

1 National and Regional Foundations, 1933–1945

The Gestapo wielded extraordinary powers over life and death in the Third Reich. The ability to order extrajudicial executions, arbitrarily detain someone in protective custody without trial, or simply dismiss a case were all considered preventative “Gestapo measures.” Hard-won battles fought over the ministerial independence of political police, the judicial independence of Gestapo measures, and a mandate of prevention all laid the foundation for this parallel system of police justice. Leading figures in the Nazi security apparatus used protective custody in concentration camps, as well as legal semantics about where prevention ended and punishment began, to gradually entrench this “sphere completely apart from the regular justice system.”¹ But the laws, priorities, policies, routine procedures, and mentalities of personnel responsible for the daily function of this system did not emerge fully formed or remain set in stone.

Nor did the exercise of police justice occur in a vacuum. Government district Düsseldorf posed unique challenges. As part of the Rhine–Ruhr industrial heartland that produced the majority of energy and steel in Germany, dissent in the region carried strategic significance. Unchecked labour unrest in the Rhineland, as uprisings during the Weimar Republic had proved to the two generations of officers who filled the ranks of the Gestapo, could bring the country to a standstill. The demographics, composed of large Catholic and working-class populations, further complicated matters with lower-than-average support for National Socialism. A large population, with significant proportions holding suspect political loyalties while employed in strategic industries, made the policing of dissent an enduring concern.

The Gestapo continually renegotiated its priorities, policies, and powers in response to these internal struggles and the external course of events. Methods of policing criticism changed in step with the primary targets. Priorities shifted from communists specifically, to society generally, before focusing on enslaved foreign workers who operated the factories. Certain powers fell into disuse as less violent means of silencing

criticism rose to prominence. Protective custody in concentration camps declined as the scope of policing expanded to encompass society at large. Formal prosecution increased in response to public pressure, but the severity of statutes used to silence criticism fluctuated considerably. The perceived threat posed by communist opposition meant that authorities charged Marxists for conspiracy until the Gestapo dismantled their underground organizations. After the destruction of organized resistance, milder allegations of malicious gossip sufficed to silence even committed political opponents. Then, as the war turned against Germany, the number of cases involving critics declined precipitously while the proportion charged for capital offences increased sharply.

Extraordinary is a tricky word. The temptation is to use it interchangeably with unlimited. There is no doubt that the Gestapo exercised power free of external limits. Extraordinary police justice denied entire populations the politically charged semblance of ordinary justice which persisted in the courts. Extraordinary powers also became routine as the political police asserted ever-growing independence and eventual superiority to the courts. At the same time, jurisprudence only suffered the use of these powers where they accorded with Gestapo policy. Internal directives that discriminated between different socio-political groups were easily changed. The legal framework also left the door open to case-by-case exceptions. Prevention was, after all, a malleable concept. However, so long as they remained in effect, central directives set no less real limitations on these extraordinary powers. Arbitrary measures and formal process were tethered to specific circumstances. By tracing the development of police justice alongside changes in the nature of caseload, the distinct periods and general trends of enforcement come into focus.

The Origins of Ministerial Independence

The Gestapo Laws, which recast political police as an independent branch of administration were hammered out over three years of political intrigue. In the early days of the regime, key positions in government and administration were hotly contested. Leading figures scrambled to amass titles as a lode of ministries, presidencies, governorships, military appointments, and administrative positions opened to the Party. The National Socialists had also promised radical change such that the jurisdiction and mandates of existing agencies were open to reinterpretation. The revolution struck a resounding blow within the civil service. Anyone in possession of the necessary political credentials and wherewithal was

free to gather up the pieces that had been knocked loose to forge them into an entirely new arrangement of powers.

The prime movers behind the creation of the Gestapo each fought to increase their control over internal affairs. The Reich Minister of the Interior Wilhelm Frick, a career civil servant who counted among the “old fighters” of the movement, pursued the long-standing goal of his new department to centralize state administration at the national level. The Prussian Minister President Hermann Göring, a bombastic World War I fighter ace who concurrently served as head of both the national air force and the Prussian state government, jealously defended this assault on his fiefdom. The Reichsführer-SS and eventual Chief of German Police Heinrich Himmler, along with his deputy Reinhard Heydrich and legal expert Dr. Werner Best, meanwhile pursued the establishment of a national security apparatus. The state police administration of Prussia served as their battleground. Whoever could assert control in Prussia, which set precedent for the rest of Germany as the largest state and host to the traditional seat of political power in Berlin, would carry the day.

The Prussian Gestapo, which provided the blueprint for the national organization, emerged from the democratic Weimar political police. The direct predecessor of the Gestapo was the Prussian political police of Department I A within the Berlin Police Presidium. The dual status of Berlin as a local and state police authority meant that Department I A investigated politically motivated crimes for all of Prussia. As the national and state capital, it effectively became the central office for political intelligence and counter-espionage identification services of smaller states. The Prussian Ministry of the Interior issued directives in 1925 that created a State Detective Police Office within the Berlin Police Presidium with state criminal police stations subordinate to regional state police administration across Prussia. Further directives issued in 1928 regulated the organization of state police administration and charged Department I A “to observe, prevent, and prosecute ... all penal offences which have a political character.” Until the rise of National Socialism, Department I A operated under clear constitutional limitations laid out in the 1 June 1931 Prussian Law on Police Administration.²

The reorganization that began after Hitler became chancellor on the 30th of January 1933 gradually transformed the Prussian Gestapo into an independent institution removed from ministerial oversight. After assuming office on the 11th of April 1933, Göring immediately established a special commission for “the fight against communism” and appointed his confidant Rudolf Diels head of Department I A.³ Göring then reorganized political police as a separate state authority with the

26 April 1933 Law for the Creation of a Secret State Police Office (First Gestapo Law).⁴ The renamed Secret State Police (Gestapo) thereafter reported to a Secret State Police Office (Gestapa) in Berlin, which in turn reported directly to Göring as Prussian minister of the interior. The law established state police stations (*Staatspolizeistellen*) in each government district and took over Department I A from the state police administration under district presidents. The political adviser of each district president became leaders of the Gestapo stations. For the time being, this left political police in administrative limbo as Göring gradually wrested control from regional authorities. The Gestapo reported to both Gestapa and the district presidents under a new mandate of “effectively combating and guarding against all efforts directed against the survival and security of the state.”⁵

A power struggle at the national level laid the foundation for the Gestapo’s eventual independence. Göring removed the organization from ministerial oversight when it appeared that Frick would gain control of political police by absorbing the duties of state governments into his Reich Ministry of the Interior.⁶ The 30 November 1933 Law concerning the Secret State Police (Second Gestapo Law) made the organization “a special authority [constituting] an independent branch of internal administration” directly responsible to Göring as minister-president.⁷ Removing the Gestapo from the Ministry of the Interior thwarted Frick and further centralized administrative power under Göring. According to directives issued with the implementation decree on the 8th of March 1934, the Gestapo were to “conform to the wishes of the district presidents, insofar as they do not contradict the instructions or guidelines of Gestapa.”⁸ Just under a week later, on the 14th of March 1934, Göring decided to dissolve remaining “organizational connection with district government or state police administration and appoint [state police stations] as independent authorities of the Gestapo.”⁹ Henceforth, the political police of Germany’s largest state operated beyond direct ministerial control. Himmler would use this precedent to build an independent national political police.

