by linking the event or person(s) concerned to legislation listing auxiliary organizations or movements identified as illegal in the wake of the KPD and SRP bans.

The label "Soviet Zone-inspired" appears in police field reports in connection with a wide variety of visitors with cultural-political agendas who turned up in the countryside. Apart from a tendency to

⁴⁶ PolPräsOB, Folder 1, Letter from LP-Inspectorate Fürstenfeldbruck to PolPräsOB on "Komunistische Umtriebe" in the town of Olching, 16 July 1952. Personal interviews with Olching inhabitants in the summer of 1996 revealed the persistence of community resentments dating back to the Nazi period over the practice of Denunziantentum between neighbors. However, no information could be gathered regarding Denunzianten during the era of the KPD ban in the 1950s. Interview with Christine Weiss, Zeisigweg 5, Olching, June 1996.

⁴⁷ Among others, PolPräsOB, Folder 2, "Auftreten von Kulturensemble und Kulturgruppen aus der SBZ in Bayern," Interior Ministry to LaPoPräs, 8 August 1957; LaPoPräs to PolPräsOB to field stations, 23–28 August 1954.

ascribe Communist/DDR affiliation to any unusual cultural activities or strangers that showed up on the rural scene, police records of these encounters also attest to the porosity of the inter-German border all the way up to the erection of the Berlin Wall and the intensification of restrictions on travel between the two systems in the early 1960s. In November of 1954, for example, after a local promoter failed to arrange for the necessary permits from the city administration of Kempten, the local Landpolizei station reported that some Kempteners—presumed to be “KPD functionaries”—had met an incoming “cultural group from the Soviet Occupied Zone (*Sowjetische Besatzungszone*—SBZ)” outside the town boundaries and were observed instructing it to turn back. The Landpolizei men present took down the license plate numbers and other identifying marks of the buses used to transport the group.⁴⁸

The incident at Kempten was part of an increased pattern of reporting cultural traffic from across the inter-German border into Bavaria that emerged in the fall of 1954. Two months previously, a general instruction for dealing with such incursions had come from Godin’s office to all Bezirk commands. If the groups did not have their own transportation, they were to be loaded onto police vehicles and transported to the nearest recognized crossing point into the DDR, where they were to be turned over to the border authorities for eventual transfer to the other side. If a cultural group was too large to be handled easily by local Landpolizei forces, the Präsidium in Munich would arrange for its members to be transported back to the border by rail or bus. No mention is made in these instructions of formal charges or other means of processing these individuals into the regular channels of the West German or Bavarian justice systems. For legal purposes, the position appears to have been that they were never officially in the Federal Republic at all.⁴⁹

Police posts sometimes included in the category of subversive “cultural incursions” from the Eastern Zone unusual appearances by strangers in their communities that were otherwise difficult to explain. In the same period as the Kempten incident, for example, two unknown men had shown up in a blue vehicle in “a small market town in

⁴⁸ PolPräsOB, Folder 2, “Auftreten von Kulturgruppen,” Letter from LaPoPräs to Inspektion Landsberg, n.d.

⁴⁹ PolPräsOB, Folder 2, Letter from LaPoPräs to all Landpolizei Bezirk headquarters concerning disposition of “Kulturgruppen aus der SBZ,” 29 September 1954. The letter also cited the relevant ministerial instruction of 27 August 1953.

the Oberpfalz." Carrying recording devices and identifying themselves as reporters, they unsuccessfully requested permission from the town's mayor to conduct interviews about living conditions in the area. When a check of their vehicle's license plate number later indicated that it was part of a series assigned to the Munich vehicle registration offices but not yet issued, the Landpolizei inspectorate in Oberbayern saw fit to order the men's arrest and to instruct field offices to be on the lookout for similar cases of "East zone propaganda."⁵⁰

Visits by outsiders with possible subversive "cultural" agendas were not the only phenomena likely to be branded as communist propaganda. Despite the absence of a formal system of government censorship, the Landpolizei in the 1950s also kept watch on the kinds of films being shown in rural communities.⁵¹ On the instructions of the Interior Ministry, the police suppressed or restricted those considered to contain undesirable political messages. In this effort, the police kept in close touch with other branches of the government. Regular instructions came from the Interior Ministry, for example, updating the Bezirk governments, the BLfV, and the Landpolizei on the status of the film *Bis 5 nach 12*. After the initial ban on this film for its insufficiently enthusiastic condemnation of Nazism was overturned by a committee of state interior ministers in December of 1953, the ministry reminded the police that they had the right to ban it again if particular conditions in their local jurisdictions warranted it. Local county government authorities who could demonstrate that an outbreak of "criminally punishable" or "unconstitutional" activities might result from the showing of the film could call on the police to enforce a renewed local ban based on "community standards."⁵²

In their effort to control the exposure of the local population to undesirable political influences, the police did not restrict themselves

⁵⁰ PolPräsOB, Folder 2, "Ostzonale Propaganda." PolPräsOB to Dienststellen, 30 November 1954.

⁵¹ PolPräsOB, Folder 2, "Linksradikale Propaganda: Vorführung von Filmen aus der Sov. Besatzungszone," Instructions on special permits for such films. Letter from Interior Ministry to LaPoPräs and PolPräsOB, 14/24 June 1957.

⁵² PolPräsOB, Folder 2, "Vorführung des Filmes 'Bis 5 nach 12.'" Instructions to Regierungen, Bayer. Landesamt für Verfassungsschutz and LaPoPräs from MIInn on decision of Federal and Land Interior ministers to ban public showings. Citation of legal grounds in Occupation Statue #14, "Gesetz gegen Rassenwahn und Völkerhass," 13 March 1946. Follow-up letter from MIInn to same offices announcing lifting of total ban but reserving right to local bans based on Landrat recommendations, 11 December 1953.

to interdicting the inflow of groups and messages into rural Bavaria. As the flip side of repression of Gypsies and other itinerants, Landpolizei men also monitored the participation of individual country people in political and cultural activities that required travel outside their area of permanent residence.⁵³ Like other components of political police practice from the 1950s, such an agenda, reminiscent of travel restrictions enforced by nineteenth-century administrations, was still practicable in what was perhaps the last era before the large-scale use of private vehicles. The police enforced travel control by exploiting the persistence of identity and residence registration card obligations and by paying particular attention to public mass transit traffic. Apart from the state-dominated environment of the German Federal Railways (*Deutsche Bundesbahn*—DB) and its own railroad police, the registered and easily monitored operations of bus transportation companies were the main means of exit from the many rural communities without ready access to direct rail connections. The Landpolizei accordingly focused on these gatekeepers.

In the spring of 1954, for example, support in West Germany for the Freie Deutsche Jugend (FDJ), the main mass organization for youth in the DDR, was still a major concern for the authorities. Landpolizei posts received detailed instructions aimed at preventing Bavarian youth from attending the FDJ “*Pfingsttreffen*” in East Berlin. Policemen approached owners of bus firms and leaders of community sports clubs and youth associations. They spread the word that acceptance of contracts for chartered road trips or any other kind of planning for participation in this event constituted direct evidence of illegal activity punishable by specific laws.⁵⁴

Contingents from rural areas to events outside the region tended to charter bus trips as a group instead of traveling individually, with all the attendant logistical difficulties that this would have entailed. Particularly associated with bus travel to questionable political activities at distant locales were groups of rural youth. A general instruction from the Interior Ministry identifying a particular organization as a commu-

⁵³ PolPräsOB, Folder 2, Letter from LaPoPäs to all Landpolizei Bezirk headquarters concerning meeting of “*Völkerkongress für den Frieden*” in Vienna. Lists the preparations made by “*verfassungsfeindlich*” organizations in Bavaria.

⁵⁴ PolPräsOB, Folder 2, “*Zweites Deutschlandtreffen der FDJ am Pfingsten 1954 in Ost-Berlin*,” Letter from Kriminalaußenstelle Landsberg to all lower Dienststellen in Inspectorate area, 31 May 1954. “*Pfingsttreffen*” was the Early Summer Meeting of the FDJ that took place near “*Pfingsten*” (the Christian holiday of Pentecost).

nist front would provide the justification for Godin's office to instruct a given Landpolizei post to move against any trips originating in the latter's jurisdiction to activities sponsored by the "front" organization. In the summer of 1956, for example, local chapters of the "Association for International Youth Exchange" (*Verein für internationalen Jugendaustausch*) all over Bavaria were to be placed under surveillance and prevented from completing preparations for participating in a possibly communist "Meeting of the Young Girls of Europe" (*Treffen jünger Mädchen Europas*) in glamorous Paris—the kind of thing that would likely have been of interest to someone like Teresa H.⁵⁵

Whatever the change in the true frequency of such incursions, documentation of such incidents rises to unusually high levels in the Landpolizei files in the fall of 1954. This development can be set in the context of the trial that began at that point in the Federal Constitutional Court which would result in the final banning of the Communist Party and all its associated organizations in the late summer of 1956.⁵⁶ Observers have noted the remarkable speed with which the bulk of the Communist or Communist-associated infrastructure was shut down in the Federal Republic following the decision by the Federal Constitutional Court that upheld the party ban. By 22 August, five days after the decision, 2,398 offices and apartments had been searched, almost 200 party headquarters had been shut down, 33 printing plants, publishing concerns, or newspapers had been padlocked, 53 vehicles had been impounded, and 199 functionaries had been arrested all across the Federal Republic.⁵⁷

Although the details of this political police operation in the various police jurisdictions of West Germany deserve to be investigated in a separate study,⁵⁸ we can note here that the speed and success of this response in the case of the Bavarian Landpolizei was a testament to the thoroughness of the surveillance and interdiction networks that had been established by cooperation between the legally authorized Offices

⁵⁵ PolPräsOB, Folder 2, "Gemeinschaft für internationalen Jugendaustausch," Initial instruction from MInn to LaPoPräs, 2 July 1956. Forwarded to all Landpolizei Bezirk headquarters and to field stations, 7 July 1956. Issued as the actual event in Paris (scheduled for 4–8 July) was already taking place.

⁵⁶ Major, *The Death of the KPD*, 283–293.

⁵⁷ *Ibid.*, 292.

⁵⁸ A useful effort in this area is Reinhard Schiffers, *Zwischen Bürgerfreiheit und Staatsschutz: Wiederherstellung und Neufassung des politischen Strafrechts in der Bundesrepublik Deutschland 1949–1951* (Düsseldorf: Droste, 1989).

for Constitutional Protection and the executive police organizations in this state over the past half-decade. This pursuit of political police powers by the Landpolizei was in many ways a successful resumption of Godin's long-term tendencies toward bureaucratic empire-building. These had originally developed in the environment of isolation from civilian German control that the Landpolizei had enjoyed courtesy of the American occupation. In early 1953, Godin's talent for exploiting whatever issues of public safety and security policy were currently available came back into play in a bid to extend the Landpolizei's powers. This time, the possibilities for creative use of the police were not to be found in arming and training civilian Landpolizei harvest guard auxiliaries, cordoning off entire districts, or conducting body and house searches legitimated by the Landpolizei's own self-written search warrants. Rather, potential new roles for the Landpolizei had been opened up by the recent or developing criminalization in Land and Federal law of various kinds of radical political belief, activity, or association.⁵⁹

⁵⁹ As indicated in chapter 2, pre-1950 attempts by German police officials (not necessarily in the Landpolizei) to secure authorization from OMGUS for formal political policing functions or departments had been largely rejected by the occupation authorities.

CHAPTER SEVEN

OBSOLESCENCE, RENEWAL, AND TRANSCENDENCE: THE LANDPOLIZEI AND SUBURBANIZATION

In an article he wrote in 1960, Fritz Stauß, the Landpolizei chief of Upper Bavaria, painted a troubling picture of the preceding half-decade as West German society was leaving the immediate postwar years of crisis behind and entering a period of growing prosperity:

The unexpected economic upswing in the Federal Republic has led to completely new ways of living ... The new style of life is characterized by the concepts of motorization and technification. Rising incomes allow wide circles of the population access to the achievements of technology ... The deliberately paraded prosperity, an often conscienceless leisure industry, the thoughtlessness of the successful and their public glorification have awakened in many of the “unsuccessful” the wish for a comfortable life under any circumstances.¹

Stauß reported that crime born out of misery and crisis (*Elendskriminalität*) had been gradually replaced by the “criminality of prosperity” (*Wohlstandskriminalität*). He pointed to some of the trends in a changing Bavaria that had led to new threats to safety and security: increased leisure time for most of the population, a spoiled generation of youth who were exposed to increasingly pervasive moral corruption outside the home, and the growth of white-collar crime in an increasingly competitive and unregulated economy.²

¹ Fritz Stauß, “Polizei und Wirtschaftswunder,” *Bayerische Landpolizei* (1960/1961): 10, 19. The word that I have translated as “technification” appears as *Technisierung* in the German original. “Technologization,” a perhaps more elegant English word, would more closely correspond to *Technologisierung* in German. Both German words exist in semi-regular use, but English seems to favor “technologization” overwhelmingly over “technification,” which originated as a back-formation from Spanish *tecnificación*. I use “technification” here to convey the somewhat pejorative sense of the shorter *Technisierung* as used in the Stauß citation.

² Ibid. Predictably, this article traced the sources of the pattern in which “zunehmend Angehörige der gehobeneren Gesellschaftsschichten kriminell werdend” to “Der aus Amerika stammende Begriff ‘Weisse-Kragen-Kriminalität,’” which “ist inzwischen in Europa und leider besonders in der Bundesrepublik in Erscheinung getreten.”

Moralizing about the pernicious effects on public behavior of this new prosperity was part of a more general sense of frustration in the Landpolizei as the Adenauer period drew to a close. Ultimately, however, framing the deterioration of the population's values in moral terms did not ensure success for attempts to maintain the old paternalistic police responsibilities for the guidance (*Betreuung*) and education (*Erziehung*) of people's behavior. The larger problem was that by the later 1950s, a set of social, demographic, and economic developments that had followed in the wake of recovery were making rural Bavaria increasingly difficult to police in the traditional neo-authoritarian style of the first postwar decade of crisis.

While the Landpolizei had been doing its part to define the conservative "no experiments" character of the early Adenauer period on the renovated stage of Bavarian small-town and country life, restabilization of the rural milieu in something approximating its traditional prewar form proved to be short-lived. The changes that Stauß and others among the police leadership took such a jaundiced view of were part of a complex process in the middle 1950s through which rural Bavaria was joining the rest of Germany in a structural transition to the mobile consumer society that has characterized this part of Western Europe ever since.³ Toward the end of the 1950s, even the quiet country lanes and self-contained market towns still patrolled on foot by small local Landpolizei detachments were facing accelerating waves of material and social change as a result of the West German recovery.⁴ New modes of behavior, new ways of relating to authority, and the accelerated tempo of material life were signaling a gradual farewell to the restabilized "world of yesterday" or "long 1930s" that some scholars have identified as a hallmark of public life in western Germany until far into the 1950s.⁵ Perhaps more abruptly in Bavaria than else-

³ Good representative studies with useful bibliographies include Bauernkämper, "Landwirtschaft und ländliche Gesellschaft"; Thomas Südbeck, "Motorisierung, Verkehrsentwicklung und Verkehrspolitik in Westdeutschland in den 50er Jahren," in Schildt and Sywottek, *Modernisierung im Wiederaufbau*, 170-187; and Wildt, "Privater Konsum." See also the various approaches to the issue in Hannah Schissler, ed., *The Miracle Years: A Cultural History of West Germany, 1949-1968* (Princeton: Princeton University Press, 2001).

⁴ For useful if somewhat conservatively biased contemporary reflections on this topic in the German context, see Günther Pacyna, *Bauerntum im Umbruch der Zeit* (Hannover: Landbuch, 1966).

⁵ For a discussion of the "long 1930s" thesis and of rural change in this period, see Josef Mooser, "Kommentar," in Frese and Prinz, *Politische Zäsuren und gesellschaftlicher*

where, this period marked the onset of three broad, interrelated forms of change in the rural areas: belated and dispersed industrialization, the “deprovincialization” of the local population, and a dramatic rise in personal physical mobility. More than any concomitant increase in criminal activity itself, the impact that these changes brought to the practice of policing was at the root of the sense of frustration that Stauß and his colleagues felt as they patrolled this new and unfamiliar social and physical landscape.

Heide Fehrenbach has pointed out the significance of the 1950s as a period marked by “debates over the social and moral implications of the new democratic order.” She was particularly interested in how those debates affected formal politics and media policy, but the work of other scholars such as Erica Carter and Uta Poiger suggests the much greater extent of such areas of contestation, now that the political future of the western part of the country was on a trajectory that combined liberal democratic aspirations and a conservative defense of the traditional culture of the “Christian West.”⁶ In the later 1950s, Bavarians, along with the rest of the Federal Republic, were able to embed the practical rehabilitation of their regional economies, their communities, and their material culture over the previous decade in a larger narrative of cultural defense and restoration. However, a fundamental tension existed between the effort needed to restabilize social and economic relations in a form that could pass as a continuation of traditional arrangements, and the reality of accelerating changes made possible by that very same recovery. This tension manifested itself in a series of moral panics, media-fueled alarms over such issues as “immoral” films, an out-of-control younger generation, and the cupidity of the expanding business class. Moral panics and social scares are not, of course, unique to early Cold War Germany. Indeed, the form they took in Bavaria during this period closely resembled contemporary media-driven scares over such topics all over the postwar Western world. Striking in this particular case, however, was the stress on the

Wandel im 20. Jahrhundert, 327–360; Erker, “Der lange Abschied vom Agrarland”; see also Sywottek, “Wege in der 50er Jahre,” 13–39, esp. 24–25.

⁶ Heide Fehrenbach, “The Fight for the ‘Christian West’: German Film Control, the Churches, and the Reconstruction of Civil Society in the Early Bonn Republic,” in Moeller, *West Germany under Construction*, 321; Erica Carter, *How German Is She? Postwar West German Reconstruction and the Consuming Woman* (Ann Arbor: University of Michigan Press, 1997); Uta G. Poiger, *Jazz, Rock, and Rebels: Cold War Politics and American Culture in a Divided Germany* (Berkeley: University of California Press, 2000).

danger posed to an idealized concept of traditional small-town communities by a combination of themes: the increased presence of advanced technology in everyday life, the rapid growth in disposable income among social groups who were unused to such socioeconomic power, and the shift in the sources of this prosperity to economic activities no longer primarily associated with local (largely agricultural) production.

Another interesting characteristic of the Bavarian version of 1950s Western culture shock was the role of police commentary. While police spokesmen in the modern West have made their voices heard in public debate during other turns to a law-and-order public sensibility in the face of accelerating social change,⁷ Adenauer-era Bavaria's police leadership began commenting on and editorializing about issues of public morality in ways that went beyond a professional concern with the maintenance of public order. These commentaries, which featured extensive value judgments about the moral desirability of the social and economic changes that were taking place during this decade, suggest the extent to which the entire system of policing in 1950s Bavaria was rooted in and depended on a specific social environment. As that environment was transformed, the main impression left by contemporary police commentary was a marked stress on elements of the resulting society that made it unmanageable, inconvenient, and indeed unpoliceable by traditional means.

These commentaries bear a valuable retrospective function. Scattered evidence from the later 1950s, even more than direct evidence from the immediate postwar period, suggests that the authoritarian model was driven by an impulse toward the prescriptive enforcement of specific social values. Assumptions about social guidance and formation that might have passed unremarked or that would have stood out less prominently in the police reporting of earlier times came out in ever sharper relief as these approaches became increasingly inapplicable in an environment that was growing steadily more frustrating. Before we examine this inner mental world of 1950s police leaders and spokesmen in Bavaria, it will be useful to step back and consider the changes to which they were responding.

⁷ An interesting recent example is Edward Delattre, *Character and Cops: Ethics in Policing*, 3rd ed. (Washington, D.C.: American Enterprise Institute Press, 1996), 1–5.