The Reichsführer-SS became Inspector of the Prussian Gestapo through a delicate compromise between Frick and Göring. The Reich minister of the interior had overreached with his centralization drive and faced considerable resistance from state administrators by 1934. Göring was meanwhile tiring of the constant struggle over jurisdiction and could hardly be seen to oppose calls for more effective political policing. There were also practical concerns beyond any rivalry over who would control what. The chaotic state of concentration camp administration was threatening to undermine popular support for the new regime. Both



Figure 6 Himmler assumes office as Inspector of the Prussian Gestapo
(Photo by Hulton Archive/Getty Images)

men worried that auxiliary policing by the Party was out of control as reports of brutal abuse, and even deaths, in impromptu detention sites became common knowledge. Cooperation with one of the paramilitary Party organizations, either the SS or Ernst Röhm's SA (*Sturmabteilung*, storm troop), would be necessary to curb the other.¹⁰

The Reichsführer-SS focused power where Frick and Göring could share control. Himmler had already secured similar appointments state by state over the previous year. His Dachau model, where he commanded both the political police and the camp administration, offered an attractive veneer of responsible oversight. The SS would still administer the camps, but Himmler could discipline abuses of power by guards as their Reichsführer. More importantly, the Dachau model amalgamated the institutions of political policing under a single man who ultimately reported to state authorities. In reality, this merely regulated and systematized abuse, but it brought the camp system under state oversight. Himmler's image as loyal servant to his patrons, and Hitler above all others, also struck the perfect balance against wild-eyed calls from the storm troopers for a second social revolution. For Frick, the Reichsführer-SS advanced centralization while temporarily leaving political policing under the states. For Göring, he parried accusations of self-aggrandizement at the expense of efficiency while retaining final authority over the Gestapo in Prussia. For both, he brought police measures back under control and checked the SA. On the 20th of April 1934, Himmler became Inspector of the Prussian Gestapo and immediately installed his deputy Reinhard Heydrich as Chief of the Secret State Police Office. A new Central Office of the Political Police Commander of the States confirmed Gestapo's central authority on the 2nd of May 1934.¹¹ The Reichsführer-SS had assumed command of all political police across Germany.

The execution of SA leaders a few weeks later opened the path to an independent Gestapo. The infamous Night of the Long Knives, when Hitler purged the revolutionary left wing of the Party led by his former comrade Röhm, afforded Himmler powerful dual status. His integral role furnishing evidence of the so-called Röhm Putsch and carrying out the executions had won the Führer's support. The SS emerged as an independent organization. As Reichsführer-SS, Himmler could appeal directly to Hitler during any power struggle and expect a sympathetic hearing.

The new state of affairs meant that Himmler could no longer be contained. Göring retained nominal control in Prussia, but he vested Himmler with full power in Gestapo matters a few months later on the 20th of November 1934.¹² Frick unsuccessfully tried to reassert ministerial oversight through the district presidents, who complained that their inability to control the Gestapo undermined the authority of the state, over fall 1935.¹³ Himmler approached Hitler in response. The Führer expressed his support for continued Gestapo autonomy and further unification of police at a meeting on the 18th of October 1935.¹⁴ Hitler wanted his "loyal Heinrich" for Chief of German Police.

Himmler used this support to found a national Gestapo on Prussian precedent affording jurisdiction parallel to the judiciary. The 10 February 1936 Law concerning the Secret State Police (Third Gestapo Law) codified the judicial independence of the Prussian Gestapo and opened the door to even greater powers. The rider in section one maintained that “the responsibilities of ordinary justice (*ordentliche Rechtspflege*) remain undisturbed.” However, the open-ended mandate “to investigate and combat all subversive efforts” afforded sweeping powers with “the details of what business goes to the Gestapo determined by the Chief of the Gestapo [Himmler] in agreement with the Minister of the Interior [Frick].”¹⁵ Crucially, section seven established that “decisions and matters of the Gestapo are not subject to review by the administrative courts.”¹⁶ The implementation decree further stipulated that Gestapo could set “measures in the area of the jurisdiction of the Gestapo.”¹⁷ It also superseded the authority of district presidents with a clause that “governors and district presidents must comply with the instructions of Gestapo in matters of the Gestapo.”¹⁸ This immunity from external review and freedom to set policy governing extraordinary measures belied any illusion of oversight. Berlin retained supreme authority over Gestapo policy and the courts were powerless to challenge actions taken under their directives. Werner Best positioned the new law as a model for the “ordering of a coming Secret Reich Police” and “the basic principles out of which the new political police of the Third Reich has grown.”¹⁹

Hitler confirmed this interpretation a few months later on the 17th of June 1936 when he appointed Himmler Chief of German Police within the Ministry of the Interior. The new Chief of German Police used his dual status “within the Ministry of the Interior” to negotiate with other ministries on an equal footing and turned to Hitler whenever Frick attempted to assert control.²⁰ Himmler quickly reorganized political police into a national Gestapo as part of a larger Security Police (SiPo) and made Heydrich Chief of SiPo just over a week later on the 23rd of June 1936. The minister of the interior soon admitted defeat and declared Himmler’s decisions valid as ministerial decisions on the 15th of May 1937.²¹ With this power, the Chief of German Police could independently define the duties of the Gestapo and authorize any preventative measure within that jurisdiction.

The Origins of Preventative Police Justice

The Gestapo’s arbitrary powers of detention known as protective custody had meanwhile lain the foundation for parallel systems of extraordinary

police justice and ordinary justice through the courts.²² This development of protective custody as an explicitly preventative Gestapo measure, exempt from judicial review and exclusive to political police, restricted the judiciary to a “limited competency.”²³ The “responsibilities of ordinary justice” remained nominally undisturbed so long as Gestapo measures fulfilled their mandate of prevention without infringing on the court mandate of punishment.²⁴ Thanks to Hitler’s support, this interpretation sanctioned a spectrum of preventative measures from warnings to internment in a concentration camp.²⁵ The Gestapo alone decided what constituted a punishable offence, which cases deserved preventative measures, and which remaining cases to “hand over” (*abgeben!*) for prosecution by ordinary justice.²⁶ The Gestapo’s selective enforcement practices rested on this superiority to the courts that they expanded with their use of protective custody.

Protective custody, as with political policing, predated National Socialism. The term originally referred to police protection from a lynch mob. It changed over the First World War to mean someone arrested as politically suspect during the state of military emergency. Throughout the upheaval of the Weimar Republic, protective custody referred to both arrests intended to suppress communists or separatists during locally declared states of emergency as well as court-sanctioned police detention to uphold law and order per the 1 June 1931 Prussian Police Administration Law.²⁷ Although the old use continued to a lesser extent, the primary object of protection had shifted from citizen to state.