Scholars such as Paul Erker have isolated the key components and prerequisites of the “deprovincialization of village life” in western Germany in the later 1950s.⁸ Rural Bavaria and other comparable areas had received repeated infusions of new population groups over the first postwar decade, the largest such inflows since the Napoleonic wars. The various waves of displaced persons, refugees, and evacuees, with their diverse backgrounds and attitudes toward authority, place, family, identity, and work, challenged the homogeneity of rural life.⁹ While some refugees did not settle permanently in these communities, others joined the influx of exurban newcomers who were making their home in the countryside while taking up jobs or continuing to work at nearby industrial and tertiary-sector enterprises. Urbanites also became common in rural areas, at first on so-called “hamster” trips for illegally traded food, and later as tourists, weekenders, day-trippers, vacationers, and outdoor enthusiasts. They too spread new attitudes about consumption, social mobility, and life goals, which interacted with the evolving values of rural society.¹⁰

Such externally driven demographic changes joined with another, indigenous factor involved in “deprovincialization”—a structural crisis in postwar Bavarian agriculture, involving the rationalization of farming methods, increased mechanization and chemical fertilizer use, the elimination of dwarf holdings, and the consolidation of scattered plots. Socially, such changes led to a demographic shift as the number of secure traditional major farmers (the *Bauernstand*) decreased, and as the rural population lost their self-image as the providers for the entire society. On a lower social level, many small and medium-size landholders found their properties falling below minimum levels of profitability, making consolidation a necessity and forcing them and their families

⁸ Erker, “Der lange Abschied vom Agrarland.” Also see Paul Erker, *Ernährungskrise und Nachkriegsgesellschaft: Bauern und Arbeiterschaft in Bayern 1943–1953* (Stuttgart: Klett-Cotta, 1990).

⁹ A good recent study and literature survey of this topic is Pegel, *Fremdarbeiter, Displaced Persons, Heimatlose Ausländer*; for Bavaria, a somewhat dated but still useful source is Stephen Kenneth Lane, “The Integration of the German Expellees: A Case Study of Bavaria, 1945–1969” (Ph.D. diss., Columbia University 1972).

¹⁰ For contemporary studies from non-Bavarian areas, see Josef Beckhoff, *Wandlung der Lebensverhältnisse in zwei ursprünglich kleinbäuerlichen Taunusgemeinden unter dem Einfluß der sich wandelnden Sozial-Wirtschafts- und Agrarstruktur* (Bonn: Forschungsgesellschaft für Agrarpolitik u. Agrarsoziologie e.V., 1963), esp. 27, 29–31, 67–71; for an updated study of a similar nature, see Kremke, *Soziokulturelle Integration und Machtverhältnisse*, 172–181.

either to join the streams of commuters seeking industrial employment in cities or to develop new occupational options in their local communities.¹¹

In this emerging suburbia, “economic crime” began drawing the increasing attention of commentators in technical police journals and literature toward the end of the 1950s. Before 1945, white-collar crime had been associated with comparatively limited circles of urban speculation and finance and had not been a traditional area of responsibility for the rural Gendarmerie. Although the Landpolizei (in lieu of enforcers from the Finance Ministry or other specialist economic regulatory authorities) had taken on some responsibility for technical economic offenses during the occupation, including currency speculation, fraud, and hoarding in the struggle against the organized black market, economic crime in the later 1950s had new manifestations.

Kriminaloberinspektor Huber of the Landpolizei field detective service observed that the expansion of industrial and commercial enterprises into the countryside in the 1950s had resulted in the emergence of new types of economic crime in non-urban areas where such offenses had previously been rare.¹² Huber’s typology of such crimes included fraud in its various forms, crimes connected with breach of the public trust, forgery, corruption, nepotism, tax offenses, and unfair business practices. Such offenses, of course, had accompanied economic expansion in previous eras. However, Huber observed that the rise in so-called “insolvency offenses” (*Insolvenzdelikte*) was particularly characteristic of the Adenauer period. In such crimes, large numbers of creditors or investors suffered financial damage because of unscrupulous operators who continued to solicit capital for enterprises that they knew had become (or had started out as) unviable.¹³ From 1949 to 1956, according to Huber and other commentators, there had been a steep increase in deliberate liquidations and strategic bankruptcies. Although the number had fallen between 1957 and 1962, it had risen again since then—and the monetary sums involved had risen steadily and geometrically.

¹¹ For a recent summary and literature review concerning these trends in a comparative context, see Humm, *Auf dem Weg zum sozialistischen Dorf?* 117, 167–172, passim; Trevor Wild, “Social Fallow and Its Impact on the Rural Landscape,” in Trevor Wild, ed., *Urban and Rural Change in West Germany* (London: Croom Helm, 1983), 8–25; and Günter Thieme, “Agricultural Change and Its Impact in Rural Areas,” *ibid.*, 220–247.

¹² J. Huber, “Erkenntnisse bei der Bearbeitung von Wirtschaftsdelikten,” *Bayerische Landpolizei* (1959): 69–77.

¹³ *Ibid.*, 71–73.

Huber's colleague Kriminaloberinspektor Rudolf Haindl reported in 1961 that the interregnum between 1945 and the currency reform of 1948 had encouraged the rapid emergence in the countryside—"like mushrooms shooting out of the ground" (*wie Pilzen aus dem Boden schießen*)—of a large number of small, badly capitalized service and retail enterprises, many of doubtful integrity, which had taken advantage of the conditions of scarcity and weak regulatory oversight. While few of these businesses, which included car repair shops, feedlots, and construction supply retailers, were criminal in the strict legal sense, the currency reform and the stabilization of economic life in the 1950s had contributed to a steep rise in bankruptcies and liquidations among such firms as their undercapitalization or inability to compete became clear. Comparing this situation to the scams that had occurred during a similar rationalization in the later stages of the industrial founding era (*Gründerzeit*) after 1871, Haindl observed that extra care needed to be taken in police work during such periods in the business cycle, to distinguish legitimate bankruptcies from schemes that exploited the public or that unfairly shifted the financial burden of business failures from the entrepreneurs to unsuspecting investors.¹⁴

Germans' preference for having police forces oversee such economic regulatory functions can be partly traced back to the concept of "Market and Trade Police" (Markt- und Gewerbepolizei), one of the regulatory powers retained by local administrations in their role as district Polizeibehörden before 1945.¹⁵ The commodities-rationing boards and emergency price-control authorities of the Finance and Economics ministries, with which the police had worked in the pre-1948 occupation, would have been a logical choice to assume longer-term economic supervisory and regulatory functions so as to minimize irregularities in the subsequent economic upswing. However, there is no evidence that such specialized agencies continued their operations into the 1950s in rural Bavaria. The responsibility for combating economic crime in the countryside in the new era appears to have again devolved upon the Landpolizei by default, along with many other regulatory and order-control functions, as the police had a wider network of field offices than most other government agencies.

¹⁴ Rudolf Haindl, "Wirtschaftsdelikte, ein Problem für die Polizei," *Bayerische Landpolizei* (1960/1961): 43–47.

¹⁵ The police are still, as of the time of this writing, responsible for *Gewerbepolizei* in the Swiss administrative system. The situation in Germany is less clear.

For the greater part of the 1950s, most Landpolizei criminal investigators acquired a smattering of knowledge about business procedures through occasional lectures on “economic crime” in the police schools. This rudimentary training proved largely ineffective in helping them deal with offenders who were experts when it came to hiding long-term patterns of procedural irregularity or outright crime in their operations.¹⁶ The lack of specialist knowledge and ability to evaluate business records was a problem that plagued not only the police in rural areas, but the entire system of law enforcement, including the district prosecutor’s offices and the courts. As a result, such cases were often batted back and forth between the three institutions, with each reluctant to accept final responsibility for material that none of them could investigate with sufficient expertise. Meanwhile, qualified investigators from the Finance Ministry focused most of their limited manpower and resources on tax-related offenses, leaving other kinds of economic crime without expert coverage.¹⁷ While some detective departments in the larger cities had had special experts on economic crime since before the Second World War, smaller municipal forces and the Gendarmerie had never possessed such resources. The Landpolizei therefore did not have any previous traditions on which to build.

In April 1957, a national conference sponsored by the Federal Criminal Investigation Office (*Bundeskriminalamt*) at Wiesbaden in Hesse devoted its attention to the problem. It addressed the pressing need for investigators at the state detective establishments to augment their skills in and knowledge about economic investigations. Bavaria had been at the forefront of this issue even before the Wiesbaden conference. By 1955, selected personnel from the detective field stations of the Landpolizei were being sent to Wiesbaden under the auspices of the Bavarian State Criminal Investigation Office (*Landeskriminalamt*) to take part in two-year comprehensive training programs in all aspects of economic crime. They completed a course in basic bookkeeping and accounting, culminating with a qualifying examination at a business trade school; they took three semesters of audited classes at the University of Munich in general business management, business law, macro- and microeconomics, bankruptcy, negotiable instruments, and tax law; and they studied data-processing procedures in business, and current issues in German and European political economy. Between 1956 and

¹⁶ Huber, “Erkenntnisse bei der Bearbeitung von Wirtschaftsdelikten,” 73.

¹⁷ *Ibid.*, 70–71.

1959, supplementary two- and three-month experimental courses on fighting economic crime appeared in the curricula of Bavarian police schools.¹⁸ However, this specialized knowledge remained the preserve of a small circle of detective investigators. The many other responsibilities of both the Landpolizei's regular uniformed forces and its field detective detachments during the late 1950s and early 1960s did not afford them the luxury of the single-minded focus needed to respond effectively to such crimes. Nor, in the face of competition from a booming private-sector economy, were the career opportunities on the police force sufficient to attract or retain individuals with the requisite technical business knowledge who could then be trained as specialists in the investigation of economic crime.¹⁹

In a much broader sense than as a hotbed of specifically economic crime, some police leaders worried that rural Bavarian society would be transformed into an increasingly anonymous and immoral social arena where the familiar structures of traditional daily community life no longer worked well enough to guarantee effective social control. The result was a growing sense of police frustration, as was captured in an article written by Oberbayern Landpolizei chief Fritz Stauß at the beginning of the 1960s. That article—perhaps the strongest expression of the moralizing tone, which deepened as the ineffectiveness of many Landpolizei functions became manifest—was titled “The Anonymous Third Party as Instigator of Punishable Actions” (*Der anonyme Dritte als Urheber strafbarer Handlungen*).²⁰ Without quite arriving at a solution, Stauß was edging toward recognizing the nature of the link between his organization's growing obsolescence in its current form and the intertwined dynamics of mobility, consumption, and prosperity.

Stauß argued that one of the most important factors contributing to the recent rise in crime rates was the sharp increase in the number of brief, random encounters between individuals of all ages in an environment full of new sources of negative moral influence. The anonymity of such encounters made them catalysts for antisocial or even criminal acts. Rude and irresponsible driving, for example, was becoming more common. As soon as one such incident occurred, it sparked more anti-

¹⁸ Haindl, “Wirtschaftsdelikte, ein Problem für die Polizei,” 44–46.

¹⁹ Ibid.

²⁰ Fritz Stauß, “Der anonyme Dritte als Urheber strafbarer Handlungen,” *Bayerische Landpolizei* (1960/1961).

social reactions from the rest of the traffic stream—with all the drivers secure in the knowledge that the encounter had been brief and impersonal. The evolution from relatively innocuous juvenile misbehavior through growing delinquency to full-blown criminality was now easier, because young people were spending more time on their own in uncontrolled public places, unsupervised by their family or in-group. These places were now increasingly environments where anonymous, attractive options for spending money on frivolous entertainment coexisted with growing numbers of equally anonymous parked cars, empty weekend cottages, and other targets of break-ins or outright vehicle theft.

As soon as the wayward youth have gained the requisite criminal experience and ... have more money at their disposal, their expectations about the ubiquitously displayed luxury of the economic wonderland begin to grow, and their offenses become increasingly serious.²¹

Stauß extended the same analysis to the rise in sexual offenses and other “crimes against morality” (*Sittlichkeitsdelikte*), which he attributed to external pressures and undesirable influences. Such “degeneracy,” he observed, could be seen in the provocative women’s fashion magazines featuring “Page 3 Girls” wearing bikinis, as well as in the growing popularity of nudist camps and beaches. Apart from the beach, the “dressed nakedness” of female fashion in sport, during the carnival season, and at the increasingly popular nightclubs was reaching the “limits of the bearable.” Not only did such things lower the general level of “popular morality,” but they could set off ever-widening ripples of immoral or even sexually criminal behavior in persons of particularly weak moral fiber.²²

Reprising a theme that had driven morality legislation up through the Weimar Republic, Stauß rebuked the popular press, which he portrayed as having become a cheap and widely available leisure accessory in recent years. Instead of providing entertainment of superior cultural value, second-rate semi-pornographic *Heimatfilme*, periodicals, and publications strove to outdo each other in their depictions of lecherous *Schwarzwaldklinik* spa guests, wealthy libertine businessmen, or gold-digging, empty-headed young women.²³ All of these functioned as “anonymous third parties” in instigating crime, according to Stauß.

²¹ Ibid.

²² Ibid.

²³ A Heimatfilm was a popular type of contemporary film set in a changing rural community or small town. The “*Schwarzwaldklinik*” series of films was a comedic and

He likened their offerings to what in earlier decades had been vilified as *Schmutz- und Schundliteratur* (dirty and trashy literature).²⁴ However, they now had the chance to corrupt a much wider audience thanks to the breakdown of urban-rural barriers, increasing leisure time, and higher disposable incomes. The genre also included weekly magazines with lurid illustrations, and pulp crime novels written by “unimaginative hacks” who offered the “warmed-over” sensationalism of sex and passion murders from decades past, glorified criminals who “succeeded at any cost” in gratifying their impulses, described the planning and execution of “perfect crimes,” and dwelled on the unwholesome details of white slavery, drug deals, and successful swindles. Imported serial storylines glamorizing the “Chicago underworld” and detailing the corruption of government and police by gangsters competed with sensationalized tales of “miscarriages of justice” to damage the reputation of law enforcement authorities for efficiency and impartiality. Both the press and the postwar film industry, Stauß continued, were failing to live up to their responsibility to educate postwar society in the values indispensable to a functioning democracy. By legitimizing and modeling an amoral embrace of the growing materialism in the environment, the media were contributing to an increasingly dangerous society.²⁵

However, Stauß was unable to come up with any practical measures for containing or neutralizing these influences. This was partly because the phenomena he was describing were not criminal behavior and were not under the purview of enforceable laws. The cumulative effect of the article instead was that of an irritated lashing out at a host of new social phenomena that made the tasks of the police more difficult but could

risqué body of work set in a health spa, in many ways appealing to the same audience as the Heimatfilm genre.

²⁴ Good recent studies of the larger context of 1950s morality-in-media campaigns are Stephan Buchloh, “Pervers, jugendgefährdend, staatsfeindlich”: *Zensur in der Ära Adenauer als Spiegel des gesellschaftlichen Klimas* (Frankfurt: Campus, 2002); Björn Laser, “Hefchenflut und Bildersturm: Die westdeutsche Comic-Debatte in den 50ern,” in Georg Bollenbeck and Gerhard Kaiser, eds., *Die janusköpfigen 50er Jahre: Kulturelle Moderne und bildungsbürgerliche Semantik III* (Wiesbaden: Vandenhoeck und Ruprecht, 2000), 63–86; Adelheid von Saldern, “Kulturdebatte und Geschichtserinnerung: Der Bundestag und das Gesetz über die Verbreitung jugendgefährdender Schriften (1952/53),” *ibid.*, 87–114; and Jan Lieven, “Jugendschutz und Medienkontrolle seit den 50er Jahren—Zur Entwicklung der Strukturen und Arbeitsweisen des Jugendmedienschutzes in der Bundesrepublik Deutschland,” in Susanne Hiegemann and Wolfgang H. Swoboda, eds., *Handbuch der Medienpädagogik: Theorieansätze, Traditionen, Praxisfelder, Forschungsperspektiven* (Opladen: VS, 1994), 149–166.

²⁵ *Ibid.*

not be defined as criminal without a fuller return to the prescriptive regulatory regime in which modern German policing had originally developed.

Police concern over the “proper shaping of leisure time” (*richtige Freizeitgestaltung*) in the new suburbia nevertheless suggests that the search continued for ways to enforce desirable behavior. According to Stauß, the increased tempo of economic activity in the Bavarian sector of “*Wirtschaftswunderland*” and the pent-up aspirations of the reconstruction years were leading to increased mental and physical stress. In contrast to the large, subculturally organized groups typical of popular German leisure activities before 1945, the suburban combination of shortened workweeks but more intense workplace pressures was supposedly producing a heightened demand for relaxation of a new, individually structured kind.²⁶ One result of the new postwar pattern detected by Stauß was a boom in the “exaggerated” (*übertriebene*) search for dangerous new leisure activities by “feckless” (*leichtsinnig*) individuals who were fleeing from the economic rat race into the scenic Bavarian countryside.²⁷ Outdoor sports and recreation facilities were supposedly being flooded with “incompetents” (*Unfähige*) who were guilty of “the improper structuring of free time” (*unrichtige Freizeitgestaltung*).²⁸ The offenses against proper *Freizeitgestaltung* in the highlands began with the “misuse” of automobiles to get to recreation areas, and continued with the crowds of “*Ski-rowdys*” who infested the slopes, disregarding the proper etiquette of lift usage and downhill right-of-way. Not only did this kind of attitude increase the physical dangers of recreation, but it also encouraged interpersonal conflict, all leading to a greater need for intervention by overburdened local *Landpolizei* posts.²⁹ Echoing an almost cartoonish stereotype often ascribed by outsiders to Germans since the later nineteenth century—a readiness to dream of police regulation of almost every imaginable human activity—Stauß now saw the need for “a kind of ski police” (*eine Art Skipolizei*) to ensure decorum and safety on Bavaria’s increasingly crowded winter slopes. Another traditional German police responsibility, “morals police” or *Sittenpolizei*, also found an echo as Stauß considered ways to regulate recreation on

²⁶ Stauß, “Der anonyme Dritte,” 12–14. “Verkürzte Arbeitszeit bringt vermehrte Polizeiaufgaben.”

²⁷ *Ibid.*, 12.

²⁸ *Ibid.*

²⁹ *Ibid.*

Bavaria's busy lakes and rivers. In addition to technical requirements to ensure the safety of bathers, establish propeller wake limits for the new craze of waterskiing, and enforce boat safety regulations, Stauß drew attention to the need for police enforcement of the "commandments of morality and respectability" (*Einhaltung der Gebote von Sitte und Anstand*) to make sure that publicly accessible beaches would not be used by random naked people who might show up—or equally naked but better-organized members of the naturist *Freikörperkultur* movement.³⁰

The economic miracle years also witnessed a rise in the number of small weekend "pocket garden" developments (*Schrebergärtnereien*). Owners of marginal land that was within driving or tramway distance of towns and cities but was not viable for commercial or large-scale agricultural use sought to subdivide their tracts into tiny parcels that could be sold or leased to office employees or factory workers. In orderly, compact rows, these people proceeded to live out in miniature their dreams of a weekend place in the country. Here a vegetable plot, a cooking grill, a flagpole topped with a soccer team pennant, and a heated tile stove (*Kachelofen*) might compete for space with a small shed containing an NSU motorcycle with a sidecar, or ... perhaps a BMW Isetta or Heinkel KR175 three-wheel bubble car. Some of the increased police concern about retaining the "quality" in quality leisure time for Bavarians enjoying such countryside plots in these changing times can be understood as a desire to suppress and penalize annoying or dangerous levels of noise (*Lärmbekämpfung*).³¹ Noise could potentially lead to tensions as long-settled inhabitants shared fences and sight lines with the newcomers, many of them "inappropriately" stripped down to their underwear, dozing in their Schrebergärten behind their carefully trimmed privacy hedges. Continued Landpolizei concern with non-criminal interpersonal relations between neighbors can be seen in the "Reports on Disruptions of Security" (*Berichte über Sicherheitsstörungen*) that were maintained by local field stations. Although not produced as routinely and extensively as the weekly *Stimmungsberichte*, *Sicherheitsstörer* files increasingly included reports on "chronic complainers" and confronters (*Querulanten*), "odd or isolated individuals" (*Sonderlinge*),

³⁰ Ibid. Recent work on naturism appears in Michael Andritzky and Thomas Rautenberg, eds., *Wir sind nackt und nennen uns Du?: Von Lichtfreunden und Sonnenkämpfern; eine Geschichte der Freikörperkultur* (Giessen: Anabas, 1989), and Michael Grisko, ed., *Freikörperkultur und Lebenswelt: Studien zur Vor- und Frühgeschichte der Freikörperkultur in Deutschland* (Kassel: Kassel University Press, 1999).

³¹ Stauß, "Der anonyme Dritte," 3–14, "Lärmbekämpfung als Gefahrenabwehr."

and people who were otherwise “potentially dangerous to the community” (*gemeingefährlich*).³² A representative report of this kind was filed for “Martin Huber [presumably no relation to Kriminaloberinspektor Huber above], a garden plot owner, single, born 20.3.1891 in Biberbach, Landkreis Dachau, resident there in Haus #21.” After describing several run-ins with his neighbors, the report concluded that although Huber was “mentally not normal,” he was “not a danger to the community” despite the extra work he caused for the police who had to follow up on his constant complaints and lawsuits regarding the behavior of newcomers in his community.