The definition of protective custody expanded to mean indefinite arbitrary detention shortly after Hitler assumed office. Reich President Hindenburg issued the 28 February 1933 Decree of the Reich President for the Protection of People and State, better known as the Reichstag Fire Decree, when a Dutch communist was found to have set fire to the parliament building. Hitler portrayed the fire to the public as the first act of a general communist uprising.²⁸ The decree therefore authorized extended police powers “to prevent communist acts of violence endangering the state” and suspended the Weimar Constitution along with its guaranteed rights of habeas corpus, freedom of speech, freedom of association, privacy of communication, and protection against warrantless search and seizure.²⁹ Göring issued accompanying regulatory directives to Prussian police authorities on the 3rd of March 1933 stating that powers of indefinite arrest should “primarily be used against the communists, but also against those who work with the communists and support or further their criminal objectives, even if indirectly.”³⁰ The first wave of detentions over spring 1933 was followed by a second over the summer. In government district Düsseldorf, SA and SS auxiliaries

under the direction of SS-Obergruppenführer and Police President Weitzel detained thousands more than anywhere else in Prussia.³¹

Auxiliaries (*Hilfspolizei*) drawn from these Party organizations questioned, tortured, and even killed suspected opponents in so-called wild concentration camps where prisoners were held in cellars and abandoned buildings on behalf of the police.³² Werner, a Communist Party official from Düsseldorf arrested in June 1933, remembered that two SS-men detained him for printing and distributing communist fliers. After the pair took him to the police station, they moved Werner to “the well-known Bismarck cellar.” The erstwhile head of the Düsseldorf communist desk Max Brosig and Police President Weitzel interrogated Werner about where he had hidden the typewriter and duplication machine used to produce the fliers. The group of fifteen SS guards threatened, beat, and pistol-whipped Werner at Brosig’s command. Brosig, who was drunk, then staged a mock execution by ordering a pair of armed guards to “toss him off the bridge and deal with him the same way as his brother” who had been murdered under unclear circumstances two weeks earlier. The SS guards then transferred Werner to “the Ulm” prison in Derendorf where Brosig continued the interrogation over the next week with threats, but no further physical coercion.³³

The government faced increasing pressure from the public as popular knowledge of these abuses spread.³⁴ The arbitrary detention of civil servants who expressed reservations and lawyers who defended detainees during the summer wave of arrests raised concerns among Prussian officials that loose regulation of protective custody endangered state authority.³⁵ The SA and SS auxiliaries ignored existing directives that delegated local (*Kreis*) police authority over protective custody.³⁶ As a result, roughly 100,000 people were held over 1933. Frick, Göring, and Diels responded by closing “wild” camps and drastically reducing the number of prisoners in Prussia from 14,000 in July 1933 to around 5,000 in a few remaining state camps by April 1934.³⁷

The Reich Ministry of the Interior also issued new directives regulating protective custody on the 12th and 26th of April 1934. Henceforth only Gestapa, district presidents, governors (*Oberpräsidenten*), the Police President of Berlin, and the leaders of Gestapo stations could order protective custody. Frick limited use to behaviours that “directly endangers law and order, particularly by subversive actions,” and stipulated a review of each case every three months. More importantly, he forbade “the use of protective custody as a substitute punishment.”³⁸ The new regulations engrained the measure with an explicitly preventative character.

The Gestapo had meanwhile begun using protective custody to enforce pre-trial custody (*Untersuchungshaft*). The practice stemmed

from a disconnect between the political police and district court (*Amtsgericht*) judges who ruled whether to remand suspects to custody. The Gestapo considered someone at risk of further offences prior to their court date if the investigation found a tendency for criticism while drunk or a pattern of subversive statements across multiple peer groups. However, the code of criminal procedure only allowed “arrest or provisional arrest” (*Verhaftung und vorläufige Festnahme*) for “pressing suspicion” of flight risk, destruction of evidence, or witness intimidation.³⁹ Officially, the April 1934 regulations forbade enforcement of provisional arrest under protective custody except for “special exceptional cases according with a punishable body of evidence.” Practically, officers regularly considered charges and a court date sufficient justification. The Gestapo therefore started holding at-risk suspects in police jails under protective custody after arraignment until their trial where judges often released them with time served. Protective custody, and political policing by extension, gradually acquired a supplementary preventative function parallel to the judiciary.⁴⁰

The Prussian Supreme Administrative Court entrenched this interpretation when they exempted Gestapo measures from judicial review on the 2nd of May 1935. The court decided that the status of political police as “an independent branch of internal administration” qualified the Prussian Gestapo as a “special authority.”⁴¹ The ruling specifically addressed protective custody. It concluded that courts could not review actions based on Gestapo regulations (*staatspolizeiliche Verfügung*). The significance of this decision is hard to overstate. Internal directives collectively described routinized extraordinary powers as Gestapo measures (*staatspolizeiliche Maßnahmen*). The ruling meant that a Gestapo directive made any Gestapo measures indisputable. The Prussian Gestapo and its routine procedures now officially operated beyond judicial oversight.

Himmler and the Gestapo’s legal expert Dr. Werner Best quickly exploited this interpretation of protective custody to carve out a parallel jurisdiction of police justice by defining the role of political policing as prevention.⁴² The 28 June 1935 Law for the Alteration of the Provisions of the Criminal Procedure and Court Constitution Laws enshrined prevention as grounds for arrest in the code of criminal procedure.⁴³ The effect of recognizing prevention in jurisprudence was twofold. First, this empowered the Gestapo to define what constituted a punishable offence under section 163 per their existing authority to sanction preventative protective custody. Second, it released the Gestapo from reporting findings to the state prosecutor if they used preventative measures. The Gestapo thereby became “an independent executive authority” with the “final power of decision.”⁴⁴ The Gestapo could both

define a punishable offence and issue preventative sanctions without technically infringing on the judiciary.⁴⁵

Himmler secured Hitler's support to expand the shrinking camp system on the 20th of June 1935 and move toward national unification of political police along these lines on the 18th of October 1935.⁴⁶ A few months later, in the April 1936 issue of *German Law*, Best interpreted the powers of political police under the resulting Third Gestapo Law as:

detective policing on the one hand and preventative policing on the other. The political police are responsible for leading the investigation in matters of high treason, treason, and bombings as well as other punishable attacks on Party and state. More important, however, than the punishment of offences that have been committed is their pre-emptive prevention ... punishable undertakings must be prevented before the attempt ... investigated and suppressed in due time.⁴⁷

The Gestapo could, and increasingly would, both define what constituted a punishable offence and circumvent the courts in the name of prevention.

A confrontation on the 3rd of March 1937 between the Gestapo and the highest court in Germany over the "correction" of acquittals confirmed that preventative measures superseded the judiciary. Two Gestapo officers attempted to arrest a woman in the courthouse after the Berlin People's Court acquitted her for lack of evidence. The judge informed the officers that the People's Court was sovereign and they had no business being there. Delayed, but undeterred, the Gestapo simply arrested the woman two days later and justified the decision to the Ministry of Justice as a preventative measure and therefore separate jurisdiction under their mandate. The minister of justice agreed and Gestapo circulated the decision as a matter of "fundamental importance."⁴⁸ The justification of prevention meant Gestapo measures had never technically encroached on the courts.⁴⁹

New regulations from the Minister of the Interior Frick definitively centralized authority over protective custody and confirmed the Gestapo mandate of prevention on the 25th of January 1938. The directive differentiated Gestapo protective custody for prevention from court-ordered penal custody for punishment. He further separated short-term protective custody to be served in police jails from long-term protective custody in concentration camps. The Gestapo stations could order short-term provisional arrest for up to ten days, but only Gestapo could authorize long-term detention. Although Frick, technically still Himmler's superior, explicitly forbade protective custody for the "purpose of punishment or as a substitute for penal custody," the Gestapo continued to pressure courts to issue sentences by using short-term provisional arrest for pre-trial custody. Heydrich issued a directive

shortly thereafter on the 16th of March 1938 announcing that transferring cases to the courts was a voluntary concession that only applied to offences appropriate for prosecution through the judiciary.⁵⁰

The final changes to protective custody followed soon after the declaration of war on the 1st of September 1939. Frick issued directives on the 4th of October 1939 that extended the length of provisional arrest to twenty-one days and permitted the Gestapo to use protective custody as a warning for “detentions of a preventative and educational (*erzieherisch*) character.”⁵¹ The Gestapo used the new rules in two ways. Officers kept the length of protective custody secret and intentionally used the ambiguity of detention “until further notice” to deter repeat offenders.⁵² Political police also cracked down on work stoppages by delinquent labourers with work education camps (*Arbeitserziehungslager*) under the new rules.⁵³ The directives, along with Hitler’s support for new extra-judicial “special treatment” (*Sonderbehandlung*) executions, gave teeth to new Principles of Internal Security during the War that tasked the Gestapo to immediately suppress anything endangering civilian morale. A separate sphere of police justice was fully realized. The Gestapo alone decided what fell under the jurisdiction of the courts.