Police observers felt that the recent increase in disruptive levels of ambient noise in the countryside was linked to the “technification of daily life attending the rise in prosperity” (*dem Ansteigen des Wohlstandes und der damit einhergehenden Technisierung*).³³ Alongside its impact on the quality of free time for dozing Schrebergärtner, noise had become a problem in almost all other facets of rural as well as urban life in recent years. Stauß painted an aural picture of the effects of the suburban economic miracle on people’s nerves—industrial plants that operated around the clock, blaring radios and record players, lawn mowers and other home power equipment used even at night, high-revving motorcycles, nearby roads full of heavy trucks, and housing developments built directly under aircraft landing patterns. Although there were already laws on the books that prescribed quiet hours (*Sperrstunden*) and otherwise allowed the police to enforce the fabled “royal Bavarian peace and quiet” (*königliche bayerische Ruhe*), and although Stauß referred to new enforcement scales for noise pollution that were being developed by university researchers to quantify these problems, his article did not provide details on how the police were to organize the necessary manpower and expertise for this highly technical task.³⁴ While advertisements for noise meters began to appear in the “sponsors” section of police journals (alongside ads for construction firms, hydraulic pumps manufacturers, car dealerships and repair shops, and other industrial enterprises, which were replacing ads for dairies, breweries, cheese makers, and logging firms as the 1950s ended), the articles in those

³² PolPräsOB, 838, “Berichte über Sicherheitsstörungen.”

³³ Please see the etymological note on the differences between “technification” and “technologization” in note 1 of this chapter.

³⁴ Descriptions of enabling laws, Sperrstunden, and sources of ambient noise all in Stauß, “Der anonyme Dritte,” 14.

journals had little to say about how police responding to a public-disturbance complaint were to avoid being caught up in opposing parties' subjective differences of perception and interpretation of what constituted an "unacceptable increase in noise" (*unzumutbare Lärmentwicklung*).³⁵

The growing popularity of weekend camping trips epitomized the new problems with regulating noise, as crowded "bungalow" and mobile-home camps threw together people from all economic strata united by a need to escape to nature for relief from the workaday world. The campers insisted on bringing all the latest comforts of home along with them, which required that the campsites be properly policed. This meant not only enforcing the identity card and residence registration laws (*Meldegeseetze*) at campgrounds and trailer parks, but also developing newer laws to help the police suppress disruptive noise and maintain standards of community safety and hygiene.³⁶ Furthermore, police were needed at campsites to prevent the growing outbreaks of rowdiness, violence, and disregard for other people, and to suppress uncivil or immoral behavior (*eine etwa einreisende Sittenlosigkeit auf Campingplätzen hinanzuhalten*). Such intervention had become necessary because the crowds seeking leisure and relaxation could no longer be depended upon to observe the "unwritten laws" of mutual consideration, respect, and tolerance.³⁷

From an enforcement standpoint, one problem with most such situations was that they were not easily addressed with the methods and assumptions that the police had previously employed to successfully deal with the "criminality of misery" of the previous decade of occupation and crisis. As the patterns of deviance or asocial behavior shifted, they could no longer be characterized as "strangerized" phenomena. They were now things that normal "Bavarians" did to other "Bavarians," or at least "Germans" to other "Germans."³⁸ Despite the corrosive effects of the 1944–1950 period and the immediately preceding Nazi *Volksgemeinschaft* distortions of the populist community ideal, we can infer from the surprised, even alarmed, tone of these morally judgmental pronouncements by Stauß and others that the rise in crimes or

³⁵ Distribution of *Phon- und Schallmessgeräte* to Landpolizei detachments in *ibid.* Increasing presence of industrial ads can be tracked in *Bayerische Landpolizei* between 1958 and 1965.

³⁶ "Campingbetrieb," in *ibid.*, 14.

³⁷ *Ibid.*

³⁸ Pegel, *Fremdarbeiter, Displaced Persons, Heimatlose Ausländer*.

conflicts was still perceived by the police leadership to be taking place within a society of persons who were supposed to share a common set of positive values and formative experiences derived from traditional south German small-town life. While Stauß could and did refer to particular laws or general provisions of the 1954 *Polizeiaufgabengesetz* that authorized the police to proceed against most of the various deviant behaviors he catalogued, another subtext of his analysis can be seen in its repeated references to the need to remind the public of “unwritten laws” of behavior and mutual respect or “commandments” of “morality and respectability”: “*Sitte und Anstand*.” These were all part of an underlying set of standards that had never been precisely defined, but against which the current rise in immorality (*Unsitte*) could be unfavorably contrasted.³⁹

An article published in the fall 1952 edition of a series of training and educational pamphlets used at the Landpolizei officer training academy at Fürstenfeldbruck, titled “On a Sense of Local Rootedness” (*Vom Heimatsinn*), offered one of the most cogent expressions of the assumptions held by members of the dominant police culture about the link between their work in its traditional form and the existence of a community formed by specific values and experiences. However, like most essentializing documents produced within an organic community that attempt to describe that community, it never really examined these values and characteristics. It attempted to describe the policeman’s ideal relationship with the recently restored and stabilized ideal community, one now under new threats not from war, occupation, or demographic upheaval, but from what the anonymous author sensed was an accelerating wave of deprovincialization. “Vom Heimatsinn” began with an evocation of the physical and socio-anthropological setting in which the average Landpolizei man went about his job. Patrols through “fields and plains” took the policeman past the homes of his “fellow citizens,” affording him a front-row view of their social habits, customs, morals, and living conditions. “Alongside progress and present-day conditions,” policemen could also see “the traditions and achievements of our forefathers,” who were “formed by a particular landscape.” The article

³⁹ Stauß. “Der anonyme Dritte.” A useful examination of the role of similar “unwritten codes” of conviviality as a means of defending a self-concept of normality at all costs against accelerating change or disorder in the German mid-twentieth century can be found in Andrew Stuart Bergerson, *Ordinary Germans in Extraordinary Times: The Nazi Revolution in Hildesheim* (Bloomington: Indiana University Press, 2004).

warned policemen not to let the grind of daily service cause them to forget the basic principle that the force had “grown up” and evolved together with a “people and a countryside,” and remained in a specific personal relationship with them. The article encouraged policemen to read “between the lines” of service regulations for their unwritten responsibility to keep tabs on the threats to this landscape from the “spreading tendencies toward speed, a hectic pace, and the attendant disregard of cultural values in favor of an exaggerated stress on material priorities.” If this task was neglected, there was a risk of damage to “what belongs more to the spirit and emotions than to rational understanding,” namely, the “sense of a local home.”⁴⁰

No great intellectual or artistic abilities were needed, the article went on to say, in order to discern whether a population and a landscape were organically linked or only superficially and artificially juxtaposed. The current “organic” relationship between Bavaria’s rural folk and their landscape depended on two elements: “the maintenance of specific habits and ways of life” and the maintenance of traditional Catholic religiosity. It was every policeman’s unwritten assignment to protect these foundations from the dangers of “apathy” and “cultural death.” This extended to the protection of Bavaria’s unique heritage of roadside chapels and plague crosses (*Pestkappellen*), statues of the Virgin Mary, and other cultural monuments rendered numinous by age. The article was silent on whether police should exercise this protective function out of true religious conviction or whether the force should simply act in a disenchanting Weberian manner out of a concern for a cultural heritage that contributed to social cohesion, stability, and order. In any case, it was “consoling” and “edifying” (*erzieherisch*) for people to be reminded of the “eternal” in their workaday lives. Everyone could benefit from such reminders—the rich and the poor, the educated and the uneducated. The artistic products of folk culture might be impressive and masterful or naive and childlike, but even if policemen could “distinguish between art and kitsch,” they were obligated to protect all such objects, since “bad taste was not a crime.” What applied to religion also applied to “the works of our ancestors.” The “man of order” was required to be familiar with the history of his area. Castles, fortifications, town halls, old marketplaces, guildhalls, inns, road markers, field border stones, “Roman roads,” all were a necessary part of the

⁴⁰ “Vom Heimatsinn,” from occasional mimeographed series “Unsere Interesse,” Bayerische Polizeischule Fürstfeldbruck, October 1952.

physical matrix in which the concerns of present-day life played out. Maintaining a sense of tradition and place (*Heimatpflege*) could not be left to hobbyists and local enthusiasts; it was an automatic responsibility of the Landpolizei.⁴¹

This force's vision of its responsibilities took it far afield from the value-neutral role implied in a minimalist night-watchman model of policing. Especially interesting was the insistence that these concerns were an "unwritten" part of the policeman's job. It suggests that the force was aware of the tension between its official duties to the liberal democratic constitutional state and the program of economic growth, on the one hand, and the separate work of cultural stabilization and community preservation that was among the tasks of the traditional authoritarian police state, on the other. (The fact that the latter actually began as a tool for the socioeconomic mobilization and transformation of pre-modern communities was conveniently obscured.) That the article also conceptualized this unwritten preservative function as an "educational" (*erzieherisch*) task suggests the persistence of a belief in the essentially creative nature of the state, its police, and their ability to define the character of the society whose activities they oversaw.

The sweeping responsibilities and workload implied by this attempted reaffirmation of a police educative mission overlay the wide-ranging regulatory, supervisory, and suppressive police functions that had already been established in Landpolizei practice by the mid-1950s. Educative policing implied heavy and problematic workloads for the small, scattered Landpolizei stations, requiring close monitoring of a wide range of normal daily activity and difficult judgment calls about the deployment of scarce manpower and resources in subjective areas not covered by specific criminal or regulatory legislation or policy.⁴² In practice, policemen in the field displayed some resistance to such vague responsibilities, particularly because such moralizing concerns required them to intervene in trivial incidents or conflicts that, in and of themselves, did not necessarily pose a danger to property or life. Such grass-roots resistance from field operatives sometimes indicated the limits of

⁴¹ *Ibid.*

⁴² PolPräsOB, 186. See here, for example, a report from Landpolizei inspectorate Miesbach of 3 September 1956 about a lack of manpower for proper supervision of "Zustrom vieler Erholungssuchender," including supervision of entertainments and dances that follow in the wake of the tourist wave. Accompanied by complaint from Landratsamt Miesbach of 10 October 1956 about unsatisfactory police performance attributable to understaffing.

individual policemen's commitment to the retention of the educative aspect of their work, despite Stauß's advocacy of the latter and the additional support for it coming from local community elites.

The furor that erupted during a 1959 town festival (*Volksfest*) in the Kreis seat of Fürstenfeldbruck, for example, showcases the reluctance of the local Landpolizei to go beyond the narrower definition of police work as *Gefahrenabwehr* (avoidance of dangers and crimes) and move into *Völkserziehung* (education and enforcement of unwritten moral norms). At issue was a conflict that had developed between Kott, the local Landpolizei inspectorate chief, and a group of local notables and festival organizers. After it had generated extensive correspondence, the conflict ultimately had to be mediated by Landpolizei headquarters and the government of Upper Bavaria.⁴³ Attendance at the festival had grown in recent years, bringing in a heavy influx of people from outside the immediate community, and in 1959 it led to the appearance of what the event's organizers described as a "horde" of ten to fifteen "Rowdys" from the working-class settlement of Hasenheide on the opposite side of the Greater Munich area from Fürstenfeldbruck. According to the event's organizing committee, similar groups had begun to invade and disrupt festivals in other nearby communities that year. The committee complained that the police had not dared move against this "officially recognized work-shy rabble" (*amtsbekanntes arbeitscheues Gesindel*) even when the strangers had managed to terrorize the entire festival after being forcibly ejected from the main beer tent and assaulting Red Cross workers who were trying to help earlier victims.⁴⁴ The main complaint the townsfolk had was that the police did not station any forces at the festival that year, as had been customary, and did not appear until after several hours' delay and seven to eight telephone calls for assistance. This was especially disturbing, the organizers maintained, since elsewhere in Bavaria it would be unthinkable for the police not to safeguard the peace and order at such a popular festive occasion.⁴⁵

⁴³ Four items from PolPräsOB, 838: (1) Minutes dated 29 June 1959 of festival organizing committee meeting, *Fürstenfeldbrücker Volksfest*, 1959. Copy furnished to Landpolizei Oberbayern. (2) Response statement dated 1 July 1959 from Landpolizei Posten Fürstenfeldbruck to complaints from festival committee. (3) Corroborating statement and supplementary information dated 6 July 1959 from Landpolizei inspectorate Fürstenfeldbruck to PolPräsOB. (4) Letter dated 17 July 1959 from PolPräsOB to Regierung von Oberbayern.

⁴⁴ PolPräsOB, 838, Festival committee minutes.

⁴⁵ *Ibid.*

The local Landpolizei station chief responded with a detailed, point-by-point rebuttal of these criticisms. He began by observing that all available forces had to be detailed to traffic-control duties during the festival, to manage the significant increase in out-of-town vehicles now converging on the Landkreis. The customary presence of a fully manned temporary police sub-post on the festival grounds, the station chief continued, was a relic of the time when Fürstenfeldbruck had its own community police and the community council could deploy the force however it chose. This had included pressing the town's policemen into service as ushers, ticket takers, and bouncers in festival tents.⁴⁶ The Landpolizei, which had taken over police jurisdiction for the town a year before the incident, had intentionally not set up a sub-post on the festival grounds so that they could avoid being pressed into performing menial order-control functions inside beer tents that could more appropriately be carried out by private service staff or local administrative auxiliaries. Implying that the need to uphold the image of traditional civility in Bavarian communities might over-idealize the past, the Landpolizei inspectorate in the Kreis observed that the need to eject "Rowdys" from the beer tent was nothing new, and that incidents of disruptive unruliness were a traditional part of the festival atmosphere caused by excessive alcohol consumption, which could be expected to be a feature of such occasions for the foreseeable future.⁴⁷

The behavior displayed by the "Rowdys" that summer in Fürstenfeldbruck was reported in the context of increasing concern over the "immorality" (Unsitte) of so-called "feralized youth" (*verwilderte Jugendliche*). This problem evoked increasing amounts of moralizing from the Landpolizei through the 1950s and into the 1960s. However, like most moral panics, the actual record suggests that these fears were exaggerated. In the course of describing sources of noise and other forms of disruption, Stauß had already pointed out the broader concerns that German society was beginning to have about the emergence of a new youth culture during this period. Apparently believing that life was not possible without portable record players and radios, "noise-inured youth" (*lärmgewöhnte Jugendliche*) had unleashed a constant flood of annoying popular music, which was particularly bothersome to adults who were trying to sleep in their homes or seek invigoration in nature.⁴⁸ Loud

⁴⁶ PolPräsOB, 838, Report from Landpolizei station chief Fürstenfeldbruck.

⁴⁷ PolPräsOB, 838, Supplement from Landpolizei inspectorate Fürstenfeldbruck.

⁴⁸ Stauß, "Der anonyme Dritte," 13.

noise was only one of the problems that youth culture posed, however; according to Stauß, the economic boom and the leisure industry's expansion into communities both large and small all too often went in unedifying directions—all-night bars, cabarets, pleasure arcades, and popular cinemas. From the official police point of view, these posed a particular moral danger to young people.⁴⁹

Supposedly cast adrift from the eroding structures of traditional family and community life, “feralized youth” were now characterized by Landpolizei commentators as a violently disruptive and highly sexualized new social formation in the countryside.⁵⁰ Concerns about vehicle use, prosperity, “morally empty” consumption, generational value change, non-traditional behavior, and juvenile delinquency lost their specifically urban character during this period as the structure of the rural landscape changed. This appears to have been the rural Bavarian manifestation of a general moral panic about youth deviance in Germany in the late 1950s and early 1960s that centered on the phenomenon of young urban “hooligans” known as *Halbstarcken* (literally “the semi-strong”).⁵¹ Part media construct and part self-designated youth identity, the *Halbstarcke* was a German expression of the widespread fears that were greeting the emergence of new youth subcultures across the postwar West. By the end of the 1950s, the word had moved beyond its origins as a slang term to describe the largely male working-class youth groups that congregated in the centers of big cities or the growing rings of industrial settlements, and had come to be applied to wider groups of youth in a variety of circumstances.⁵² Public spaces such as parking lots, movie house lobbies, highway underpasses, the ubiquitous stand-up snack bars (*Imbißstuben*) and beer bars (*Theke*) around railway stations, “scene”-associated trendy restaurants and cafés, and sidewalks were the stage on which the public began to perceive increasingly threatening congregations of these young people.

Halbstarcken were part of the same demographic and sociocultural trend that produced the Teddy Boy, Rocker, and, somewhat later, Mod

⁴⁹ *Ibid.*, 15. “Schutz der Jugend vom verderblichem Einfluss.”

⁵⁰ Anneliese Nutz, “Jugendschutz und Polizei,” *Bayerische Landpolizei* (1960): 45–49.

⁵¹ Poiger, *Jazz, Rock, and Rebels*, 71–105.

⁵² Aside from Poiger, see also Marina Fischer-Kowalski, “Halbstarcke 1958—Studenten 1968: Eine Generation und Zwei Rebellionen,” in Ulf Preuß-Lausitz et al., *Kriegskinder, Konsumkinder, Krisenkinder: Zur Sozialisationsgeschichte seit dem Zweiten Weltkrieg* (Weinheim: Beltz, 1983), 53–70.

movements in 1950s and 1960s Britain.⁵³ The growing disposable incomes of working-class European males were helping to fuel new forms of identity-building consumption, dress, and behavior. In many cases, these drew heavily on symbols and references that had found their way to these audiences from media images of the somewhat differently constituted subcultures of American rock 'n' rollers, teenagers, and juvenile delinquents.⁵⁴ Uta Poiger has argued that the increasing adoption by German youth of James Dean and Marlon Brando aesthetics and the spread of rock 'n' roll dance music and new jazz genres represented a transitional stage in which younger demographic cohorts with growing incomes were embracing new forms of consumer culture earlier and at a faster rate than older cohorts in 1950s German society.⁵⁵ In Britain, American influences eventually mixed with elements of the home-grown Thames estuary and Midlands styles to produce successive waves of characteristically British postwar youth lifestyles and subcultures. By the 1960s, these British subcultures had in turn begun to invade the international culture industry and spread around the world as models in their own right, fundamentally influencing both young people and older groups who did not belong to the original youth cohorts that had spawned them. In contrast, as both Poiger and Carter point out, the politicization of the intertwined issues of youth, consumption, and American influence in the frontline societies of Cold War Germany meant that far more polarized confrontational ideological meanings accompanied the different ways that various sectors, cohorts, or generations of both East and West German society engaged with the expanded material possibilities brought by 1950s economic stabilization.⁵⁶

In a 1959 article titled "Jugendschutz und Polizei" (Police and the Protection of Youth), the detective *Kriminal-Obermeisterin* Anneliese Nutz, one of the few women identifiable as Landpolizei officers from this period, argued for a renewed morality-driven emphasis on the role of the state and its police as substitute parents at a time when actual parents, educators, social services, the church, and other influences on

⁵³ See Dick Hebdige, *Subculture: The Meaning of Style* (London: Methuen, 1979).

⁵⁴ Poiger, *Jazz, Rock, and Rebels*, 76–81.

⁵⁵ *Ibid.*, 168–193.

⁵⁶ See Uta Poiger, "Rock and Roll, Female Sexuality, and the Cold War Battle over German Identities," in Moeller, *West Germany under Construction*, 373–410; and Erica Carter, "Alice in the Consumer Wonderland: West German Case Studies in Gender and Consumer Culture," *ibid.*, 347–371.

youth had failed in their responsibilities.⁵⁷ While similar concerns or even full-blown moral panics could of course be found in other local variants of consumer society emerging in the West during this period, the Bavarian attempt to solve the problem by mobilizing the repressive powers of the police and the state *in loco parentis* seems characteristically heavy-handed.

Nutz alluded to unspecified “scientific” evidence that, as a result of better nutrition and more healthful living conditions in the rural areas, physical growth was now steadily outstripping mental and moral development by about five years. Not only was physical strength increasing, but puberty was occurring earlier. Nutz believed that antisocial behavior and precocious sexual promiscuity were being used by adolescents in an attempt to make up for inadequacies they felt because of their lack of mental maturity. Such tensions produced by recent disjunctures in various facets of development were made worse, she concluded, by the disruptions in traditional patterns of daily life in small communities. They ultimately underlay the higher rates of delinquency, underachievement, and criminality among rural youth.⁵⁸

Nutz pointed out the conditions that currently required intervention by the Landpolizei. One reason for the increasing absence of the order, consistency, warmth, and human contact in a family setting needed for proper development was that the employment of more mothers outside the home was creating a generation of latchkey kids (*Schlüsselkinder*), alienated not only from their parents but from religion and society in general.⁵⁹ These were supposedly being replaced by an amoral culture of casual sexual encounters, entertainment diversions, and fads. In addition to the damage wrought by working mothers, Nutz linked the increase in these threats to sound development to a growing reluctance by parents to take seriously the obligations that their traditional roles required. Apart from other demands on their time and energy and the emotional exhaustion produced by pressures to succeed in the workplaces of the expanding economy, Nutz singled out as particularly reprehensible the growing number of households in which, despite the fact that the mother did no outside work, both parents devoted so much

⁵⁷ Nutz, “Jugendschutz und Polizei,” 45–47.