The Gestapo and Government District Düsseldorf

Government district Düsseldorf was one of the most populous, strategically significant, and politically volatile regions in the Reich. The mixture of picturesque farming hamlets on the expansive western plain and eastern mining towns nestled amid the hills surrounding a riverside sprawl of industry encompassed its contradictions. The fertile lowlands west of the Rhine made good use of rich soil dyked off from the floodplain before giving way to a bustling metropolis that emerged from rolling foothills to the southeast. Densely populated cities, connected by thick residential bands that could no longer properly be called suburbs, vied for space along the Rhine and Ruhr rivers. The Rhine plunged through the district on a north–south axis that bore a steady flow of cargo through the great metropolis of the region and beyond. The Ruhr parted ways at Duisburg to drive eastward toward its source amongst the ancient mine heads of the Sauerland.

The flow of people and resources between the communities along this great confluence of waterways extended to countless factories and mines through a latticework of canals. The area around Wuppertal, Solingen, and Remscheid in the northern reaches produced textiles, tools, and chemicals. Together they clothed the army, fashioned the machinery that kept the economy in motion, devised the explosives that destroyed

Germany's enemies, and concocted medications that kept her soldiers on the march. Even more important were the industries of the Rhine-Ruhr region encompassing government district Düsseldorf. The broader area accounted for 71 per cent of coal production, 57 per cent of domestic raw materials, and 64 per cent of steel production.⁵⁴ The food, coal, and consumer goods that fulfilled Hitler's promise to build a modern consumer society relied on the region's infrastructure to reach Germans. A full third of goods traffic passed through the district's railways.⁵⁵ Meanwhile, the armament empires of Thyssen and Krupp both operated out of Essen. Rheinmetall-Borsig had its headquarters in Düsseldorf. The mines kept the lights on and fed gargantuan factories that machined the steady flow of steel into small arms, artillery, and tanks. At first, they demonstrated Germany's defiance of the hated Versailles treaty to the roar of approving crowds. Later, they delivered victory after victory in a blitzkrieg that awakened visions of imperial grandeur. Eventually, they provided the last hope of staving off Germany's impending defeat at the hands of implacable enemies. Social unrest in the area could therefore threaten smooth function, even the very existence, of the entire country.

Indeed, government district Düsseldorf presented serious challenges to the Gestapo as a vital industrial heartland plagued by historically low support for National Socialism. The demographics meant that the Gestapo faced significant opposition from political Catholicism as a rival moral authority in one of the most populous regions of Germany.⁵⁶ The district was home to roughly 5 per cent of Germans, approximately 3,500,000 of 65,300,000 total, registered by the 1933 census. The region was also heavily urbanized. The cities of Duisburg, Düsseldorf, Essen, Wuppertal, and their suburbs accounted for 54.9 per cent of the population in the area. The gross numbers show 54.6 per cent of citizens professed the Catholic faith and 40 per cent attended Protestant churches. Only 0.05 per cent were Jewish. Rural districts (*Kreis*) followed a roughly 90 per cent Catholic, 10 per cent Protestant split. The cities made up numbers with a closer 60 per cent Catholic, 40 per cent Protestant distribution. The trend reversed with a 20 per cent Catholic, 80 per cent Protestant concentration in southeastern districts.⁵⁷ The government policy of confrontation with the Catholic Church meant that the Gestapo faced significant public backlash.⁵⁸

The region was also politically volatile. More than half of the population voted for principled opponents of the new regime in the last election on the 5th of March 1933. The industrial centres and strong Catholic identity meant that the Communist Party of Germany (*Kommunistische Partei Deutschlands*, KPD, Communist Party) and the German Center Party (*Deutsche Zentrumspartei*, Center Party) polled nearly double their

national averages. The Communist Party captured 19.7 per cent of votes on a platform to replace the Weimar Republic with a revolutionary dictatorship of the proletariat along a Soviet model. The party belonged to the Moscow-dominated Third International, also known as the Comintern, and espoused loyalty to the USSR as the “Fatherland of all workers.” The German communists had opposed both the National Socialist German Worker’s Party (*Nationalsozialistische Deutsche Arbeiterpartei*, NSDAP, Nazi Party, the Party) as imperialist warmongers and the reform-minded Social Democratic Party of Germany (*Sozialdemokratische Partei Deutschlands*, SPD, Social Democratic Party) as the “left wing of fascism.” After 1933, the underground party apparatus smuggled propaganda into the Rhineland from the Netherlands and called for revolution through word of mouth propaganda campaigns.⁵⁹ The Center Party meanwhile took 24.2 per cent of votes. The Center Party had positioned itself as a self-consciously Catholic democratic bulwark against both National Socialism and communism. The party disbanded in 1933, but the Gestapo viewed its former members as proponents of both hated liberal democracy and rival political Catholicism that continued to challenge National Socialism from the pulpit.⁶⁰ The Social Democratic Party were left with 10 per cent of the vote, while the conservative ethno-nationalist (*völkisch*) German National People’s Party (DNVP) took 7.4 per cent. The National Socialists meanwhile polled 9 per cent behind their national average with 36.4 per cent. The grasp on power in the industrial heartland thus remained relatively tenuous compared to other parts of the country as the Gestapo faced leftists who leaned toward radicalism and democrats who leaned toward Catholicism.

The ratio of Gestapo personnel to citizens remained low nonetheless. A list of 170 officers from across government district Düsseldorf compiled in 1935 puts it around 1:21,400.⁶¹ Signatures on standing orders at the Duisburg office suggests personnel levels peaked following a sudden influx in December 1937 (38 officers or 1:11,600) and dropped steadily thereafter. The transfer of personnel to administer occupied territories saw the ratio return to pre-war levels (20 officers and 2 support staff or 1:21,700) after the invasion of the Soviet Union in September 1941. The Gestapo tried to plug the gap with support staff after 1943, but never truly recovered (21 officers and 9 support staff) by the time the Allies reached the border in August 1944.⁶² Instead, case officers relied on denunciations to police society at large and reserved surveillance for organized opposition.⁶³

Initially, the majority of Gestapo case officers and administrators were Weimar era political police with a handful of patronage appointments as

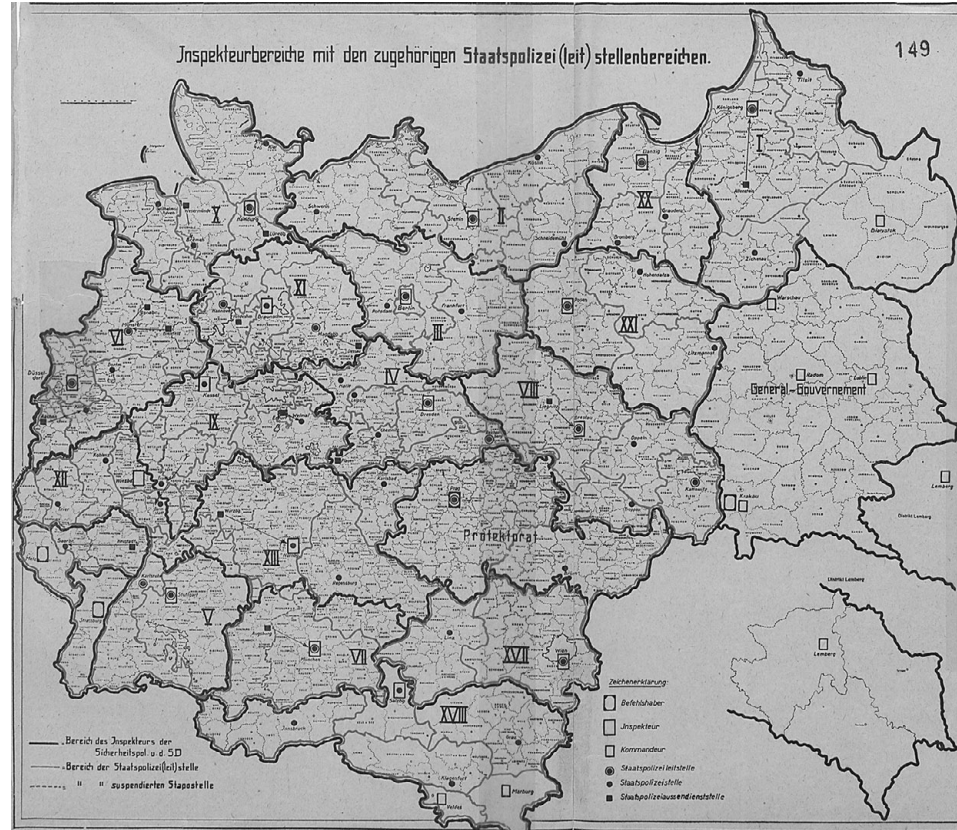


Figure 7 Jurisdiction of Gestapo stations and Inspectorates of Security Police across the Reich. Düsseldorf can be found on the western border in Inspectorate VI.
Source: German Federal Archive (Bundesarchiv)

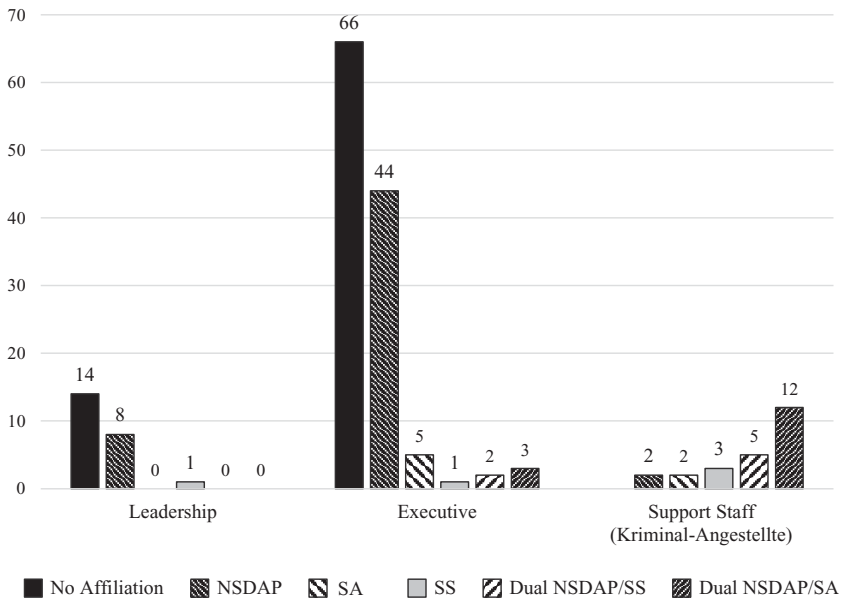


Figure 8 **Manpower in District Düsseldorf, June 1935 – Political Affiliation by Rank**
n = 168

criminal investigation staff. Figure 8 illustrates the political affiliations of personnel recorded on an inventory of “all manpower” in government district Düsseldorf compiled at Heydrich’s behest in June 1935. Party members were a pronounced minority among Gestapo officers. Roughly two-thirds of administrators and case officers remained unaffiliated. However, a significant minority of 33.4 per cent of leadership and 40.4 per cent of case officers were National Socialists.⁶⁴ The civilian criminal investigation staff (*Kriminal-Angestellte*), mostly “old fighters” recruited from employment agencies for their activism and listed separately from executive case officers in the inventory, were a decided minority (14.2 per cent).

The majority of case officers remained Weimar era police professionals as patronage appointments of “old fighters” proved to be a short-lived phenomenon. Figure 9 illustrates the careers of personnel in government district Düsseldorf before they joined the Gestapo. The vast majority (83 per cent) came from a professional policing background with a state police authority. The earliest and most commonly listed date of Gestapo employment in the report was April 1934 suggesting most career policemen (78.1 per cent) were inherited directly from

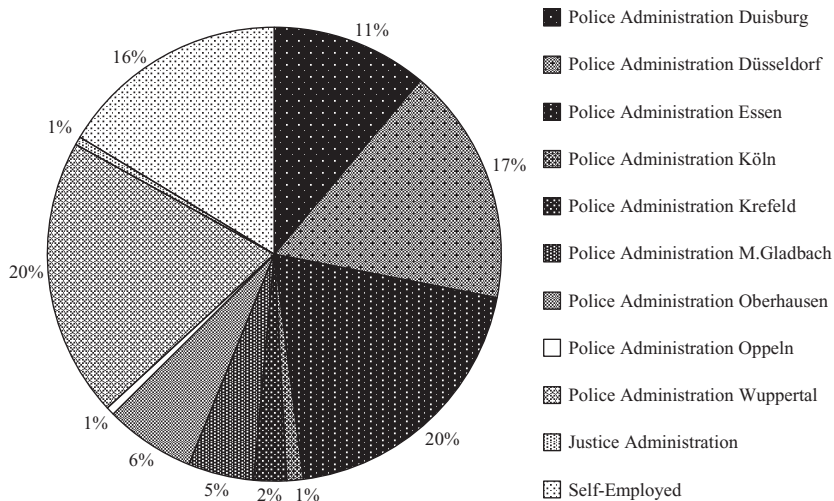


Figure 9 **Manpower in District Düsseldorf, June 1935 – Career Before Gestapo**
n = 171

Department I A during the reorganization of state police authorities under the Second Gestapo Law. A pronounced minority (16 per cent) joined the Gestapo from self-employment (*aus freiem Beruf*). This included all twenty-four patronage appointments and a single senior administrator with SS membership. Recruitment of criminal investigation staff had already all but ended by the time the inventory was compiled. Only the SS administrator and one patronage appointment joined the Gestapo from the private sector between the April 1934 reorganization and June 1935 inventory of manpower.⁶⁵