⁵⁸ *Ibid.*, 48.

⁵⁹ For more on 1950s youth, see Axel Schildt, “Von der Not der Jugend zur Teenagerkultur: Aufwachsen in den 50er Jahren,” in Schildt and Sywotek, *Modernisierung im Wiederaufbau*, 335–348.

time to vacations, parties, other social commitments, and quality time for themselves that the developmental needs of their children suffered.⁶⁰

These concerns were echoed by Stauß, who further charged that the pressures of the economic miracle were putting “too much money in children’s hands and young wallets” (*zu viel Geld in Kinderhänden und jungen Geldtaschen*). At a time when scholars such as Robert Moeller say that cultural controversies over the role of working women were emerging at full strength in the public debate, Stauß argued that prosperity was deluding parents into thinking that they could buy off their children with excessive pocket money (*übermäßiges Taschengeld*).⁶¹ This was allegedly to make up for the neglect the children suffered as a result of their parents’ insistence on having two-career households in order to afford more interesting lives for themselves. Stauß referred to unidentified “statistical surveys” to support his argument that the resulting 17 million deutsche mark that flowed each week through the hands of children ages ten through fourteen in the Federal Republic was largely spent on chewing gum, candy, ice cream, and violent toys available at the kiosks and corner stores that lay in wait between home and school. An exploitative industry “could think of nothing better” to offer than endless varieties of toy knives, revolvers, pistols, and other aggressive playthings for sale at these kiosks and stores.⁶²

The problem of “zu viel Geld in Kinderhänden” grew in adolescence, Stauß continued, encouraged by a situation where eighteen-to-twenty-year-olds in many communities with no or negative unemployment routinely took home up to 65 deutsche mark a week. Most contributed only a minimal amount to household or other family expenses. For Stauß, this situation fueled the heightened teenage affinity (*Hang*) for alcoholic beverages, to the point where every bar or restaurant even in smaller towns could expertly serve up the so-called “HG” or *Halbstarkengetränk* (a pointedly Franco-American mix of Coca-Cola and cheap cognac).⁶³ It was thus no wonder, observed Stauß, that on weekend nights in many communities, “juvenile shapes stagger drunkenly through the streets” (*knabenhafte Gestalten betrunken durch die Strassen torkeln*).

⁶⁰ Ibid.

⁶¹ Stauß, “Der anonyme Dritte,” 16, “Zu viel Geld in Kinderhänden und jugendlichen Brieftaschen”; Moeller, “Reconstructing the Family in Reconstruction Germany: Women and Social Policy in the Federal Republic, 1949–1955,” in Moeller, *West Germany under Construction*, 109–133, 109–110.

⁶² Ibid.

⁶³ Ibid.

Inebriated or not, young people with money were a prime target for games of chance, in the form of the automatic gaming machines that beckoned in arcades or the lobbies of inns and hotels along the roads.⁶⁴

These expensive habits easily turned youth into criminals, Stauß believed. The desire for weapons especially emerged when exposure to low-quality films and trashy publications (Schundliteratur) triggered memories from childhood of the fun that could be had with toy guns and revolvers.⁶⁵ Altogether, Stauß and Nutz felt, an increasing proportion of the youth of Bavaria were “living beyond their means, seeking escape from frustrations, identity confusion, and parental neglect in alcohol, cheap entertainment, and early promiscuity, and did not hesitate to break the law to achieve these gratifications.”⁶⁶

Nutz went on to describe some of the damage that these changes in family life were allegedly causing in terms of actual recorded cases in communities under Landpolizei jurisdiction: male teenagers ritually raping eighty-two-year-old church ladies in cemeteries; young mixed-gender thrill-kill pairs—exploiting the persistent naïve readiness of German motorists to pick up hitchhikers—trolling for victims along the on-ramps of the expanding Autobahn system; break-ins by youth gangs into churches and chapels and the subsequent theft and/or desecration of religious objects; bands of young robbers attacking isolated rural banks and challenging policemen to “come on and get shot”; and domestic violence, specifically when it was directed by teenagers against parents. These were just some of the many cases, she reported, that had led to a steady rise in youth-related offenses every year: from 11,439 in 1952 to 13,787 in 1957.⁶⁷

These disturbing images were part of a campaign under the imprecise, alarmist heading of “*Massnahmen gegen verwilderte Jugendliche*” (Measures against Feralized Youth) that apparently kicked off in Upper Bavaria at the end of 1956 and continued on in into 1957. No single incident appears to have been decisive in sparking this campaign; rather, the language of individual station reports turned in as a result

⁶⁴ Ibid.

⁶⁵ For a glimpse of routine police operations against corruptive moral influences in this period, see PolPräsOB, 632, “Jugendschutz: hier: Tanzverbot, Filmverbot, Polizeistunde,” Report from Landpolizei inspectorate Landsberg a. Lech to LaPoPräs, 24 March 1955, includes “Beachtung und Missachtung der Filmvorschriften für Jugendliche” from unidentifiable Landpolizei station, n.d.

⁶⁶ Stauß, “Der anonyme Dritte,” 16.

⁶⁷ Nutz, “Jugendschutz und Polizei,” 48.

suggests that the operation was more a reactive stocktaking to gauge the true extent of the “Halbstarken” problem, which had already been in the media spotlight for some time by that point.⁶⁸ No set of objective offenses or characteristics to be used in identifying such individuals accompanied the instructions. Despite the wide leeway this gave individual stations to determine what constituted “feral” behavior, the actual content of most of these reports came nowhere near to describing the state of advanced moral degeneration implied in this term.

The most common “offense” cited was the tendency of young moped drivers to ride together in large groups down the main streets of towns, loudly yelling to each other and disturbing or intimidating passersby with the noise of their engines and voices.⁶⁹ Although some stations recorded misdemeanors such as disorderly conduct, fighting, and petty theft, most reports stressed that those remained isolated incidents in the clear minority.⁷⁰ In performing such “preventive police” activities as checking identification cards and driver’s licenses during random stops of young motorists and motorcyclists, the Landpolizei had to content themselves with the knowledge that they had thus discouraged the tendency of young people to roam aimlessly in groups with no fixed destination. The same lack of true criminal dimensions accompanied reports of attempts to intervene with parents and other authority figures before serious offenses had a chance to take place. A discrepancy existed between the rhetoric of advanced moral degeneracy and youth feralization and the actual field reports that dismissed young people’s behavior as “high-spiritedness and rambunctiousness familiar from the past and ... not eliminable in the future” (*schon seit Jahrzehnten unter der Bezeichnung von Jugendstreichen und Lausbubereien bekannt und man wird sie auch in Zukunft nicht beseitigen können*), or the same “youthful over-enthusiasm that existed in the past” (*Auswuchse jugendlichen Übermutes ... die auch früher vorgekommen sind*).⁷¹

Despite the alarmist pictures of a countryside overrun with Halbstarken, a growing sense that police methods were becoming increas-

⁶⁸ A large number of individual station reports during this campaign are collected in PolPräsOB, 632, “Massnahmen gegen verwilderte Jugendliche.”

⁶⁹ In PolPräsOB, 632, see, for example, Erfahrungsbericht Landpolizei-Inspektion Garmisch-Partenkirchen, 7 January 1957; Freising, 7 January 1957.

⁷⁰ PolPräsOB, 632, Erfahrungsberichte from Landpolizei-Inspektion Erding, 8 January 1957; from LP-Insp. Freising, 7 January 1957.

⁷¹ PolPräsOB, 632, Erfahrungsberichte LP-Insp. Freising and Erding, 7 and 8 January 1957.

ingly heavy-handed in relation to the actual state of affairs emerges from the reports produced in the course of a Landpolizei operation during the *Fasching* festival season of 1955. Policing this festival involved a concentrated effort to enforce various laws for the protection of youth morals by conducting spot inspections of dance balls and halls throughout Upper Bavaria. The policing of festival events in Landkreis Erding appear to have been the kickoff for this campaign, and was staged for maximum media impact. Kopp, the chief of the Erding Landpolizei inspectorate, and Kaiser, the head of the local youth welfare office (*Kreisjugendamt*), began at 11 p.m. to drive through various communities in the Landkreis, visiting dance clubs and inns and requesting identification documents from anyone who looked young.⁷² Dressed in civilian clothes, they were assisted by men from the local Landpolizei stations in these communities. By the time they were through, not a single underage person was discovered to have been illegally dancing or present at an establishment with a dance floor after the end of allowable hours for minors.⁷³

Policemen complained that such expensive, resource- and time-consuming sweeps no longer worked well, as they had been designed in conjunction with police regulations from the early 1940s, providing stiff penalties for youths who were found to be in violation of rules designed to keep them from becoming a public threat to moral and character development.⁷⁴ Now, however, the relaxation of rules requiring younger people to carry their legal identification cards at all times had made spot checks to verify age much less effective. A report from the Landpolizei inspectorate at Mühlheim of 12 March 1954 unfavorably compares the Bavarian Law for the Protection of Youth in Public (*Gesetz zum Schutz der Jugend in der Oeffentlichkeit*) of 4 December 1951 with the much more effective Police Ordinance for the Protection of Youth in Public (*Polizeiverordnung zum Schutz der Jugend in der Oeffentlichkeit*) of 10 June 1943. The 1943 Police Ordinance required all minors to carry identity cards, penalized not just parents or guardians but the minors themselves in

⁷² PolPräsOB, 633, "Kontrolle von Tanzveranstaltungen auf Einhaltung der Bestimmungen des Gesetzes zum Schutz der Jugend in der Oeffentlichkeit," Report from LP-Insp. Erding to LaPoPräs, n.d.: internal evidence suggests immediately after conclusion of operation on 12 February 1955.

⁷³ PolPräsOB, 633, "Jugendamt und Polizei schaffen Ordnung"; extract from *Erdinger Anzeiger*, n.d.

⁷⁴ PolPräsOB, 633. See also similar comparison from LP-Insp. Altötting, in report of 12 March 1954, and Nutz, "Jugendschutz und Polizei," 45.

cases of violations, and reserved to the police the prerogative of instituting curfews everywhere after certain hours, not just in the vicinity of places of public entertainment. The revised structure of the youth protection laws themselves, with new and complicated exceptions allowing for the presence of minors at places of public entertainment after 11 p.m. if, for example, they remained at a given distance from the dance floor, was cumbersome and made spot-checking identification a highly uncomfortable process for both police and guests. Other posts and inspectorates in upper Bavaria, such as Fürstenfeldbruck, complained that many young people did not take the laws seriously because no penalties were assessed directly against the individuals concerned. Although they did penalize irresponsible parents or legal guardians, the former were often unreachable late at night when these checks took place, because young people now traveled much farther from home for entertainment. Since policemen no longer had any legal right to detain the youths themselves if they had committed no other criminal acts, the checks often ended in frustration and lessened credibility for the police.⁷⁵ The Landpolizei in Traunstein echoed these reservations, adding that further provisions of the laws that allowed underage youth to visit restaurants and inns at late hours for the limited purpose of ordering a meal were being used as excuses every time a young person was discovered in a restaurant that had a dance floor. The report from Traunstein pinpointed the fundamental dilemma of trying to achieve this kind of regulatory and pedagogical oversight of youth activities in public when the laws governing police activity no longer satisfactorily supported that approach. Beyond this observation, the personnel of Traunstein station, like so many of the experienced police rank and file in modern societies everywhere, advocated a reconsideration of not only the utility but also the appropriateness of the police *in loco parentis*, and by extension of the pedagogical function in general. They quoted an article in the semi-official newspaper *Bayerische Staatszeitung* that argued: “A people who turn over the protection of youth solely to the police and the laws is a dying people” (*Ein Volk, das den Schutz der Jugend allein der Polizei und den Paragraphen überlässt, ist ein sterbendes Volk*).⁷⁶

By the mid-1960s, the Landpolizei had accepted that adolescents were now behaving in accordance with a new set of rules. These were based on the aesthetics of a new youth culture, particularly on the con-

⁷⁵ PolPräsOB, 633, Report from LP-Insp. Fürstenfeldbruck dated 8 March 1954.

⁷⁶ PolPräsOB, 633, Report from LP-Insp. Traunstein dated 12 March 1954.

sumption of constantly changing popular music and fashion at home or in collective bonding experiences by relatively well-off and mostly non-disruptive majorities in each age cohort. The classic venue for this new social formation was the pop concert. Even though on the surface, behavior at these events echoed instances of mass popular mobilization from the recent politically troubled past during the Weimar Republic, concerts and other youth festivals in the 1950s gradually ceased to be perceived by the police as disruptive of public order, in the way that earlier instances of collective crowd behavior had been.

This is illustrated nicely by the shifting tones of a Landpolizei surveillance and action report during a “*Beat-Veranstaltung*” or “*Beat-Fest*” held in the town of Roth bei Nürnberg in December of 1965. The event featured four “beat music groups.” In the original German sources, these are described as *Beat-Kappellen*—the anglophilic “*Band*” had apparently not yet sufficiently shed its occupation-era associations with armed foreigner gangs to come safely into general use in this part of the country to describe pop music groups, despite the Beatles’ successful residencies in the north German music club scene since the beginning of the 1960s. These “beat groups” included local lineups bearing such names as “Casey Jones and the Governors” or “The Rainbows,” along with the “Surf Boys” from the USA (most likely servicemen from one of the numerous American bases in Franconia) and the “Fleets Beat Sensation” from Scotland. The festival drew a crowd of about nine hundred people, described in Landpolizei Inspektor Josef Mehringer’s written report as a mixture of teenagers and “*Tweens*.”⁷⁷

Drawing on police experiences with violent riots at concerts by the Rolling Stones during their recent German tour, Mehringer’s report

⁷⁷ Also spelled “*Twen*,” the intriguing German pseudo-Anglophone construct “*Tween*” is in German sociolinguistics considered a *Scheinanglizismus*, a pseudo-back formation, in this case from “Teen,” and is even today believed by many Germans of a certain age to be a real English word supposedly used to describe a person in their twenties. Presumably cringe-inducing for younger Germans with sufficient knowledge of real English, “Twen” or “Tween” nevertheless remains available in certain not always provincial or monolingual social circles in Germany, to be casually dropped in conversation as “evidence” of cosmopolitan access to the “real” usages of (now forty-year-old) “trendy” Anglo-American pop culture. Whether the usage of “Twen” nowadays has acquired an element of conscious self-parody by those who know better, or whether the recent emergence of the linguistically unrelated “real” late 1990s pop-music Anglicism “twee” has contributed to the survival of “Twen” as a standard German word is unclear to me despite repeated field investigations.

contained an assessment of the latent potential for uncontrollable violence among the “mass” during its encounter with musicians inspired by the Beatles. The police prohibited the concession stands in the Roth Municipal Hall, where the concert was held, from serving any drinks, non-alcoholic or alcoholic, for fear that bottles would be thrown. Extra Landpolizei men from the Landkreise surrounding Roth were called in and held in readiness as a reserve force on the festival grounds, while an “Einsatzkommando” from the Roth Landpolizei itself performed crowd-control duties inside the hall. To document any crowd behavior that might justify a police response, Mehringer stationed undercover police photographers in the wings of the stage, with direct close-up visual access to the audience.

Reflecting later on his experiences during the festival, Mehringer came to the conclusion that this music and the young musicians who played it were not automatic instigators of mass teenager disorder. Except for their radical bowl-shaped haircuts and sharply cut costumes, he characterized the band members as ultimately indistinguishable from the musicians who played more familiar kinds of Bavarian folk or standard big band music in coffee houses and bars. Similarly, Mehringer found the audience to be composed not of cliques of “eccentric troublemakers,” but of well-scrubbed youngsters “from every social class,” open, relaxed, and well-behaved. Mehringer reported that while they acted out their enthusiasm in response to the music with ritualized bodily movements and facial gestures that they would have been “hesitant” to display outside the confines of the concert hall, this simply meant that they were among the long succession of generations who had been animated by dance crazes going back to the Charleston, “familiar” from Mehringer’s own experience.

Mehringer had intended for the photographic surveillance to serve as a backup should court cases emerge from arrests for unruly behavior. For technical reasons that are not clear, he eventually brought “before” and “after” pictures of a quiescent pre-concert crowd and the same camera angles erupting into animated movement during the performances to a prominent local university musicologist named Dr. Schiller, for further expert analysis on the redeeming social value of the display. Much to both Mehringer’s and Schiller’s surprise, the pictures turned out to show most of Schiller’s own music theory students, who had elbowed their way to a prominent position in the front rows by the end of the show, and who had led the crowd to new and higher levels of energy with each passing song.

The Landpolizei did make two arrests during the festival, but those did not involve any of the local young people in the audience, who had shifted in Mehringer's account from a threatening, proto-anarchic "mass" to the well-behaved sons and daughters of the local community enjoying a generational rite of passage. The arrests had rather emerged from two unrelated moments of tension in which Mehringer saw the anarchic potential "latent" in the crowd veer a bit toward the edge of the feared outbreak of chaos. But he identified the near-catalysts or almost-triggers as cultural outsiders. The less serious incident took place when a member of one of the featured bands, apparently deciding that the atmosphere could use more drama, attempted to jimmy open a fuse box and shut down the lighting for the entire building. Mehringer noted the risk of unleashing a riot had the building indeed been plunged into darkness, but in the end the Landpolizei were able to restrain the musician and put a stop to the prank.

The second incident worried Mehringer more, because for a moment, the "good-natured" energy of the crowd truly hung suspended, diverted by the spectacle of a small gang of troublemakers standing by an exit, where one individual was breaking chairs and assorted other pieces of furniture. Although we do not have a subsequent arrest report that might have allowed us to identify the troublemaker more closely, Mehringer made sure to emphasize in his general crowd-control report that the miscreant had turned out to be a person of mixed race (*ein Mischling*), and that the police in the immediate vicinity had quickly wrestled him to the ground, after which the mood of the crowd soon became more upbeat as they shifted their attention back to the music on the stage.

The overall tone of Mehringer's report can be taken as a microcosm of the equilibrium that the Landpolizei regained in its contemplation of the changing nature of 1950s public order and disorder, at least in this Landkreis and this inspectorate, between the enduring demands of physical security and order and the recognition that judgment of the moral consequences of youth and consumer culture were no longer a pressing police concern.⁷⁸

⁷⁸ Josef Mehringer, "Beatles und Masse," *Bayerische Landpolizei* (1965/1966): 34–35.

CHAPTER EIGHT

THE GREAT TECHNOLOGICAL FIX AND THE PASSING OF THE TRADITIONAL POLICE STATE

By the end of the 1950s, in response to the changing social and physical environment, the Landpolizei began to focus on changes in its own organization and the addition of new technological infrastructure in the pursuit of increased mobility and quicker responsiveness. These improvements to technology and organization were driven by the ongoing suburbanization of Bavarian society and by the increasingly unmanageable workload, which was straining the force's existing network of widely scattered but logistically inadequate small stations. However, the makeover of the Landpolizei in the interest of technological efficiency also significantly reduced the level of close contact between police and the non-criminal population. Ultimately this transformation made the old style of intrusive, paternalistic police regulation and surveillance of daily life unworkable in many communities, and signaled the passing of the traditional police state that had discreetly made it through the upheavals of the previous decades.

Rural life was changing at this time, in response to a relatively delayed but then rapid and compressed wave of decentralized economic growth and change. An "imported" form of postwar rural industrialization emerged first, as refugees and expellees established industries and businesses in previously underdeveloped areas. Only after the newcomers had shown the way did longtime inhabitants begin to participate in the deprovincialization of their home milieu, providing a labor pool, markets, and support for the necessary public infrastructure of roads and communications to accelerate the process.¹ The political consensus attending these rapid and unprecedented economic changes emerged as the mainstream centrist parties (CSU and SPD) gained

¹ Klaus Schreyer, *Bayern, ein Industriestaat: Die importierte Industrialisierung: Das wirtschaftliche Wachstum nach 1945 als Ordnungs- und Strukturproblem* (Vienna: Olzog, 1969), 302–308. For the political background of these socioeconomic changes, see Mark S. Milosch, *Modernizing Bavaria: The Politics of Franz Josef Strauss and the CSU, 1949–1969* (New York: Bergahn Books, 2006), and Jaromir Balcar, *Politik auf dem Land: Studien zur bayerischen Provinz 1945 bis 1972* (Munich: Oldenbourg, 2003).

masses of voters at the expense of the traditional political expression of rural interests, the Bavarian People's Party (*Bayerische Volkspartei*—BVP).