The Weimar era political police officers who constituted the ranks of the Gestapo came to their work as ardent anti-communists. The most ideologically committed remained deputy leaders at the station (*Staatspolizeistelle*), department (*Abteilung*), and desk (*Referat*) level under younger SS men with law degrees. A few who joined the Party before the 1933 “Seizure of Power” even rose to leadership positions.⁶⁶ The career police officers of the front generation who filled these key positions in the day-to-day function of the Gestapo had been deeply affected by the near collapse of their country. During the post-war German Revolution, the Communist and radical Independent Social Democratic Party had aimed to establish a soviet style council republic with waves of demonstrations and general strikes that escalated into armed skirmishes with government forces. The violent suppression of the Spartacist Uprising in

Berlin triggered a wave of armed revolts across the country. After a brief civil war, the free-corps militias who had supported government forces against the revolutionaries then attempted their own coup when ordered to disband. In the Rhineland, a Red Army of the Ruhr numbering in the tens of thousands rose up in response and once again began to seize control of industrial centres. Another wave of brutal repression followed. Government forces and free-corps volunteers shot unarmed protestors and summarily executed captured revolutionaries. Senior Criminal Secretary Berhard Broer, who later managed the card indexes of the Düsseldorf Gestapo, described his memory of this period to post-war investigators:

Germany stood on the razor's edge of sinking into Bolshevik chaos and civil war. The threat of this was particularly serious in the industrial area of Essen. Staying out of these developments didn't appear right to me, especially because the atrocity of the Spartacist Ruhr Uprising, in which a number of loyal police officers were murdered in a most abominable fashion, remained in living memory. I found myself in action at the time and came to know my own view of the sub-humanity of the Spartacist hordes.⁶⁷

The cooperation between militias and police to suppress revolutionary communist revolts had meanwhile opened the way to a career in policing.⁶⁸ Men who had been uniformed police officers before the war became detectives or transferred to administration while militiamen formalized their auxiliary service through additional training that led to official recruitment.⁶⁹ A few years later, as the French Occupation of the Ruhr and ensuing hyper-inflation revived political radicalism, these soldiers-turned-policemen joined their more experienced colleagues as detectives.⁷⁰

The spectre of civil war and near miss with revolution haunted Weimar officers as they witnessed political violence play out in the streets during the Great Depression. Ernst Ludwig Schmitz, Deputy Leader of both the Emmerich Border Commission and later the Krefeld Gestapo, told post-war investigators:

The reasons for joining the Party must still be tangible for those who lived through those times as a mature person and took the well-being of Germany seriously ... Nobody is permitted a deeper insight into the circumstances of the masses as the police officer. We faced emergency everywhere in the years 1931/1932. What our own experience didn't convey, we only needed to read in the specialized press. The ever-rising unemployment showed us where the current course was leading.⁷¹

For Ernst, the Gestapo merely became the “duly constituted authority,” one which he hastened to point out was “frequently admired [by foreign



Figure 10 Government troops posing with the corpses of Ruhr red army fighters near Möllen in 1920.

Source: German Federal Archive (Bundesarchiv)

officers] and highly valued as a brake on communism.”⁷² Indeed, the anti-communism of the front generation meant that senior officers perceived the same threats to Germany as their younger colleagues.

Ironically, auxiliary service during the Nazi “Seizure of Power” never secured a career in policing for SA and SS activists the way it had for militiamen turned detectives. The Gestapo recognized the necessity of stringent professionalism among the rank and file after its early flirtation with amateurs. Accelerated police training for activists, with four classes graduated after brief three-month courses in 1933, proved insufficient to ensure quality. Unsuitable candidates were continually weeded out at the lower levels.⁷³ Some suspects even recalled that “Gestapo professionals” viewed the rough and ready ways of auxiliaries with distaste.⁷⁴ Concerns in Berlin about these activists’ suitability for policework resulted in stricter recruitment guidelines by early 1934.⁷⁵ Staffing through unemployment offices ended and moved to direct application through individual stations where the chief held final say over the suitability of candidates. By 1936, the Gestapo had increased minimum education requirements to equivalency of the university matriculation examination (*Abitur*) and extended training to a twenty-one-month practicum on rotation through different branches of the police services. The training concluded with a seven-month course at the elite Berlin-Charlottenburg Leader School of the Security Police and six months of probation.⁷⁶

The Gestapo also increased recruitment by tapping experienced officers with other police services. Particularly capable criminal detectives and uniformed police officers were frequently seconded, and eventually transferred, to the Gestapo. Ernst Diele, born on the 21st of August 1905, joined the uniformed police in 1926. He had worked as a regular police officer during the Weimar Republic and was initially seconded to Department I A during the upheaval of early 1933. According to his post-war testimony, Ernst “primarily” worked in the press section compiling reports on what newspapers were writing about events in Germany. He was returned to the uniformed police as the revolutionary furor quieted in 1934. Ernst then went on to complete a training course and write examinations at an unspecified police college before applying for mid-ranking executive service as a criminal detective in late 1935. The Gestapo was somehow alerted of his application to the criminal police and extended their own offer. Even after the war, Ernst could not hide his pride that he had been “requested by name.”⁷⁷ Josef Koke, the station leader of Solingen born on the 3rd of December 1886, similarly recalled that:

Because I performed my duties to the satisfaction of my superiors and people at the Gestapo sought good officers, I was transferred there ... the best police officers were being sought out in states across the world for political police

service at that time because political police deal much more with idealists from every social class rather than mean criminality and must proceed with particular wisdom and tact.⁷⁸

The Gestapo in government district Düsseldorf was composed from this core of anti-communist Weimar professionals, experienced officers poached from other police services, a handful of Party activists, and formally educated candidates run through a lengthy practical training program and ideological indoctrination.

The leaders of the Gestapo were young SS intellectuals trained at the main office in Berlin. The future heads of station had come of political age during the same turmoil that had defined the careers of their Weimar era deputies and case officers. The lives of university students who constituted the SS-leadership corps were further marked by privation and uncertainty that, coming from a bourgeois nationalist anti-communist milieu, created a generation of activist intellectuals dedicated to national revival. The Weimar student body was 95 per cent middle and upper class with the majority drawn from business families and officialdom.⁷⁹ After hyperinflation destroyed their parents' life savings, roughly half of students entered the workforce part time to finance their education instead of receiving the traditional support that cultivated a bourgeois lifestyle for intended elites.⁸⁰ But real income for students was lower than unskilled labour. A remarkable 15 per cent of students suffered from malnutrition in 1927–28 during the relative plenty of the Dawes Plan.⁸¹ The spiritual predecessor to the National Socialist German Students' League, the ethno-nationalist *Hochschulring*, was already the largest student association in Germany with a majority in campus student unions across the country by the mid-1920s.⁸²

The situation worsened during the Great Depression as student jobs that enabled the new normal of self-financed education disappeared at the same time entry to the white-collar professions became nearly impossible. Of all German university students in 1930, 35.4 per cent lived below the poverty line and 33 per cent were unable to finance their education independently.⁸³ The overproduction of students with legal training, the very same group that constituted 60 per cent of the future SS-leadership corps, grossly outpaced the growth of available careers.⁸⁴ In 1932 there were only 980 positions for the 9,300 apprentices and 3,500 newly qualified jurists of that year's cohort alone.⁸⁵ Meanwhile, beyond the university, the value of academic credentials declined precipitously as graduates were forced from the white-collar professions into jobs that did not require their training.⁸⁶ Georg Schreiber penned a widely read critique in 1931 entitled *Living Space for the Intellectual Worker* in which he noted:

An intellectual proletariat is emerging that will be filled with new radical attitudes. A proletariat divided between nationalism and fascism because they believe they detect in the two the establishment of a new world, in which the intellectual worker too will again be granted an existence and rights.⁸⁷

Ethno-nationalist radicalism militating against foreign influence flourished among young university-educated men as a result.

The deteriorating material security of the early 1930s entrenched the attitudes that originally emerged during the intensely radical period from 1919 to 1924 when future SS-administrators became active in ethno-nationalist student circles. No less a personality than Werner Best participated in resistance to the French Occupation of the Ruhr through the student associations.⁸⁸ The *Hochschulring* recruited bands of street fighters during this time and issued instructions for cooperation with Hitler's Combat League.⁸⁹ A litany of confrontations with university administration meanwhile demanded dismissal of liberal, pacifist, and leftist professors during the early 1920s and had escalated into physical confrontations in lecture halls by the 1930s. The future head of Department II in the Reich Security Main Office, along with other members of the National Socialist German Students League, actually attacked a lecture on university policy and reform with tear gas.⁹⁰ The uncertainty, nationalism, and rampant violence that characterized inter-war student life in Germany prepared a generation of war-youth academics to lead the Gestapo.

The SS meanwhile offered disenfranchised students the chance to be part of an elite ethno-nationalist "fighting administration." Best actively promoted SS-lawyers and personally recruited for the Gestapo at mandatory "community camps" attended by university students across Germany after 1933.⁹¹ The elite in training, young doctors of the humanities and above all law, flocked to the SS in droves. The Gestapo increasingly selected lawyers who had been student activists for promotion in line with Heydrich's aim to gradually displace the "mere apolitical expert" (*unpolitischen Nur-Fachmann*).⁹² Young, ideologically motivated SS and SD men from the war youth generation, after courses at Berlin-Charlottenberg and a practicum with Gestapa in Berlin, quickly rose to positions of influence.⁹³ The leaders of the Düsseldorf Gestapo reflected this national transition to "lawyers as chiefs" with "criminal police detectives as deputies."⁹⁴

The regional structure of the Gestapo that these men oversaw changed several times from 1933 to 1945. A directive from the Government President of Düsseldorf transferred political police from the police presidium to his own office as the first step toward a "planned central post" in October 1933.⁹⁵ The Prussian Gestapa reorganized political police per

the Second Gestapo Law based on an implementation directive from Göring in March 1934. The station in Düsseldorf thereby became responsible for the entire government district with authority over subordinate stations in Duisburg, Essen, Krefeld, Mönchengladbach, Oberhausen, and Wuppertal.⁹⁶ The Düsseldorf station meanwhile moved from the Police Presidium in the city hall on Mühlenstraße to the offices of the district government on the present day Cecilienallee despite the fact that Göring officially dissolved the “organizational connection with the district government or state police administration.”⁹⁷

The number of subordinate stations these men oversaw expanded over time. Directives on regional organization and division of labour issued on the 1st of January 1938 listed branch offices (*Nebenstelle*) in Barmen, Solingen, Remscheid, Hamborn, and Mülheim-Ruhr. The border commissions at Emmerich, Kleve, and Kaldenkirchen accounted for a further two branch offices and eight outposts. Düsseldorf and Essen had also added border control posts at their respective airports.⁹⁸ The Gestapo moved to their own offices on Prinz-Georg-Straße shortly thereafter in March 1939. The Reich Security Main Office (RSHA, founded 1939), the successor to the Security Police (SiPo, founded 1936) that incorporated the Gestapo, raised Düsseldorf to a full regional headquarters (*Staatspolizeileinstelle*) in 1939. From that point forward, Düsseldorf officially oversaw political policing in government districts Aachen, Cologne, Koblenz, and Trier.⁹⁹ The leaders of the newly subordinated stations joined weekly meetings to coordinate efforts across the region. Nevertheless, the Gestapo in the other government districts retained significant autonomy with separate regional arrest reports and presumably independent archives as their case files do not appear in the Düsseldorf collection.¹⁰⁰

The approaching end of the war unleashed a final set of transformations. The regional headquarters moved to a teacher’s college on Mülheimerstraße in Ratingen after an air raid destroyed the office on Prinz-Georg-Straße over the night of the 12th of June 1943. Case officers still worked long evenings at the new location even as locals continued to gather in the gymnasium for community activities.¹⁰¹ The stations decentralized into mobile commandos and stopped keeping detailed case files after the Allies arrived on the western frontier in September 1944.¹⁰² The station archive, along with the case files of the Düsseldorf collection, moved from Ratingen to a factory building in Löhn-Westfalen before coming to rest at the Wewelsburg-Niederhagen concentration camp. Officers burned files for days on end until the Allied advance forced them to abandon the remaining records to American troops.¹⁰³ The station moved briefly to Wuppertal where it disbanded shortly before

the end of the war with the capture of the Rhine-Ruhr pocket in April 1945.¹⁰⁴ The case files about the policing of opposition created by this bureaucracy, led by radical young men with experienced deputies charged to maintain control in a vital region of Germany, offer insight into the changing practices and priorities of the Gestapo.

The Policing of Opposition

The distribution of caseload over time reveals four broad trends reflecting how the Gestapo policed criticism in government district Düsseldorf. Rather like an overture, looking at the Communist Party, malicious gossip, and opposition categories by the numbers provides a statistical backdrop to the actors driving policy developments and resulting structural shifts in political policing. First, there was a turn from targeting communists specifically to policing society generally. Second, there was a shift from policing critics through extrajudicial detention to formal prosecution through the courts. Third, there was a tendency to file charges under milder statutes after the destruction of organized resistance until the war turned against Germany. Fourth, the policing of criticism declined in volume and increased in severity as defeat loomed. Visualizing the different categories of files concerning criticism draws out these ebbs and flows.

The tectonic shifts in Gestapo priorities and practices are clearest when the policing of opposition is viewed as a whole. To this end, Figure 11 illustrates the trends just outlined on a single chart. The early preoccupation with communism is clear. Cases involving communists in the KPD category represented 77 per cent of opinion-related case load in 1933. Opposition and malicious gossip from the broader population only constituted 23 per cent. Over 1934, the distribution remained roughly the same with 81 per cent of opposition caseload dedicated to the Community Party. The transition to policing society at large and resultant shift to charging Marxist opinion statements under milder statutes is clear from the subsequent decline of conspiracy cases in synch with an increase of malicious gossip and opposition cases. The number of Communist Party cases dropped steadily over the next years from 68.3 per cent in 1935 to 18.5 per cent by 1939. The number of malicious gossip and opposition cases over that same period rose from 31.7 per cent in 1935 to 81.5 per cent in 1939. This turn from communist opposition to individual critics coincided with the destruction of the underground party apparatus as the Gestapo pursued the remnants of organized resistance deeper into the private sphere.