This pattern set Bavaria somewhat apart from the rest of postwar western Germany.² After the Second World War, and particularly after 1948, areas of the country such as the Rhineland, the Münster- und Emsland, the Taunus–Mannheim–Oberrhein–Schwarzwald axis, and the Ruhr continued to expand the existing networks of interconnected urban industrial centers and suburbanized hinterlands. In some cases, these had already been established by the mid-nineteenth century. In Bavaria, by contrast, the fewer and relatively less developed industrial centers that had emerged by the mid-twentieth century remained isolated pockets in largely agrarian and small-town landscapes. Although the Second World War had dispersed some new, often military-related enterprises outside urban centers, particularly in the aircraft industry, most of the countryside in 1945 was still primarily agricultural, its social arrangements and community relations largely unaffected by major structural change. By the middle 1950s, however, a very different Bavaria had begun to emerge, in which commercial/industrial, commuter/suburban, and rural/agricultural landscapes eventually became more evenly interwoven than in the rest of Germany.³ The transition to a post-authoritarian phase in Landpolizei operations thus got under way in a milieu that was undergoing the early stages of a shift from agricultural traditionalism to a more sophisticated and differentiated form of balanced suburban-industrial development in the middle decades of the twentieth century.

As rural areas gradually came into the economic and social orbits of proliferating industrial centers or initiated their own structural diversification, primarily agricultural districts were becoming a dwindling minority by the early 1960s.⁴ Formerly rural settlements became bedroom communities for urban centers such as Munich, Augsburg, Nuremberg, Regensburg, and the mid-size Franconian cities of the Main Valley.⁵ Completely new areas of decentralized commercial and industrial activity developed in other formerly agricultural areas of Bavaria,

² Paul Erker, "Keine Sehnsucht nach der Ruhr: Grundzüge der Industrialisierung in Bayern 1900–1970," *Geschichte und Gesellschaft* 17 (1991): 482 ff.

³ A comprehensive treatment is Schreyer, *Bayern, ein Industriestaat*.

⁴ *Ibid.*, 317–331.

⁵ Karin Zapf, Karolus Heil, and Justus Rudolph, *Stadt am Stadtrand: Eine vergleichende Untersuchung in vier Münchner Neubausiedlungen* (Frankfurt: Europäische Verlagsanstalt, 1969).

particularly in Upper Franconia, but also around the Danubian floodplain, the alpine foothill and lake country, and southern Schwaben. In these zones, variations on a suburban landscape of shopping centers, “cash-and-carry” (*cash-und-carry*) stores, wholesale outlets, and light industry began to take shape between agricultural lots in the later 1950s.⁶ Revived markets for mass tourism and the leisure and consumption activities of increasingly affluent teenagers and younger adults also helped ensure that by the end of the Adenauer era, Bavaria’s rural communities were beginning to enjoy levels of vehicle use and personal mobility resembling those in previously suburbanized sections of the Federal Republic.⁷ Police reports from the mid-1950s began to mention the rising numbers of automobiles in rural areas. In 1947, only 164,953 motor vehicles of all kinds, including motorcycles, had been registered in all of Bavaria, a rate of 18 vehicles per 1,000 inhabitants. By 1955, the total had climbed to 1,148,283, or 125 per 1,000. By 1965, the number had reached 229 per 1,000, a total of 2,307,978 vehicles, an upward trend that continued until the mid-1970s.⁸

In his study of shifting patterns of land use in postwar Bavaria, Peter Lintner affords us a closer look at the changes in the social landscape of a representative rural district, the Burgau area in Regierungsbezirk Schwaben. Lintner was specifically interested in tracing the decrease in agricultural acreage and the nature of ensuing substitutions in land usage. However, he also examined changes in the relationship between traditional “central places” in rural areas, outlying settlements, and regional cities as suburbanization altered old functional differentiations and roles and replaced them with new ones. In addition, he studied changes in population habits and composition as “urban” elements appeared or intensified in settlements.⁹

The postwar evolution of the Burgau area was structured around changes in the historic town of Burgau itself, located at the mouth of the Mindel River Valley, and the farming settlements of Jettingen

⁶ Apart from the treatment of decentralized industrialization in Schreyer, see Franz Xaver Heckl, *Standorte des Einzelhandels in Bayern: Raumstrukturen im Wandel* (Regensburg: Lassleben, 1981), and Paesler, *Urbanisierung als sozialgeographischer Prozeß*.

⁷ Axel Schildt, “Freizeit und Freizeitverhalten der Jugendlichen” and “Die kostbarsten Wochen des Jahres’: Zum Urlaubstourismus,” both in his *Moderne Zeiten: Freizeit, Massenmedien und “Zeitgeist” ind der Bundesrepublik der 50er Jahre* (Hamburg: Christians, 1995), 151–202.

⁸ Summarized in Bayerisches Staatsministerium des Innerns, “50 Jahre Bayerische Polizei,” 33.

⁹ Lintner, *Flächennutzung und Flächennutzungswandel in Bayern*, 50–65.

and Scheppach farther upriver. All three communities lay in the originally agricultural floodplain of Landkreis Gunzburg in the northern Allgäu region, roughly halfway between Augsburg (the capital city of Regierungsbezirk Schwaben) and Neu-Ulm (Bavaria's twin border city with Ulm in Baden-Württemberg). Jettingen and Scheppach started out as small settlements of farmhouses in the centers of their owners' fields. In the course of the 1950s and 1960s, they grew together, filling an increasingly needed role as a bedroom community for workers commuting either the short distance up the Mindel Valley to Burgau or farther on to Augsburg or Neu-Ulm. In the early 1970s, the "new town" of Jettingen-Scheppach was formally chartered as an administrative union of the two communities. Burgau itself, on the other hand, was a historic market town, a typical commercial, service, and artisanal "central place" in the old agricultural economy. At the time of the 1930 census, most of the people living in Jettingen and Scheppach were still farmers (55 percent and 63 percent, respectively), whereas the proportion of Burgau's population still engaged in agriculture was already down to 24 percent. After 1945, the percentage in Burgau rapidly went down even further: to 17.4 percent in 1950, 5.4 percent in 1961, and only 3.1 percent in 1970. The loss of the farm population proceeded more slowly in Jettingen-Scheppach. The replacement of farming by occupations in the industrial sector also proceeded in different patterns and at different rates in these communities. Burgau reached a peak of 65 percent of its working-age population employed in the industrial sector in 1961, with a subsequent shift in favor of the growing tertiary-service sector. Jettingen-Scheppach did not reach its maximum percentage of industrial workers until 1970.¹⁰

While the two communities had similar population totals up until the late 1940s, significant contrasts began to appear after 1950. Both communities received roughly similar allocations of German-speaking postwar refugees.¹¹ Burgau was able to integrate these people much more effectively into its permanent population, with its refugee families contributing to a steady if modest population growth until the 1970s. Jettingen-Scheppach was not as successful in retaining its refugee fami-

¹⁰ *Ibid.*, 125–127. *Note:* Although Jettingen and Scheppach had not yet been formally unified at this time, they functioned as a single community and are being treated here as one statistical area.

¹¹ For more on refugees in the region, see Lane, "The Integration of the German Expellees," 17–18.

lies; the majority eventually moved to the major cities of the region. For the first part of the 1950s, Jettingen-Scheppach's population grew at an even more modest rate or stagnated in comparison to Burgau.

The Munich-Stuttgart railroad line ran directly across the Mindel Valley. At a point halfway between the two communities, it crossed the A8 Autobahn, which had been built in the 1930s. However, these two elements of infrastructure did not exert an appreciable impact on the size and composition of the population in either community until the advent of widespread auto ownership and the influx of residential commuters into the area in the later 1950s.¹² This coincided with a major expansion of the land area in both communities that was devoted to built structures. The largest single building type in these new construction areas was new housing settlements. Between 1945 and 1983, the total built-up area in Burgau increased fivefold, and in Jettingen-Scheppach threefold. Given the modest rates of population growth in the former and the stagnation in the latter in the 1950s, Lintner suggests that a key factor in the rapid ballooning of the two communities was an increase in the relative size of the residents' housing units. Lintner considers this a characteristic of the social transition and of the shift in the area's function from agricultural production to increasingly differentiated land use dominated by residential space, accompanied, particularly in Burgau's case, by significant secondary light-industrial and tertiary-service applications.¹³ Another significant new use of community land, particularly in the Jettingen area, was the expansion of recreational facilities such as swimming pools, skating rinks, and tennis courts. Much of this development was a response to the increasing numbers of people from outside the region who came to enjoy the rural character of the countryside but also supplemented this traditional sub-alpine tourism with other forms of leisure activity. A different manifestation of the same tendency was the designation of the local forests as part of the Greater Augsburg park system. An eighteen-hole golf course built in Jettingen attracted visitors from as far away as Ulm and Munich.¹⁴

Lintner attributes Jettingen-Scheppach's failure to develop a significant industrial base like that in Burgau to the continued domination of

¹² Lintner, *Flächennutzung und Flächennutzungswandel in Bayern*, 128–129. See also Südbeck, "Motorisierung, Verkehrsentwicklung und Verkehrspolitik," 57–58.

¹³ Lintner, *Flächennutzung und Flächennutzungswandel in Bayern*, 130–131.

¹⁴ *Ibid.*, 132.

the former's community councils by the remaining agricultural producers. Farming interests were consistently overrepresented on local councils before 1970. A discrepancy thus developed between the values of the community leadership as expressed in development choices and the actual economic potential inherent in a population and location that was increasingly attracting non-agricultural development. However, while the conservative agricultural leadership groups of Jettingen-Scheppach were able to exert a decisive braking effect on the rate of industrialization, they were not as successful in preserving the proportion of the population and land use actually committed to agriculture. Land that fell out of agricultural use was primarily transformed into residential building projects marketed to commuters, whose only significant economic functions in the community were as taxpayers and, to a lesser extent, consumers in the small local tertiary-service and recreation sector. The vast majority of these new households preferred detached single-family houses with lawns over apartment complexes, thus maximizing the amount of land taken for residential purposes per occupant.¹⁵

The housing boom experienced by both communities in the later 1950s also disrupted the structure of local human topography. Until the 1940s, the town centers of Burgau and, to a lesser extent, Jettingen and Scheppach had held small, compact concentrations of owner-operated traditional craft, agricultural service, and food-supply outlets. The surrounding flatlands of the Mindel Valley had been devoted to farm fields. Most traditional housing had been built on the slopes of hillsides and embankments. After the war, such locations remained the most prestigious and desirable residential locations, but the expansion of this form of land use soon used up the available sloped acreage. In the case of Burgau, less desirable floodplain lots were used primarily for new and cheaper housing for the large numbers of refugee families who chose to settle permanently in the area and work in industrial enterprises in Burgau. In the case of Jettingen and Scheppach, the main market for new housing in the less desirable flatland areas was commuting outsiders (*Zugezogene*, or in the regional Swabian dialect of southwest Bavaria, "*Zug'roaste*"). The growth of residential housing was so explosive that it was one of the main reasons for the fusion of these two originally separate communities into Jettingen-Scheppach in 1970.¹⁶

¹⁵ *Ibid.*, 142–143.

¹⁶ *Ibid.*, 133–134.

Lintner concluded his examination of the structural changes in the Burgau area during the 1950s and 1960s by addressing the disproportionately high percentage of houses in the new residential areas of Scheppach owned by families who had lived in the area since before 1945. He traced the overrepresentation of these “traditionals” to the breakup of extended farm households. Instead of remaining as a full-time agricultural work force tied to the household of one now industrially rationalized farm, descendants of farm families had begun purchasing homes of their own, constituting a major segment of the commuter population.¹⁷

With their different mixes of post-agricultural functional specializations, Burgau and Jettingen-Scheppach exemplify two of the main forms in which Erker’s “deprovincialization” was taking place in rural Bavaria. Other sources suggest the relative speed with which this new landscape described by Lintner in these representative communities was emerging. Trevor Wild notes that Bavarian districts were highly overrepresented in the 241 Landkreise of western Germany (out of a total of 245) in which at least 33 percent of the population was still reported to be engaged in agriculture in 1950. By 1961, this broad swath of territory in central and eastern Bavaria had been broken up into steadily shrinking patches. By 1970, only twenty Landkreise in *all* of Germany could be defined as agricultural by the 1950 standard. However, Wild also notes that Bavaria appears not to have suffered as severely as some other parts of western Germany, particularly neighboring Baden-Württemberg, from the outright abandonment of farms (*Sozialbrache*) as the demographic and occupational profile of rural populations changed.¹⁸

The landscape that was emerging as Bavaria’s countryside ceased to be predominantly agricultural revealed itself in the new socio-geographic category of so-called *Umlandzonen*—growing rings of territory surrounding the suburban areas proper, extending from the administrative limits of the cities to the point where “measurable urban influences” began to give way to “truly rural” conditions.¹⁹ Among the characteristics of this exurbanized Umland landscape was a heterogeneous

¹⁷ Trevor Wild, “The Residential Dimension to Rural Change,” in Wild, *Urban and Rural Change in West Germany*, 157–170; and Wild, “Social Fallow and Its Impact on the Rural Landscape.”

¹⁸ Wild, “Social Fallow and Its Impact on the Rural Landscape,” 12–13.

¹⁹ *Ibid.*, 8–9; Paesler, *Urbanisierung als sozialgeographischer Prozeß*, 1–6.

interspersion of plots of land with different functions.²⁰ The patterns of differentiation and innovation revealed in Burgau and Jettingen-Scheppach were repeated across much of the Bavarian countryside. The fusion of Jettingen and Scheppach, driven by housing growth, was so typical of developments all over the state, Lintner notes, that their eventual joint municipal arrangements served as the model for a program of administrative rationalization of local governments in Schwaben, and subsequently throughout Bavaria, in the later 1970s.²¹

In addition to decentralized industry, vastly expanded housing developments, and extensive regionally attractive recreational facilities, some areas of farmland were replaced by large-scale retail outlets carrying a wide variety of food and non-food items. This change reflected a restructuring of habits of economic consumption that accompanied the demographic suburbanization of the countryside. From the end of the 1950s until about 1966, the first wave of this retail restructuring process in both rural and urban Germany began to drastically reduce the number of small owner-operated food shops (*Lebensmittelläden*) and local farm cooperative stores, which had traditionally supplied most of the end users in the retail food-distribution system. These functions were increasingly being taken over by wholesale warehouses, which had formerly served as the bulk suppliers to the old food stores but now were opening their own doors as retail suppliers to individual consumers. Now that more people had cars, customers could come in from a much wider area. The relatively inconvenient interior layout of these “cash-and-carry” warehouses and the lack of sufficient parking around them for a large number of individual visitors soon led to the development of a second wave of retail innovation, the new rural supermarket outlets that were expanding out of urban areas. Often owned by national chains such as Aldi, Spar, or Tengelmann, these “consumer markets” (*Verbrauchermärkte*) offered purpose-designed interior spaces and generous parking.²²

All of these different land-use innovations produced changes in the landscape that presented the old police organizational structure with ultimately insurmountable challenges of adaptation. Until the mid-

²⁰ A good subjective account of the quality of life in this kind of exurban zone outside Germany can be found in James Howard Kunstler, *The Geography of Nowhere: The Rise and Decline of America's Man-made Landscape* (New York: Simon and Schuster, 1993).

²¹ Lintner, *Flächennutzung und Flächennutzungswandel in Bayern*, 133.

²² Heckl, *Standorte des Einzelhandels in Bayern*, 21–30.

1950s, the rural areas had been characterized by communities that were generally compact and self-contained enough that the police could cover them satisfactorily on foot from bases in small local stations. Until the late 1950s, the Landkreis of Gunzburg (in which Burgau, Jettingen, and Scheppach were located) and the other nineteen Landkreise in the RB of Schwaben (with the exception of the city of Augsburg) were policed by a Landpolizei force of about 1,500 men dispersed in about 180 separate stations overseen by twenty inspectorates (one each of the latter, based in the Landkreis seats). With the building boom of the middle of the decade, not only did the Landpolizei face the unprecedented responsibility of having to patrol large new built-up areas, but the tendency of such areas to flow into each other at the edges of once-separate communities made it difficult to define appropriate patrol boundaries between neighboring stations. Furthermore, these new types of landscape often had new and, from a traditional policing standpoint, inconvenient patterns of human movement. In contrast to the older patterns of human movement in the traditional main streets of rural villages, with their mix of closely spaced inns, multiple-family dwellings, and small retail shops, there were only occasional external signs of life on the streets of the expansive new housing developments. There were now fewer conversations or other interactions to replace the familiar round of daily encounters in rural areas between policemen and the neighbors they had come to know so well, as inhabitants of these new housing blocks were either at work, in school, at day-care facilities, sequestered behind fences, or traveling somewhere by car. The cash-and-carry stores and Verbrauchermärkte tended to be located on the more affordable outer margins of communities. Instead of engaging in the familiar socialization and conversation that had made traditional food stores in town centers such useful stops for the collection of material for police Stimmungsberichte, customers drove their cars to the new stores, proceeded to the interior aisles without having much contact with employees, and made their selections silently, paying for their purchases at checkout lines where extended conversations with salesclerks were rendered more difficult by the volume of traffic.²³ The policeman's official role in guaranteeing the quality of products in the older food stores as part of his Lebensmittelüberwachung responsibilities does not seem to have been trans-

²³ Heckl, "Gruppen- und Schichtenspezifische Analyse des Einkaufsverhaltens in Verbräuchermärkten," in *ibid.*, 180–202.

ferred to the new retail businesses. The increasing impersonality of the new shopping centers and the fact that they were generally most easily reachable by car made an ambulatory policeman trying to listen in on increasingly rare extended conversations seem that much more out of place.

It was not just the physical nature of the emerging suburban landscape that made the older forms of policing increasingly impractical. The opportunity for locally based policemen to patiently build up a fund of specialized knowledge about the personal characteristics, idiosyncrasies, loyalties, obsessions, and enmities of the population faded in direct proportion to the increasing amount of life and work experience that residents derived from spending time outside the immediate community. *Stimmungsberichte* reports from the later 1950s still attempted to cover the conventional rubrics of topics that had developed in the previous decade. Nevertheless, despite the continued focus on such traditional agricultural preoccupations as grumbling about the falling market price of potatoes or asparagus and the dissatisfaction with insufficient official protection and subsidies against increasing agricultural competition from elsewhere in Europe, a few glimpses of the changes under way occasionally emerge: resentment at the pace with which wealthy outsiders from northern Germany or the Rhineland were driving up the prices of homes and undeveloped land, or complaints by women commuters about the unreasonably short hours of operation of traditional food stores and new shopping centers at a time when commuting distances and times were getting longer and longer. A sampling of *Stimmungsberichte* reports from different inspectorates in RB Oberbayern over the period 1957–1960 shows with increasing frequency the complaints of a suburban, not an agricultural, society: insufficient parking and higher gasoline prices; progressively earlier starts to the tourist season with each passing year; the “sabotaging of domestic hygiene” by sharp increases in the price of laundry and dishwashing detergents at the supermarket; higher unemployment in Landkreise without industrial firms (all from Traunstein, 1957–1959); labor shortages elsewhere because of building booms (Erding, 1959; Pfaffenhofen a.d. Ilm, 1960); pollution of local watercourses or gardens by construction firms (Landkreis München-Land, 1958; Erding, 1959); reduced access to public beaches at lakes and rivers because of wealthy outsiders who were buying up desirable waterside property at the expense of the local “little man” (Weilheim, 1959; Fürstenfeldbruck, 1960); higher rental prices, increased rates for railway season

tickets, overly rigorous traffic rules, and speed limits during holidays—all of which unfairly penalized workers with long commutes (Fürstentfeldbruck, 1960); and even too many tickets to the Oberammergau Passion Play being snapped up by brokers for wealthy outsiders at the expense of locals (Pfaffenhofen a.d. Ilm, 1960).²⁴

The goals of public order are determined as much by the capabilities of a police force as by the nature of the society to be policed. The frustrating sense that traditional police operations were becoming increasingly ineffective in 1950s Bavaria was rooted not only externally, in the changing social environment described above, but also internally, in the growing inadequacies within the structure of the force itself. The Landpolizei had less control than ever over its own funding and logistics. The Interior Ministry was trying to exert more control over the police by the end of the 1950s. The increasingly frequent reminders sent out from Landpolizei headquarters urging the field stations to keep an eye on costs and take better care of their resources reflect the increasingly tight budget control dictated by externally imposed and unsympathetic finance and Interior Ministry committees.²⁵

It was unlikely that the already overstretched police force would be expanded so that public behavior could be supervised and corrected in the traditional way. Instead, plans began to be developed in the 1950s for a radical rationalization of the force, to be implemented in stages until 1962. These would drastically change the way the police interacted with the population.²⁶ Enabling the force to cope better with the changed circumstances under which public order was to be upheld in the suburbanizing countryside was a prominent goal in selling the plan to rank-and-file policemen, the public, and the rest of the government,²⁷ and in the deliberations within the Landpolizei as its leaders contemplated the overhaul of an organizational heritage that had evolved in pre-industrial and pre-suburban circumstances.

The reform eventually eliminated the wasteful format of dispersed small stations with foot patrolmen and replaced it with a limited number of large central bases from which policemen went out on auto-

²⁴ PolPräsOB, Folders 977, 941, 953, “Berichte über die Stimmung in der Bevölkerung,” 1957–1960.

²⁵ LaPoPräs, 17, Example of Budget Report sent to Interior Ministry, 22 March 1960.

²⁶ Rieger, “Die Bayerische Landpolizei,” 89–90.

²⁷ M. Plodek, “Umorganisation der Bayerischen Landpolizei,” *Die Neue Polizei* 14 (1960): 1–9, 2–5.

motive patrols connected to the base and to each other by radio. This resort to technology as a means of ensuring operational viability brought with it a concomitant redefinition of public order, with a new stress on aspects that such technology could readily address, such as improved traffic flow and reaction times to emergencies.²⁸ On the other hand, value-driven moralizing intervention, political surveillance, and intrusions into the details of non-criminal daily life—the increasingly unenforceable aspects of the traditional role of police in German society—were correspondingly de-emphasized.

The retreat from prescriptive policing of public morals and behavior and the growing focus on traffic- and mobility-related responsibilities in the Landpolizei's concept of its mission are reflected in the increasing amount of space devoted to the latter topic in police journals as the 1950s drew to a close. One subject that soon became something of a mainstay of these publications was the automobile accident rate. As car ownership rose by as much as 700 percent between 1945 and the middle 1960s, the yearly total of reported traffic accidents in Bavaria grew from 5,118 in 1948 to 24,661 by 1951, and then to 38,564 by 1954.²⁹ Alongside this explosive increase in accidents and traffic density, police observers noted that patterns of criminality also shifted. During the occupation and into the early 1950s, foot patrols and checkpoints at a few roads and train stations had attempted to deter attacks by armed bands on isolated farmhouses and the deceptive practices of black marketeers and hamster travelers.³⁰ In the subsequent restabilization phase, checking the permits of peddlers, transients, vagrants, and "Gypsies or persons traveling in a Gypsy-like manner" had been a matter of stopping pedestrians and individuals traveling at relatively slow rates of speed in wagons or on bicycles.³¹ In the new decade, however,

²⁸ On the general role of "technology" as an element of culture in 1950s Germany, see Joachim Radkau, "Wirtschaftswunder ohne technologische Innovation? Technische Modernität in den 50er Jahren," in Schildt and Sywottek, *Modernisierung im Wideraufbau*, 129–154.

²⁹ Bayerisches Staatsministerium des Innerns, "50 Jahre Bayerische Polizei."

³⁰ Description of police regime in relatively immobile early postwar communities in Bader, *Soziologie der deutschen Nachkriegskriminalität*, 163–170; for the fixed checkpoint system across Bavaria during the occupation, see PolPräsOB, 613, instructions to district chiefs from LaPoPräs, 18 November 1947; for large-scale random sweeps (Razzias), see report from Inspectorate Schrobenhausen to PolPräsOB, 10 April 1948.

³¹ Although, as we have seen, after the war the de-ethnicized alternative "Landfahrer" (vagabond or rural traveler) gradually became standard, the earlier terms can still be found, for example, in "Gesetzentwurf über das Zigeunerunwesen und die

police began to construct a new image of transients (the nicht Selbsthafte subjected to ethnic profiling in previous years) and violent criminals traveling in vehicles, who were now indistinguishable from other users of the expanded Autobahn and state road system. Policemen pointed out that along with the rest of the population, criminals now had access to the fast new cars being produced by BMW, Mercedes, Audi, and DKW, whose large-displacement engines allowed them to cover several Landkreise per hour.

The early postwar modifications to the inherited Gendarmerie structure had managed to create one modestly equipped Landpolizei traffic-patrol group (Verkehrsstreifengruppe) in each Landkreis. By the later 1950s, these limited resources were increasingly incapable of dealing with the rising accident and vehicular crime rate. Apart from the Verkehrsstreifengruppen, the Landpolizei's original organization of many small posts with foot or bicycle patrolmen had been the best practical way to respond to local emergencies in a society divided into many small, discrete settlements with low levels of mobility. One consequence of the commitment to this format was a police infrastructure that was so dispersed that a uniform modernization of the entire force to meet the need for increased motorization would have resulted in such a massive duplication of resources as to be economically unfeasible.³² Compounding the problem were the cost-cutting measures that were implemented in the mid-1950s, which resulted in a deteriorating motor pool. Among the many increasingly acerbic complaints lodged in the later 1950s about the locally based and insufficiently motorized Verkehrsstreifengruppen, a county official dryly observed in lapidary German bureaucratese: "it is impossible for the traffic patrol forces with their broken-down old vehicles to fulfill their tasks ... when it is a real concern that in the pursuit of a fast new automobile, the patrol vehicle might disintegrate into its constituent parts."³³ Another station chief reported that he urgently needed a new patrol vehicle because repeated

Regelung der Rechtsverhältnisse des sogenannten fahrenden Volkes," requested by the Landtag from the government 21 June 1951; cited in "Bekämpfung von Zigeunern und nach Zigeunerart umherziehende Personen," in *Dienstvorschrift für die Landpolizei*, 42–43; see also the reports on Landfahrerwesen in PolPräsOB, 599, 15 November 1954.

³² Ernst Binder, "Gedanken zur Umorganisation der Landpolizei," *Bayerische Landpolizei* (1958): 6–8.

³³ PolPräsOB, 838, Letter from Regierung von Oberbayern to PolPräsOB, 23 May 1954.

attempts to train the station's police dog to ride safely on the back seat of the station's one available motorcycle had proven unsuccessful.

Along with the virtual takeover of the traditional Gendarmerie structure of small posts with an average permanent force strength of three policemen, the Landpolizei up to the mid-1950s maintained a similar daily operational schedule. Most of the posts were open to the public only between eight in the morning and a noon break, and then between about two and six in the afternoon. During these open hours, the station personnel were also responsible for conducting daily patrols of the area under their jurisdiction, generally on foot, sometimes with a service dog, or on a bicycle in areas where that was authorized. Although increasing numbers of stations now had service motorcycles, those were generally reserved for responding to emergencies; only occasionally were they used for routine patrol activities. Each policeman assigned to the station was required to serve on night patrol at least once a week, during the hours between six p.m. and the resumption of the cycle at eight the next morning. The total amount of nighttime coverage therefore depended on the number of men assigned to a particular post. Since regulations required a minimum of two policemen on night patrol, at least half the stations were conducting only one or at most two nightly foot patrols per week.³⁴

During the service year, regulations entitled every Landpolizei man to thirty vacation days, seventy-eight substitution days off for duty performed on weekends, ten substitution days for duty during legal holidays falling on a weekday, and six free days to be used for three-day weekends. For an average three-man station, there were a total of 372 man-days each year when at least one policeman was not on duty, meaning in practical terms that the majority of three-man stations had at most two effective on-duty personnel daily. This does not take into account days off for illness, training at police schools, and the like. As a result, three-man stations tended to be unoccupied during "duty" hours, with most policemen on outside patrol or off-duty for various reasons. Stations with fewer than three assigned policemen were correspondingly even more seriously affected.³⁵

Local people seeking assistance in emergencies often found that once on-duty policemen had gone out on patrol, they were difficult to reach. The arrangements made by some policemen to use private telephones

³⁴ Binder, "Gedanken zur Umorganisation."

³⁵ Rieger, "Die Bayerische Landpolizei."

in homes along the patrol route to maintain contact with the station depended upon such random factors as the presence of a stationmaster's wife who was willing to field calls when nobody else was around. Proprietary police radio and fax communications networks connected regional headquarters only with the Munich Präsidium above them and with the Kreis inspectorates below them. At the lowest level of field stations, no such links were available. The sign on a closed station door directing inquiries to the next station often led visitors back and forth in a frustrating circle between stations whose "unoccupied but on duty" hours were only rarely coordinated with each other.

At night, most stations were closed, and phone calls to them were generally redirected by automatic switches to the home of a policeman, who then had to get dressed, contact and then meet up with his night patrol partner, and proceed to the scene of the emergency. Estimated response times to emergencies between five and twenty kilometers distant ranged anywhere from half an hour to two hours, depending on such variables as whether the policemen traveled by bicycle, on a motorcycle, or on foot. The resulting inadequacy was apparent in places such as Gilching as early as 1952. After listing a catalogue of recent break-ins and thefts, the Gilching Community Council noted that recent cuts in local Landpolizei manpower and the difficulty the remaining policemen were having in responding to calls for help were eroding the local community's confidence in the ability of the central government to guarantee their safety. There were so many small stations like Gilching scattered throughout Bavaria that in the best of circumstances, little or no progress could be made in ensuring that a meaningful number of stations were uniformly reinforced with more men and vehicles.³⁶

As the preliminary planning for a solution got under way in the summer of 1955, the application of technological solutions to the problem of how to increase readiness and effectiveness without prohibitive cost emerged as a main theme. Organizational as well as operational formats were being rethought. In the absence of prior relevant experience with such thoroughgoing reform in Bavaria, as well as in other parts of Germany, any projected solutions would have to be tried out in small-scale experiments before being applied to the rest of the areas under Landpolizei jurisdiction—both to determine the practicality of imple-

³⁶ PolPräsOB, 189. Complaint from Gemeinde Gilching to Interior Ministry with copy to BezInsp. Starnberg, 1 February 1952.

menting innovations and to ensure that adjustments could be made before they were applied more widely. In July of 1955, the directorate headquarters in the Regierungsbezirk of Mittelfranken received instructions from the Landpolizei Presidium to plan a small operational experiment to try out a new organizational form.³⁷ It began in the same year that Michael von Godin retired from the leadership of the Landpolizei. His successor did not come from within the thinning ranks of long-serving career officers with links to the old Landespolizei system and the *Seisser mystique*. Instead, the new Landpolizei president, Dr. Heinz Gündler, came out of the circle of public-order specialists in the Interior Ministry that had been the source of earlier challenges to the force's autonomy in the past decade. One immediate consequence was the quick success of appropriations bills in the Bavarian Landtag to fund the experiment.³⁸

Before a general changeover was attempted, two locations in the Regierungsbezirk of Mittelfranken were chosen to be the site of a small-scale two-year experiment with the planned reorganization. Within that RB, the Landkreise of Lauf and Weißenburg were selected as the test locations. The police forces in these districts were pulled out of their numerous small posts in small communities. In the Lauf inspectorate, the thirty-eight policemen who had previously been distributed among seven small stations and an accident-response *Unfalltrupp* (the renamed *Verkehrsstreifengruppe*) were replaced by twenty-three policemen posted at only one station. In place of the fifty-two men who had been distributed among nine stations and an *Unfalltrupp* in the Weißenburg area, twenty-three men were retained at the Weißenburg station itself, and nineteen men at the Treuchtlingen station. The Pappenheim station also remained open, but it was occupied only during the day. The four new consolidated stations were equipped with a larger number of new patrol cars with radio links to headquarters. This experimental reorganization allowed the Landpolizei to assess the differences between having only one station in an area and having multiple cooperative stations sharing the same jurisdiction.³⁹

A comparison test of accident-response times at two stations under the new format suggested that one manned only during daylight hours

³⁷ Rieger, appendix to "Die Bayerische Landpolizei," 92–93.

³⁸ Bayerisches Staatsministerium des Innerns, "50 Jahre Bayerische Polizei" (1958), foreword by Heinz Gündler.

³⁹ *Ibid.*

could not compete with a similar station manned around the clock, and in fact was only marginally more effective than the system of multiple smaller non-motorized stations operating in one Landkreis. When the station at Weißenburg (manned around the clock) and the station at Pappenheim (manned days only) received calls to respond to the same accident site about three kilometers from the Pappenheim station at about nine o'clock at night, the Weißenburg men arrived fifteen minutes earlier than the officers from Pappenheim, even though their station was more than twelve kilometers away from the accident site.

Tests further showed that a station equipped with radio patrol cars worked best with a much larger operational radius than the average one traditionally assigned to a station in the old format, in order to deliver optimum performance and a rational deployment of resources and man-hours. Knowledge gathered at this stage from adjustments of operating radii and other refinements would be applied in the assignment of geographical jurisdictions to stations when the new format was expanded to the rest of Bavaria.⁴⁰ After two years of testing in Lauf and Weißenburg, the restructured format was extended to the rest of Regierungsbezirk Mittelfranken in 1959, to Oberbayern and Schwaben in 1960, to Niederbayern/Oberpfalz and Oberfranken in 1961, and finally to Unterfranken in 1962. In Bavaria's total of 143 Landkreise, 171 stations of the new type and 51 branch stations replaced the almost 1,300 smaller stations of the old type. From initial planning to completion, the Landpolizei reorganization project lasted six years. Other states that had closely studied the Bavarian experiment applied its lessons quickly. A Hessian study commission that had spent some time in Mittelfranken lost no time in setting up similar arrangements.⁴¹

In Landkreis Gunzburg, where Burgau and Jettingen and Scheppach were located, the Landpolizei retained only two stations, one in Burgau itself, the other at the opposite end of the Landkreis in the major town of Leipheim. Now without a station, Jettingen-Scheppach would be visited by patrols from Burgau on a regular basis. In Schwaben alone, these reforms and rationalizations resulted in the closing of 145 stations, and a reduction in the size of the Landpolizei force by 1961 to 1,229 officers. The Burgau and Leipheim stations were among the remaining 23 main stations (and 16 substations for areas with unusually large

⁴⁰ Binder, "Gedanken zur Umorganisation."

⁴¹ Rieger, "Die Bayerische Landpolizei."

clustered populations), out of which anywhere from 23 to 62 policemen would carry out the new-style motorized patrols. Conversely, the number of civilian staff and technical personnel needed to support the active-duty policemen rose from 23 to 102, and the number of patrol vehicles from 106 to 182, with a corresponding reduction in the number of motorcycles from 184 to 66. The overwhelming majority of these vehicles were now new, and equipped with two-way radios; Schwaben had only 20 such radio-equipped vehicles before the reorganization, but was afterward served by 162.

Even as early as the experimental reorganizations in Mittelfranken, Landpolizei planners had realized that some substations (*Nebenstellen*) needed to be retained. These were not permanently manned around the clock; nor did they have their own separate areas of responsibility. Instead, they were manned and used by the personnel of the main stations as conditions warranted. These substations in Mittelfranken did not represent a substantial diversion from the goals of the reform. However, attempts in other RBs to preserve substations that had permanent subunits assigned and were open around the clock were sometimes motivated by efforts of local interests to preserve the presence of nearby police units for reasons that had nothing to do with effectiveness of operations.

The enhanced motorization of the regular stations meant that the dedicated accident-response teams (the Unfalltrupps) originally based in the Kreis inspectorates could be dissolved and their resources transferred to the regular stations, all of whose personnel were to receive new technical training in traffic control and emergency response. To achieve the desired round-the-clock readiness, the new stations operated a new duty roster with three daily shifts—7 a.m. to 1 p.m., 1 p.m. to 7 p.m., and 7 p.m. to 7 a.m. The station's total manpower would move through four duty groups, which represented the different shifts and time off in a regularly recurring rotation. In addition, a reserve duty section (*Verfügungsgruppe*) stood ready to reinforce the busier daylight shifts with extra manpower or skills if needed.⁴² Also assigned to the Verfügungsgruppe were police experts with special skills in such areas as dog handling, operation of technical devices, and outdoor knowledge. The first generation of personnel at the new-format stations included many former station chiefs who no longer had their own

⁴² Oskar Fink, "Erläuterungen der Richtlinien für den Dienstbetrieb in der neuen Organisationsform," *Bayerische Landpolizei* (1958): 54–56.

operations to manage. To preserve existing patterns of respect, dignity, and deference, space was made for such “former staff leaders” (*bisherige Innendienstleiter*) in the Verfügungsgruppen.

The experimental stage in 1958–1960 had shown that a minimum of thirty men were necessary for the new format to perform satisfactorily according to established standards. At any given time, about one-fourth of these would be off duty for some reason. At the experimental stage in Mittelfranken, many policemen still had to travel long distances to take up their duty shifts, causing problems with the thrice-daily shift changes. Once the rest of the police personnel infrastructure had been updated to match the new operational form, most policemen lived in the same towns (the Kreis capitals) as the new stations themselves, and these problems gradually disappeared. Each station provided twice as many new vehicles and pieces of specialized equipment to cover a given area as had been the case under the older system.⁴³ The enlarged stations were connected by an updated telecommunications network that eventually became a model for regional police agencies throughout western Germany. At least one radio-equipped Landpolizei car patrolled the roads of each base station’s jurisdiction around the clock, regularly driving through each community in it. A dispatcher could send waiting reinforcements to a crisis point, or seal off all access roads to the area with additional vehicles.⁴⁴ This reorganization produced what is essentially the current structure of non-urban police in Bavaria.⁴⁵

Some critics of the new organizational form were afraid that the police would lose contact with the population. Landpolizei spokesmen maintained that the results of the experiment in Mittelfranken indicated that the kind of meaningful interpersonal contact that truly enhanced police work could actually be deepened with the new operational format. Motorization was supposed to make it easier for the police to spend more time at more localities conducting brief foot patrols and conversations with individuals who were willing to provide them with detailed information and insight about conditions within individual communities. Efforts to maintain contact with the population without the actual physical presence of policemen—by way of

⁴³ Ibid., 89–96.

⁴⁴ Max Schäffer, “Der Aufbau der UKW-Funksprechverbindungen für Großstationen in einem Regierungsbezirk,” *Bayerische Landpolizei* (1958): 23–51.

⁴⁵ Plodek, “Umorganisation der Bayerischen Landpolizei.”

surveys and requests for more information left with local councils and mayors' offices—were intensified during the early years of the reorganization in an attempt to maintain this surveillance function.⁴⁶

However, the new organizational structure caused the loss of key elements that had made surveillance of the population a viable goal in the older format. Most policemen left the small towns where they had formerly resided and moved to the Landkreis seats, where the new stations were located, or commuted up to a hundred kilometers from home to report for multi-day duty shifts.⁴⁷ The village patrolman who had walked the same beat for years in his hometown, who had participated as a private citizen in the local community council or sports club, and who had gradually built up a fund of personal knowledge about the local inhabitants began to disappear from most Bavarian communities at the end of the 1950s.⁴⁸ In his place was an anonymous shift officer who would occasionally drive by on patrol, and who could theoretically be assigned on different days to many different communities within the enlarged station's jurisdiction.⁴⁹

The reorganization met with mixed reactions. Supporters emphasized the improved response times to emergencies, as well as the liberation of the policeman from the social pressures of a single community, which encouraged him to make “free and uncompromised decisions” without repercussions for himself or his family. Critics bemoaned the disappearance of comprehensive personal knowledge about the peculiarities of each community, which they considered the foundation of effective crime-fighting. They also feared that the population would perceive the reorganization as *volksfremd*, an all but untranslatable German term implying a fatal detachment from the values held in common by an organic community.⁵⁰ A report from the Landpolizei headquarters in Regierungsbezirk Oberbayern suggests that four years after the introduction of the new operational format, the force was deep in a reevaluation of the usefulness of “close personal contact” with the

⁴⁶ PolPräsOB, “Umgliederung der Bayer: Landpolizei; hier Aswirkung auf der Strafrechtspflege.” Extracts from reports from various RBs, 1960–1964.

⁴⁷ R. Steinheimer, “Die Landpolizei auf dem Weg zur Modernisierung,” *12 Jahre Bayerische Landpolizei* (Munich: Präsidium der Landpolizei von Bayern, 1958): 128–131.

⁴⁸ Walter Hagedorn, “Personalpolitische Entwicklung zwingt zur Umorganisation der Landpolizei,” *Bayerische Landpolizei* (1958): 16–19.

⁴⁹ Veranstaltungskomitee Polizei 1945–1985, *40 Jahre Polizei in Oberbayern*, 16.

⁵⁰ E. Fischer, ed., “Die Umorganisation der Landpolizei in der öffentlichen Kritik: Für und wider die Großstationen,” *Bayerische Landpolizei* (1958): 75–95.

populations of individual communities. The Oberbayern headquarters observed that the conventional wisdom that the old intimate, locally based format led to the relatively speedy solving of local crimes applied mostly to “crimes of moral turpitude” committed in private domestic settings, such as abortion, prostitution, and domestic abuse. The advantage for locally based policemen of having some early warning of such offenses was counterbalanced, however, by the increasingly distracting and often overwhelming demands on their time and attention coming from “the self-important, the quarrelsome, and the denouncers” (*Wichtigtuier, Streitsüchtigen, und Denunzianten*) in the local community. The Oberbayern report suggested that one of the most welcome effects of the shift to the new organizational format was relief from the constant harassment of policemen by such local busybodies. The increasing distance and inconvenience that such people were now having to deal with before they could lodge their complaints was sparing policemen from many of the incidents involving unwholesome conflicts of interest. Oberbayern concluded that the value once attached to “close personal contact” as one of the cornerstones of the old operating format was “overrated.”⁵¹

Landpolizei headquarters in Upper Franconia agreed with this re-evaluation, stressing the unexpected positive benefits of relieving the average policeman from too much “undesirable” and time-wasting contact with the private concerns and complaints of local inhabitants. This particular Regierungsbezirk also noted that the locals were becoming markedly less willing to initiate contact with policemen than had been the case in earlier decades. One reason was that the average person’s typical encounter with a policeman no longer involved a polite meeting on foot or indoors, but rather occurred in the context of a vehicular traffic situation—with all the attendant reflexive checking of speed and other behavior by motorists trying to make themselves less noticeable. In the popular perception, the whole concept of a police encounter was gradually taking on unavoidable overtones of involvement in a legal infraction, or at least the material damages and procedural entanglements of an accident. Disappearing was the concept of a conversation with a policeman as an incident of no further consequence, part of the everyday routine of public life in a traditional community. Nevertheless, continued the report from Upper Franconia,

⁵¹ PolPräsOB, “Umorganisation.”

efforts were needed to maintain “desirable” or “appropriate” forms of contact with the population that would be useful for operations in the new centralized, motorized format. Rural populations were markedly reluctant to use either the telephone or the postal system to get in touch with the police, primarily because of the expenses and postage involved. The report recommended that this transition period be used as an opportunity to select police officers who were particularly effective in dealing with the population, and to deploy them in a program of regular visits to schools, community centers, broadcast outlets, public events and ceremonies, festivals, and other kinds of occasions that brought people together from many districts, in order to answer questions about the new operational format, traffic policies, the attractions of a police career, and other such topics. In 1963, such public-relations efforts reached an estimated 93,391 people in Upper Franconia alone.⁵²

Another issue that emerged in the debate between champions and detractors of the new organizational format centered on the impact of the changes on the workloads of individual policemen in the much smaller number of large stations now in operation. The new system was leading to a drop in the number of service hours devoted to the set of responsibilities that had constituted the traditional functions of *Verwaltungspolizei* or administrative policing, such as supervision of commercial businesses and building sites. Resources and personnel that had previously been effectively deployed to deal with these matters under the older dispersed format were now increasingly committed to the ever-growing job of traffic control and management. Another factor in the drop in arrests, warnings, and citations for minor crimes and misdemeanors was the steadily rising workload due to calls from other government offices for police assistance with long-term and larger-scale white-collar investigations such as fraud or corruption charges.

Also decreasing was the entire subset of criminal behaviors characteristic of the earlier period of occupation, crisis, and emergency—what Fritz Stauß had labeled the “criminality of misery.” The situation report from RB Upper Bavaria listed some of these fast-disappearing offenses, including poaching and the theft of wood, fowl, small domes-

⁵² PolPräs OB, copy of report from Upper Franconia in “Umorganisation”; Georg Kitz, “Intensivierung der Fahndungstätigkeit durch Inanspruchnahme von Presse, Rundfunk, und Fernsehen,” *Bayerische Landpolizei* (1962/1963): 55–59; Fritz Stauß, “Gedanken zur Intensivierung der präventivpolizeilichen Tätigkeit unter Beachtung der Public-Relation Arbeit,” *Bayerische Landpolizei* (1964/1965).

tic and farm animals, fruits, and vegetables. The characterization of these offenses as “crimes of misery” in the occupation years seems a little too specific; they were obviously long-standing traditional offenses in a primarily agricultural environment. The notice taken of their passing in the 1960s can be equally plausibly understood as, on the one hand, an acknowledgment by the police that a crisis was over and, on the other hand, a recognition that significant strides had been made in the transition from the world of traditional communities to the accelerated world of the economic miracle.⁵³

The passing of an era was also suggested in these police reports through their coverage of the disappearance of a certain kind of role frequently played by private individuals in local communities—that of police informer or confidential agent (*Vertrauensmann*). The loss of the many small *Landpolizei* posts had disrupted these people’s physical proximity and easy access to policemen, which made the effort and expense required to remain in touch with the authorities increasingly prohibitive for most potential informers. The *Oberbayern* reports suggest that despite the steady interest in films, radio dramas, and (eventually) television shows featuring themes of crime and detection work, the readiness of the population to become involved in actual police investigations was receding. One indicator of this was a steep drop in complaints from the public about petty theft, domestic strife, beggars, “Gypsy-like” persons, breaking and entering, neighborhood quarrels or insults, and the like. For theft, in particular, policemen noted a significant decrease in the number of reports and complaints that were lodged about incidents involving modest amounts of cash or property. The cost and inconvenience involved in reaching a distant station to file a report was having an increasingly damping effect.⁵⁴

The interplay of perception and reality here is worth a closer look. Was the reported decline in a whole host of confrontational behaviors and popular attitudes that were associated with the crisis years of occupation and recovery a reflection of changes actually taking place in rural and small-town society, or was it an artifact of the increasing physical distance and inconvenience and the unwelcome association with trouble now connected with contacting the police? What kind of reporting picture would have emerged if the structural changes in rural society had proceeded as described, but the police had stubbornly clung

⁵³ *Ibid.*

⁵⁴ *Ibid.*

to the traditional format of dispersed small stations? Another factor that must be taken into consideration here in assessing the impact of the passing of the older locally based organization was the waning of older, intrusive forms of police political surveillance and repression. A telling indication of this was the disappearance of the Reports on the Mood of the Population (*Stimmungsberichte*) as a routine responsibility of Landpolizei stations during the middle of the reorganization period. In the last sentence of the last such surveillance report from Landkreis Wolfratshausen (June 1960) that survives in the documentary record is this interesting observation:

it must be noted that contact with the population after the reorganization is no longer good enough ... to deliver a truly accurate picture of the mood of the population. The report is becoming increasingly a reflection of the personal opinion of its writer ... it is high time to eliminate this type of report.⁵⁵

Other forms of retreat from authoritarian police intrusion into the lives of the non-criminal population also characterize this period. By the later 1950s, the police began to sense the need to back down from too much public visibility in the course of political police work; among the efforts that emerged to downplay the presence of such activities were instructions from the Landpolizei Presidium to local posts to shift from the use of “Verfassungsschutz” (literally “constitutional protection,” a phrase inconveniently associated with the federal-level internal security agency) to “*Staatsgefährdung*” (“endangerment of the state”) in all internal communication. Police offices that were still engaged in such activities were now to be identified only by the code “IID” in all external communications. Future research on policing in the 1960s and 1970s will help us to better understand what happened to such political surveillance activities as the Landpolizei was integrated into the regular Interior Ministry structure. Scattered evidence also suggests that the decade in which the Landpolizei retreated from its format of dispersed small stations witnessed the beginning of the final separation of police from direct participation in residence registration responsibilities and other forms of administrative policing tasks, not only in Bavaria but in the rest of Germany as well.⁵⁶

⁵⁵ PolPräsOB, 977, *Stimmungsbericht Landpolizei Posten Wolfratshausen*, June 1960. The recommendation was noted and passed on to higher policymaking authorities.

⁵⁶ See “Verordnung über die Zuweisung von Aufgaben der Gefahrenabwehr an die

The new Landpolizei leadership under Gunder matched the actual reorganization effort with a concerted public-relations campaign. From 1958 to 1961, the Prasidium staff maintained a constant effort to collect public and official commentary on the step-by-step progress of the reorganization as it encompassed more and more communities and Kreise. Gunder also pursued an effort to keep the press informed, arranging interviews and feature articles in local and general-circulation newspapers and magazines on such issues as the extension of the “Franconian Formula” to the rest of the state.⁵⁷ One particular issue of contention, which was still unresolved in the 1960s, was whether an enlarged station of the new type should automatically be located in the Kreis capital, where the local Landrat’s office was located. This question had significant implications for the issue of local influence over police forces. This time, the issue was not whether individual communities would have undue influence, but rather the perennial lack of clarity about the exact place of the police in the centralized chain of civilian authority encompassing the field echelons of the Interior Ministry hierarchy.

In this period, the Landpolizei’s autonomy from the oversight of the central government waned as the Bavarian Interior Ministry took control of the organization in a process that culminated in the comfortably democratic-constitutional consensus narrative represented by the Odeonsplatz celebration in 1996. As the Grand Coalition gave way to the SPD government of Willy Brandt, the personal presence of individual policemen in communities, which had been necessary for effectively carrying out the older forms of authoritarian policing in a traditional society, was already history. The Landpolizei reforms of 1958–1962 that ushered in fundamental technological and organizational modernization marked a moment in which the police in Bavaria began their disengagement from missions of supervision, regulation, and moral guidance over the non-criminal population.

While the Landpolizei had placed the population under a fairly functional neo-authoritarianism in the 1940s and 1950s, it had leveled no fundamental critique of the assumptions that undergirded this traditional society; as new conditions at the end of the 1950s made polic-

allgemeinen Ordnungsbehörden (Zuweisungsverordnung) vom 18. Juli 1972,” *Hessisches Gesetz- und Verordnungsblatt* 1 (1972): 255. PolPräsOB, 15, 22 December 1955, on shift from use of “Verfassungsschutz” to “Staatsgefährdung.”

⁵⁷ PolPräsOB, “Bekanntgabe innderdienstlicher Angelegenheiten an die Press—Zeitungsauschnitt aus der Chiemgau-Zeitung vom 8.12. 1960,” copy to Oberbayern.

ing in the old format less effective, a wave of moralizing judgment appeared as the police leadership struggled to interpret and master the changes taking place in the wider society from the standpoint of order control. However, the moralizing, frustrated shrillness of judgmental police rhetoric unique to this period is an indication of how inappropriate such a concept was becoming in this particular situation, and reflects increasing confusion about the nature of the police mission. Instead of an effort to update the Landpolizei's capability to continue providing moral protection and guidance to the community in a new era, technology-driven issues such as mobility, efficiency, and cost-effectiveness became the driving forces behind the actual Landpolizei response to the public-order frustrations of the mature phases of the West German economic miracle.

The retreat from authoritarian policing was also a function of generational change, as leaders too young to understand the full impact of the traumatic mid-twentieth-century experiences that had shaped Godin's generation gradually took control of the force. An account of the police bureaucracy in the transition to the 1970s remains to be written. What is clear is that this younger generation was able to continue working with the external civilian bureaucracy as the Landpolizei gradually took over the last of the independent community police forces and transformed itself into the *Bayerische Polizei*—simply, the Bavarian Police, whose fiftieth birthday I witnessed that spring day in the Odeonsplatz in 1996.

CONCLUSION

Massive and repeated disruptions left their stamp on Germany in the twentieth century. Yet the increasingly apparent continuities across the political divides of 1919, 1933, and 1945 argue for a much more subtle evolution that occurred in social and economic relations, institutional arrangements, and the experience of everyday life in the decades between the Kaiserreich and the economic miracle.¹ Regarding the West German 1950s, in particular, there is a growing effort to ground the conservative and arguably restorationist elements of the decade in a more analytically productive way, as a more organic part of the general narrative of long-term modern German development.² This book has been an attempt to contribute to that effort. The foundations of modern Bavarian policing were laid down by bureaucratic reformers constructing an enlarged and centralized state in the nineteenth century. This tradition featured a militarized model of police organization and deployment, the regulation of many aspects of local community life and individual residence by “administrative police,” the registration of identity and movement, the monitoring of moral health, and a system of routine political and attitudinal surveillance. This model of authoritarian policing operated in a social landscape characterized by scattered small or medium-sized communities, where a local policeman could settle in and get to know the population intimately over a long period of time. After serving the Wittelsbach state in the nineteenth century, this police system faced the crises of the First World War, the collapse of the neo-absolutist bureaucratic regime that had originally called the modern police state into being, and the subsequent pendulum of revolution and counterrevolution that ultimately brought a conservative constitu-

¹ A good recent assessment of the tension between continuity and discontinuity in the historiography of the German twentieth century can be found in the introduction to Jarausch and Geyer, *Shattered Past*, 1–33.

² Axel Schildt, “Nachkriegszeit: Möglichkeiten und Probleme einer Periodisierung der westdeutschen Geschichte nach dem Zweiten Weltkrieg und ihrer Eindordnung in die deutsche Geschichte des 20. Jahrhunderts,” *Geschichte in Wissenschaft und Unterricht* 44 (1993): 567–584.

tional government to power in the 1920s. Although it successfully made the transition to the service of this new, ostensibly parliamentary state, the police leadership—together with a group of high state officials—eventually developed an autonomous security bureaucracy with little or no external oversight, which had a growing influence in the affairs of the so-called “Order State.” This bureaucratic apparatus enjoyed quasi-dictatorial powers conceded by the cabinet and the parliament and deployed its own police army, the *Landespolizei*. The Order State’s successful suppression of the 1923 Nazi Putsch was the high-water mark in the development of police autonomy from the civilian government, and yet it was also the catalyst through which the police eventually devolved back into a more subordinate and less politically controversial state instrumentality under the secure control of the constitutional authorities.

Until the early 1920s, the authoritarian police tradition had been a loyal servant of the political regime of the day. When Hans Ritter von Seisser organized the *Landespolizei* into a statewide force and integrated it into Gustav von Kahr’s GSK, the result was not the full-blown threat to the constitutional order represented by a police “state within a state”—the *bête noire* of German and American critics of the Bavarian police system in the interwar and early postwar periods. Rather, the interwar *Landespolizei*-GSK apparatus established the pattern of a “contractual” relationship between the police and the constitutional government. This unwritten compromise required the police to defend the constitutional order and refrain from political partisanship, in return for which their leaders would remain free of direct external oversight in a separate bureaucratic fiefdom of their own.³ This autonomy would be the basis for the persistence of traditional approaches to the management of public order dating back to the nineteenth-century origins of the modern police state, including the monitoring of popular opinion and political attitudes, residence and identity registration, movement control, and the exclusion of cultural outsiders.

A potential conflict existed between such methods and the philosophical underpinnings of liberal government, but the sustained experiences of Bavarian policing both before and after the Nazi period suggest that a corresponding practical conflict was not inevitable. The keys to this coexistence lay, among other things, in the flexibility and cau-

³ For the general phenomenon of a bureaucratic elite’s autonomy as part of a de facto contract with the constitutional state, see Hayse, *Recasting West German Elites*.

tion of the police leadership, their lack of a genuine ideological hostility toward constitutional liberalism, and the universally acknowledged need for arbitrary state authority to respond effectively to the plethora of crises and discontinuities in twentieth-century Germany.

In both the early 1920s and the period between 1946 and the late 1950s, the police leadership stepped up its capacity for autonomous operation during the critical stages of major political transitions. Between the wars, as the period of greatest political instability and public disorder receded after 1924, the autonomy and powers of the “Order State” vis-à-vis the civilian constitutional government also ebbed. In the end, however, Seisser was able to avoid a total loss of police autonomy by accepting a reduction in the prerogatives of the *Landespolizeiamt*. He thus preserved his leadership of the organization by acknowledging the civilian government as the senior partner in a contractual relationship with the police.

In 1946–1950, the *Landpolizei* benefited from the ties that its leader, Michael von Godin, had forged with his direct American sponsors during the crucial period when a native Bavarian civil government was not yet fully functional. Considerable freedom of movement existed for the police in the space between the Germans’ governmental weakness, the Americans’ predilection for oversimplified conceptions of police authoritarianism that identified this “undesirable” phenomenon solely with the excesses of Nazi security policy, and the occupiers’ sketchy knowledge of the actual state of pre-Nazi German police affairs. Although denazification and demilitarization of the police force proceeded with rigor, initial American plans for radical police decentralization quickly gave way to sponsorship of increasingly centralized new iterations of the pre-Nazi police tradition, only marginally under the control of the Munich government. In addition to his American sponsors, Godin enjoyed the personal confidence of key figures in the postwar political elite such as Wilhelm Hoegner, a prominent Social Democrat and Bavaria’s first postwar minister-president. With the help of this political sponsorship, older patterns of police autonomy from external civilian administrative oversight would gradually reemerge.

With its statewide institutional basis defined by mid-1946, the *Landpolizei* began to elaborate a version of the traditional authoritarian police approach, updated to address current conditions. Alongside the reintroduction of traditional responsibilities such as residence and identity registration, the force introduced new forms of everyday authoritarianism that had rarely been experienced by the native German popula-

tion before 1945—mass roundups and house searches, arbitrary detentions, and other associated forms of intrusion and intervention.⁴ The thoroughgoing personnel and institutional discontinuities with the Nazi police after denazification argue against the idea that the new security regime was a form of blowback from the feralization of wartime security policy in the Nazi Continental empire. Rather, postwar social and economic changes were decisive in the emergence of Landpolizei authoritarianism. Near-universal involvement in the black market led to the quasi-criminalization and summary treatment of a large proportion of the native German population. However, police authoritarianism generally met with public understanding, or at least tolerance. Crucial to this acceptance was a link that developed in the popular perception between police authoritarianism and the “foreignization” of criminality. Native Germans tended to interpret threats to public order as caused primarily by a supposed flood of hostile outsiders who were free to move about in the Bavarian interior. These fears found a focus in the numerous East European and/or Jewish Displaced Persons who remained in a network of “transit” camps in the German interior until well into the 1950s.⁵ This tendency to “foreignize” disorder ignored the evidence of widespread criminalistic activity among the Germans themselves. In this context, police authoritarianism ironically became acceptable as a routine part of universal public experience when it was understood as a specific response to the presence of hostile strangers.

While this updated regime of authoritarian police practices was being established in the towns and country districts of Bavaria, the force’s leaders were navigating the latest turn in the negotiations between the Landpolizei and the constitutional state over the issue of autonomy from external oversight. Absent in the postwar phase, however, was the context of violent political crisis and armed paramilitary agitation that had allowed the Weimar-era Landespolizei to detach itself from government supervision while providing the government with an indispensable enforcement arm. The more quotidian public-order challenges after 1945 instead found the demilitarized police and

⁴ These are some common themes in contemporary memoirs. See, for example, Lutz Niethammer, ed., *“Hinterher merkt man, daß es richtig war, daß es schiefgegangen ist”:* *Nachkriegs-erfahrungen im Ruhrgebiet* (Berlin: Dietz, 1983).

⁵ Wolfgang Jacobmeyer, *Vom Zwangsarbeiter zum heimatlosen Ausländer: Die Displaced Persons in Westdeutschland 1945–1951* (Göttingen: Vandenhoeck & Ruprecht, 1985); Fritz Bauer Institut, ed., *Überlebt und unterwegs: Jüdische Displaced Persons in Nachkriegsdeutschland* (Frankfurt: Campus, 1997).

the reemerging Bavarian government as two points in a triangular relationship with a gradually receding foreign suzerain. Conflicts about police power and answerability played out in a context of inconsistent signals to the police from two separate sources of authority. Godin capitalized on his anti-Nazi credentials to make frequent appeals to the Americans for more personnel and more jurisdictional authority and prerogatives, while at the same time using this foreign sponsorship as a shield against attempts by the Bavarian Interior Ministry to gain more oversight and control over police operations.

The Landpolizei was meanwhile drawing increasing criticism from Germans because of its alleged militaristic culture and arrogance, while American investigators fretted that the very apparatus they had nurtured was turning into an out-of-control “state within a state.” After the end of detailed American supervision, however, these tensions did not escalate into a fatal crisis of native German authority. Alongside the obvious stabilizing factor of the Cold War Great Power straight-jacket, another factor in this outcome was that the police leadership, authoritarian though its operational methods and ethos may have been, lacked the kind of fundamentally hostile deep ideological agenda that, for example, drove Communist takeovers of the Czechoslovak police during the destruction of the coalition parliamentary government in that country at about the same time. Rather, both in the run-up to the Federal Republic and in the early years of the Weimar Republic of the early 1920s, the interregnum in state authority resulted in a more opportunistic and more carefully modulated drive by the police leadership toward a form of bureaucratic autonomy for its own sake. This absence of a political agenda helped reconcile the civilian government to the Landpolizei’s maintenance and partial reflection in ambiguous law during the 1950s of its own anomalous position somehow “apart from” but not fundamentally opposed to the constitutional system.

With this postwar turn in the ongoing question of autonomy essentially ending in a draw between the police and the government in 1950, the Landpolizei continued to perform authoritarian functions beyond the maintenance of basic public safety. There were still policemen in small posts scattered through hundreds of rural communities. By constantly patrolling the same area, they became familiar with the habits, interests, and conflicts of the settled inhabitants, as well as with changes in movement patterns, economic diversification, and the relations of traditional and non-traditional population groups. Compulsory registration of identity and residence, and supervision of building, health,

and other community regulations remained a part of daily experience. The police even managed to re-conflate non-traditional, itinerant lifestyles with a racialized concept of “Gypsy mischief” (*Zigeunerunwesen*), which had been criminalized in Bavaria long before the Nazis.

Such outcomes were encouraged because a legal basis for a more limited concept of policing did not appear until the Law on Police Tasks (PAG) in 1954. A gap thus existed between the end of U.S. supervision in 1949 and the beginning of native efforts to update police operations and legal and constitutional concepts. In this interregnum, the *Landpolizei* moved beyond the continuation of U.S.-sponsored emergency policies to develop unprecedented expressions of authoritarianism, including police supervision of food production and retail. The compromise nature of the 1954 police law helped to perpetuate this traditional model. Despite its agenda of limiting police powers, the language of the PAG in fact subtly fossilized some of the historical ambiguities that complicated the separation of police functions from the rest of the German state administration. This operational and legal environment encouraged the preservation into the Federal Republic of a pattern of relations between state and society that in many ways harked back to the first half of the nineteenth century. It also suggests the perpetuation of earlier attitudes about authority, about strangers, and about the role of a supervisory state in the minor details of everyday life.

In the specific field of “political” policing, the 1950s represent a kind of Indian summer for a tradition of rural surveillance and repression that had taken its classic form by 1848. Throughout the 1950s, thousands of reports flowed in to headquarters synthesizing observations by policemen about the “public mood.” Political policing also involved the active repression of undesirable political activity. Although these methods had deep roots in the older Bavarian police tradition, the Americans had initiated the postwar emergence of police surveillance and then bequeathed those reports to the Bavarian government after 1949. They covered current attitudes about the food situation, the labor market, and the economy, criticisms of Bavarian, Federal, and Allied authorities and stationed forces, as well as general impressions of popular morale. The government welcomed this insight into domestic discontent during the run-up to the legal bans on the neo-Nazi Socialist Reich Party, the Communist KPD, and their auxiliary organizations. In addition to mass monitoring, political policing involved repressive measures against and surveillance of individuals or groups suspected

of being hostile to the “liberal-democratic basic order” (*freiheitliche-demokratische Grundordnung*) of the Federal Republic and the Bavarian state. The attempt by the Landpolizei to gain political police functions was another expression of Godin’s empire-building tendencies. It put the force in bureaucratic competition with constitutionally authorized security agencies such as the Bavarian and Federal Offices for Constitutional Protection, which were limited to investigation and information-gathering. Capitalizing on its unique capacity for coercive enforcement and mass public monitoring, the Landpolizei began to develop a rival political apparatus of its own, benefiting from the narrowing of political options and the criminalization of “extremist” political parties during the emergence of a “militant” democracy in the Adenauer era.

The discreetly restored police state that operated alongside the regular constitutional system in Adenauer-era Bavaria was perhaps too well matched with a particular social and physical environment. This form of policing had developed to address the centralizing state’s drive for control over a landscape of inward-looking small to medium-sized communities with modest levels of interaction with the outside world. The reimposition of public order that the Landpolizei had achieved during the occupation had also restored a significant part of the traditional social landscape. What happened in the later 1950s suggests both the ironic consequences of the success of the rehabilitation efforts and the limits of the ability of the traditional policing format to cope with changing conditions.

As Bavaria moved beyond what police officials called the “criminality of misery” and into the era of the “criminality of prosperity,” a wave of alarmist polemic began to emerge from police spokesmen who were writing in internal forums such as professional service journals. This unusual source of social commentary painted the increased leisure time becoming available for most of the population as a new threat to safety and security.⁶ Policemen warned about the social problems of a spoiled younger generation exposed to pervasive moral corruption outside the home, and the growth of white-collar crime in an increasingly competitive and unregulated economy. From this remarkable perspective, inconvenient social and economic developments coming in the wake of the recovery that the police had secured were making rural Bavaria in the later 1950s an increasingly anonymous and immoral social arena

⁶ Arne Andersen, *Der Traum vom guten Leben: Alltags- und Konsumgeschichte vom Wirtschaftswunder bis heute* (Frankfurt: Campus, 1997).

in which the familiar traditional structures of community social control no longer worked very well. Ultimately, however, moralizing about the deterioration of public values could not preserve the relevance of older paternalistic police responsibilities for popular guidance and education demanded by the traditional neo-authoritarian style. The social and economic changes were part of a long-term process through which rural Bavaria was joining the rest of Germany in a transition to a post-agricultural consumer society, a process attended by belated and dispersed industrialization, the “deprovincialization” of the rural population, and a major increase in personal physical mobility.⁷ More than any actual rise in criminal activity, it was these broad changes that underlay the frustration that policemen felt as they patrolled this new and unfamiliar social landscape.

One can sense in this frustration the friction between an increasingly active and mobile society and the increasingly cumbersome “scaffolding” of traditional security practices that had done much to make this growth possible. By the late 1950s, as the generation of police leaders represented by Godin was moving toward retirement, the Landpolizei began to dismantle this increasingly outdated scaffolding, introducing major technological changes in the nature and rhythm of their operations. Technology became the cornerstone of the police response to changing social and material realities, eventually producing the outlines of Bavaria’s present-day system of public order. However, reform also marked the historical disengagement of police from their traditional missions of regulating and monitoring a settled non-criminal population.

By the middle 1950s, the increasingly affluent and motorized rural and suburban populations in Bavaria were exhibiting leisure and commuting patterns that more closely resembled those of the rest of contemporary West German society. These changes posed difficult challenges for the old Landpolizei system of small community stations. In the ensuing overhaul of an essentially pre-industrial structure, at the very beginning of the 1960s, a new format of technology-dependent automotive patrols with radio support, operating from a limited number of large central bases, began to replace the network of foot patrolmen assigned to dispersed stations. However, foregrounding technol-

⁷ Friedrich H. Tenbrück, “Alltagsnormen und Lebensgefühle in der Bundesrepublik,” in Richard Lowenthal and Hans-Peter Schwarz, eds., *Die Zweite Republik: 25 Jahre Bundesrepublik Deutschland—eine Bilanz* (Stuttgart: Seewald Verlag, 1974), 288–310.

ogy to ensure operational viability also tended to redefine public-order priorities, increasingly stressing aspects that technology could readily address, such as improved traffic flow and reaction times to emergencies. Meanwhile, this technological makeover greatly reduced the level of contact between police and the non-criminal population. Surveillance and regulation of daily life—the increasingly unenforceable aspects of the traditional police role—underwent a corresponding de-emphasis. Ultimately, however, it was not an ideological change of heart but rather the Landpolizei's ability to midwife a new social and economic reality that caused the heritage of authoritarianism from Bavaria's prewar police tradition—successfully rehabilitated and quite functional in the late 1940s—to become increasingly unworkable and dysfunctional by the early 1960s.

An argument can be made that the smooth dismantling of this “scaffolding” after a certain point of social and economic restabilization had been reached was facilitated by the ad hoc, even “discreet” nature of the postwar police state. Its methods and approaches to the question of public order had never been firmly integrated into the constitutional system by specific emergency legislation. In light of the inconclusive language and approach of 1950s legislation such as the PAG and POG on issues of police prerogatives and authority, in legal terms authoritarian policing was merely one of the emergency structural features of the occupation that lingered on into the Federal Republic, until events rendered it obsolete. After a while, scaffolding needs to be removed; by definition, a finished job has no need for it.

By the late 1950s, in other words, the tension between two imperatives driving Bavarian police operations—community supervision and control of crime and disorder—had reached a crisis point. Either the police could continue their pursuit of detailed and intrusive supervision with the goal of maintaining Bavarian society in a frozen, idealized state, or they could redeploy in response to the changed realities and security challenges of actual daily life in these communities. That the second choice was the one taken, with relative speed and without much controversy or debate, speaks for the utilitarianism and flexibility of the leaders of the postwar public-order regime. No public reevaluation was required to pressure the police into acting. The Landpolizei leadership began the technical task of transforming field operations motivated primarily by a felt internal need for a technical adjustment; the disappearance of the material basis for an authoritarian style of old-fashioned surveillance policing was a secondary consequence. The old-fashioned

police state had quietly reappeared after 1945, and disappeared just as quietly at the end of the 1950s. There was no conscious public debate about this issue as it disappeared in the reforms of 1958–1962.

At the end of the 1960s and in the early 1970s, however, a substantial debate did get under way, part of a larger wave of generational questions about the record of the first postwar decades. A newly critical and distrustful tone emerged in public discussion about the nature of policing in Bavaria and the rest of West Germany. This growing unease about the means by which domestic order was being maintained in postwar society was reflected in the many investigative works on the topic by journalists, political scientists, and other commentators, works bearing titles such as “The Restoration of the German Police,” “With Kid Gloves and Iron Fist: Police and Policemen in the Federal Republic,” and “Police in the Reform.” Such commentary questioned the increasingly bad fit between the philosophical and practical assumptions behind everyday policing and the changing contours of daily life in the Federal Republic as the economic miracle matured and slowed.⁸ Even contributions to professional police journals of the period concluded that the public “still [did] not have a proper, responsible relationship to state authority.”⁹ It is interesting to note here that the critical application to the issue of Germany’s police culture of Willy Brandt’s challenge to “dare more democracy” focused critical attention on newer issues such as aggressive electronic eavesdropping (*Lauschangriffe*) and the creation of suspect lists through the computer-aided collation of common characteristics from numerous data points gathered about individuals in the course of routine official business (*Rasterfahndung*). These innovations were typical of the police reaction to the rise of an “extra-parliamentary opposition” in the increasingly radicalized late 1960s. High technology was harnessed to the classic tasks of political surveillance and the monitoring of people’s lives in ways

⁸ Martin Winter, “The Policing of Mass Demonstrations in Contemporary Democracies: Police Philosophy and Protest Policing in the Federal Republic of Germany, 1960–1990,” Working Paper of the Robert Schuman Centre, European University Institute, Badia Fiesole, San Domenico, Italy, 1997. Klaus Weinbauer verifies that the shift from “traditional” policing took place in this general period of time, but does not examine the issues of chronological precedence and causality between structural change and emerging criticism in any great depth.

⁹ M. Plodek, “Polizei und Bevölkerung: Wie kann das Verhältnis zueinander verbessert werden?” *Die Neue Polizei* 2 (1964): 21–22.

that would have resonated with the custodians of the discreet low-tech village police state of the 1950s. The earlier, rurally based incarnation of the same idea had vanished from Bavaria's communities with little fanfare when its practical utility dropped below a certain point due to technological changes such as motorization. Conversely, the casualness of its disappearance encouraged an equally casual reactivation of the same approach to public order when the technical means for monitoring and surveilling the populations and communities of the Federal Republic of the 1970s had finally caught up with the fundamental and unrepudiated official impulse to control and preserve sociopolitical homogeneity, exclude outsiders, and deter radical threats that had been the classic preoccupation of the police state. Precisely because of the lack of substantive debate about the disappearance of the older authoritarian model in the period 1958–1962, the introduction of newly technologized forms of the same idea remained an open possibility.

In the wake of the Benno Ohnesorg shooting and other incidents of violence between rioting protestors and police, increasingly rigorous government responses to new threats of student unrest and political extremism were creating an atmosphere in the Federal Republic in the later 1960s that was reminiscent in some ways of the jittery 1920s and 1930s.¹⁰ In Bavaria, angry crowds once more clashed with police on the Odeonsplatz in front of the Feldherrnhalle, and the Landpolizei gained control of new versions of heavily armed paramilitary barrack police units, now known as *Alarmhundertschaften*.¹¹ The obsolete weapons grudgingly released from American military stocks in the 1940s and 1950s began to give way to purpose-designed, compact, powerful police versions of fully automatic Bundeswehr assault rifles such as the Heckler and Koch G3. Tear gas, body armor, and aggressive electronic surveillance became more common in the catalogue of police methods, as Bavaria and the rest of the country entered a new decade in which the violence of the Red Army Faction and the Baader-Meinhof Gang regularly made the headlines. A new, technologically advanced version of the intrusive liberal democratic political police state began to descend

¹⁰ "Warum protestiert die Jugend?" *Die neue Polizei* 6 (1968): 101–105; Walter Becker, "Rebellische Jugend und Ordnungsmacht," *Die neue Polizei* 7 (1968): 129–133.

¹¹ Albert Weisel, "Alarmhundertschaften in der Landpolizei," *Bayerische Landpolizei* (1963/1964): 9–14; Josef Winkler, "Alarmhundertschaften der bayerischen Landpolizei," *Bayerische Landpolizei* (1964/1965): 113–119.

on German society as the 1970s proceeded, a process dissected in Heinrich Böll's mordantly comic novel *The Lost Honor of Katharina Blum*.¹²

The polarization of public opinion in the late 1960s and 1970s stands in contrast to the mood of the people in the 1940s and 1950s, when the earlier, less technologically advanced forms of authoritarian policing attracted much less concern, attention, and criticism from the generation that built the economic miracle. It might be useful to remember that this earlier incarnation was never fully integrated into the norms of the constitutional system and was never fully reconciled with the civilian bureaucracy, while the new regime of surveillance and repression that began to emerge after 1968 was more securely undergirded by a custom-designed apparatus of justifying emergency legislation and judicial administrative oversight. An argument can be made that it was precisely the improvised and ad hoc manner in which an outdated model of police authority coexisted with the nascent constitutional state in the 1950s that made the difference in public reception. The truce that Interior Minister Anker Müller called between Godin's ambitious organization and its civilian rivals in 1949 was simply a bureaucratic reflection of the larger reality in the towns and villages of early postwar Bavaria. Certain components of a pre-democratic apparatus of police power, disarticulated from their earlier political contexts, survived in the new dispensation because they still had essential roles to play in helping a successor society get back on its feet. Godin's success, however, was not a permanent one; he was not able to replicate this particular vision of the "mystique" of corporate police interest among the rising generation of policemen replacing his original cadre. In many other areas of government and administration during the Adenauer period, apart from the police, this provisional quality permeated the quid pro quo arrangements that bureaucratic specialists from previous regimes possessing useful administrative or technical skills made with the politicians of the new dispensation.¹³ An unwritten component of the constitution of the early Federal Republic allowed such politically dubious technocrats wide spheres of autonomy for the sake of a smoother transition from the disavowed past to an undefined future.¹⁴ However,

¹² Heinrich Böll, *Die verlorene Ehre der Katharina Blum, oder wie Gewalt entsteht und wohin sie führen kann* (Munich: DTV, 1976).

¹³ Garner, "Public Service Personnel in West Germany," esp. 148–157; see also Wolfgang Benz, "Versuche zur Reform des öffentlichen Dienstes in Deutschland 1945–1952," *Vierteljahrshefte für Zeitgeschichte* 29 (1981): 239–245.

¹⁴ For a contemporary prescription from a conservative academic on ways for the

unlike the anti-democratic elements in the bureaucracies that ultimately helped destroy the Weimar Republic, the authoritarian police midwives of emerging West German society remained junior partners in the legitimate constitutional system. In this way, the institutional memory of the bureaucratic compromises of the Seisser years made the paramilitary Landespolizei a useful precedent for the Landpolizei in accepting the realities of power. Unlike the interwar organization, however, the postwar one was able to evolve and keep pace with the operational challenges produced by an increasingly prosperous and diversifying society. In this evolution, authoritarian policing of the traditional kind remained the temporary scaffolding that was required to finish a new postwar project, or more accurately, to strip off the detritus of a devastating fire and repair an old structure where such repairs could be accommodated to a coming new design: as scaffolding, those forms and institutions of traditional authoritarian policing were never intended to be a permanent part of the edifice under construction.

This provisional character was not evident upon the advent of the main components of the new system of high-tech surveillance and repression of the 1970s. To many contemporaries, the new concentration of police and summary legal powers in the state's hands represented by the so called "emergency laws" (*Notstandsgesetze*), the decrees limiting the public employment of "political radicals," the blacklisting of careers, and the increasing prominence of federal security forces seemed purpose-designed from the start as potentially permanent elements of the maturing edifice of the Federal Republic.¹⁵ It was this vision of a future with institutionalized, legally sanctioned police authoritarianism that most strongly concerned the critical voices of the later 1960s.

Despite its provisional nature, the traditional-style authoritarianism of Bavaria's police in the late 1940s and 1950s was paradoxically much more compatible with the fabric of normal daily life in the society in

career bureaucracy to adjust to the new political situations after 1945, see Carl Heyland, *Das Berufsbeamtenum im neuen demokratischen deutschen Staat: Eine staatsrechtliche Studie* (Berlin: W. de Gruyter, 1949).

¹⁵ The most notorious of all such measures was the Federal Decree on Political Extremists (*Extremistenbeschluss*) or "Radicals' Decree" (*Radikalenelass*) of 1972, which barred persons with "questionable" political pasts from any kind of public-service job. See *Ministerialblatt Nordrhein-Westfalen* 1972, 342, for the wording of this Federal emergency "law" as published in a typical periodical digest of government measures at the state level.

which it functioned than were the measures of the 1960s and 1970s. The latter appeared more objectionable because Bavarian society had by that point already made the transition to a way of life that increasingly encouraged the privileging of values such as individual mobility, privacy, and higher levels of discretionary consumption and ambition by a broader public sphere jealous of its prerogatives vis-à-vis the state. The groundwork for this transition in values, of course, had been laid in the patient economic passage to prosperity that had taken place during the conservative Adenauer period. In strict terms of institutional lineage and causality, the emergence of a new kind of “constitutionalized” and technologically driven police authoritarianism at the end of the 1960s was determined more by the rise of radical new external social challenges to political stability than by any internal culture of entrenched bureaucratic resistance to the loss of previous authoritarian power.¹⁶

In the middle of the Adenauer era, Gerhard Littman, the police president of the Hessian city of Frankfurt, was already voicing reservations about the durability of the old authoritarian style and its implications for the future of West German society. He recognized that a transition to a less authoritarian approach would take time:

One must recognize that the relationship between the police and the people cannot be improved overnight, but will require many years of intensive effort and education on both sides ... if this is successful, however, then we may finally consider democracy to be secured amongst us.¹⁷

Littman was prescient in his recognition of the value of allowing time to pass. The authoritarian flavor of the Landpolizei’s initial Adenauer-era encounter with a population caught up in the transition from an isolated agricultural past to a suburbanized future did prove to have long-term consequences. The encounter had, after all, meant exposing yet another generation of Bavarians in the late 1940s and 1950s to unsupervised police administrative fiat, the ubiquitous presence of a surveillance state in daily life, the doubtful constitutionality of the actions and prerogatives of public security agencies, and the conflation of criminal

¹⁶ For a broader discussion of this issue, see Garner, “Public Service Personnel in West Germany,” esp. 191–195, and Bernd Wunder, “Zur Geschichte der deutschen Beamenschaft 1945–1985,” *Geschichte und Gesellschaft* 17 (1991): 256–278.

¹⁷ Gerhard Littman, “Bürger und Polizei” (transcript of speech delivered to the 1954 meeting of the Arbeitsgemeinschaft der Polizeichefs der Bundesrepublik in Berlin), *Die neue Polizei* 1 (1954): 2–3.

deviance with cultural or ethnic outsider status. It was a set of such cultural understandings of how police power “really” operated in German society that both informed the efforts of post-Adenauer governments to protect themselves from new waves of political radicalism and encouraged the emergence of new kinds of public critiques in the 1960 and 1970s. The understanding that the economic recovery and the entry into a “post-ideological” phase in the development of German society had been achieved at the cost of avoiding an ideological reckoning with the survival of state and police authoritarianism drove radical resort to violent direct action. This, in turn, helped to legitimize a new security crackdown in the eyes of many among the conservative mainstream citizenry.

The protests and confrontations of the 1960s and 1970s have in their turn become history. Celebrations such as those at the Odeonsplatz in 1996 suggest that “Fifty Years of a Democratic Police” is now the officially approved understanding of what Michael von Godin and his Landpolizei began back in that first winter of the American occupation. In fact however, the long twilight search for a proper role for police authoritarianism in the further evolution of Bavaria’s state and society has never really ended. The discreet charm of a police state whose date of expiry remains an open question continues to fascinate—a useful focus for sobering reflection in the search for a usable past in which Germany seems forever engaged.

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