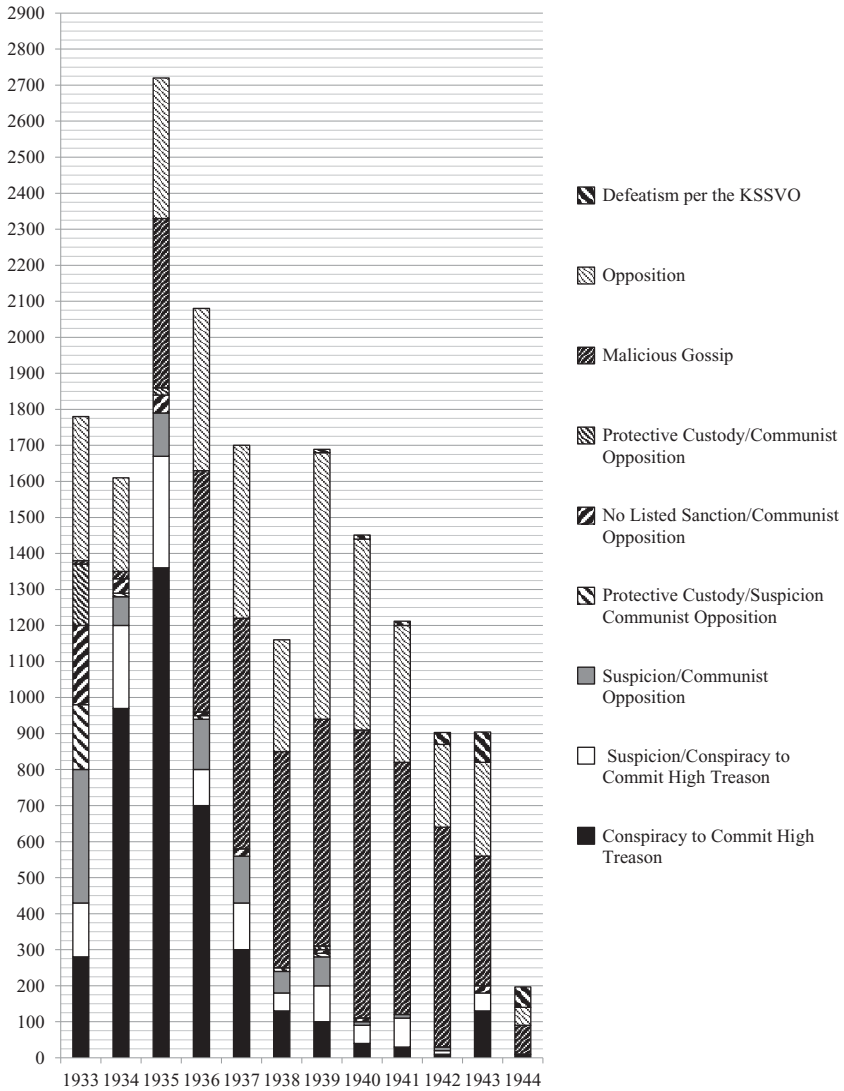


Figure 11 **Distribution of Case Load for Categories KPD, Malicious Gossip, and Opposition in District Düsseldorf, 1933–1944**
n = 1926

The Gestapo initially used protective custody to suppress any hint of communist opposition. Political police resolved just under two-fifths of cases with arbitrary detention in a concentration camp in 1933.¹⁰⁵ Even more remarkable was the disregard for evidence during this crackdown over the first year of the dictatorship. The Gestapo actually held more people in concentration camps on suspicion (180, 19 per cent) than confirmed offences (170, 18 per cent). The remaining cases of communist opposition in 1933 (370, 40 per cent) apparently ended as unconfirmed suspicions and confirmed offences with no clear indication of sanctions (220, 24 per cent) in the finding aids. Court records from Hamburg show that state prosecutors regularly indicted communist non-conformity as “disturbing the peace” (*grober Unfug*) during these years.¹⁰⁶ This provides a likely explanation for what happened in confirmed cases of communist activity with no listed sanction. However, just as astonishing as the widespread use of arbitrary detention was the abrupt pivot to formal prosecution. The number of entries under general Marxist activity plummeted from 930 in 1933 to a mere 130 in 1934. After this point, files on nondescript communist opposition all but disappeared except to open a record of suspicion in case of future allegations. Instead, the Gestapo moved to formal prosecution of communist opposition as Conspiracy to Commit High Treason.

The Gestapo increasingly charged communist critics for conspiracy after the 24 April 1934 Law for Alteration of the Provisions of Criminal Law and Criminal Procedure.¹⁰⁷ Short-term detention in concentration camps lasting for three to six months was replaced by long-term sentences of two to fifteen years in severely governed penitentiaries (*Zuchthaus*). The instance of cases investigated or charged for conspiracy increased fourfold from 430 in 1933 to 1,200 under the rewritten treason statutes in 1934. This increase correlates directly to an expanded definition of treason that included organizing on behalf of the Communist Party and “threat of violence” that covered critical opinion statements calling for changes to the government or constitution.¹⁰⁸ Indeed, the Gestapo routinely charged communist flavoured critical opinion statements as conspiracy throughout the mid-1930s. A sudden downward trend after 1935, from roughly 1,700 cases to barely 200 from 1938 onward, correlates to destruction of the underground Communist Party.¹⁰⁹

High treason cases concerned both underground activity and simple non-conformity. Communists who acted as couriers, collected or paid membership dues, organized or attended meetings, produced or disseminated banned material, and continued organization of party or associated activity all risked conspiracy charges. But these cases also frequently involved Marxist tinged criticism and nonconformity such as substituting

“Heil Hitler” with “Heil Moscow,” singing communist songs, or raising the left fist as a symbol of solidarity. A memo from the Ministry of Justice dated the 31st of March 1936, which Gestapa circulated to all stations, clarified that this was because leftist criticism constituted:

treasonous propaganda of the word (*hochverräterisch Mundpropaganda*) to convince another of the necessity of a violent overthrow with the expectation, that in such a case they will actively participate or remain neutral and thereby improve the prospect of success.¹¹⁰

Proving these actions were Conspiracy to Commit High Treason was “no problem if the offender belonged to a treasonous organization or association,” listened to radio Moscow with others in secrecy, or made critical statements of a “similar nature that reveal a certain systematic approach in the broadest sense.”¹¹¹ According to an exemplary 1934 ruling of the higher regional court (*Oberlandesgericht*) in Hamm published in *German Law*, symbolic acts of nonconformity sowed:

dissatisfaction with the current government and disseminated communist ideas from person to person. The use of communist greetings and similar statements in broad daylight (*aller Öffentlichkeit*) reinforces the feeling of solidarity of earlier fellow travellers toward [the goal of a Soviet style republic].¹¹²

As the Communist Party “seeks violent change of the constitution of the German Reich,” even criticism and simple acts of nonconformity could be charged as conspiracy.¹¹³

The Gestapo also turned from policing communists specifically to society at large beginning in 1934. As political police dismantled organized opposition from the underground Communist Party, the proportion of caseload dedicated to critical opinion statements rose sharply. Caseload involving malicious gossip and opposition as well as the shared subcategory of Defeatism per the Wartime Special Penal Code increased. As the Law against Malicious Gossip came into force over 1935, criticism grew from a few hundred investigations to roughly 1,000 cases each year. During the first two years of the war, this number jumped again as the Gestapo looked into an average of 1,350 critics each year.

Three factors contributed to declining policing of criticism after 1940 and the extremely limited number of cases in 1944. First, the political police turned their focus from Germans to forced foreign labourers.¹¹⁴ Second, the Gestapo delegated significant responsibility for policing opinion to the Party over 1943.¹¹⁵ Third, Germans reported fewer cases of criticism in response to harsher sentences.¹¹⁶ A sharp rise of defeatism charges, a capital offence, began in 1942 and constituted roughly a quarter of offences by 1944. Ironically, as the war turned against

Germany, the Gestapo investigated fewer critics under significantly harsher laws and instead focused on suppressing a slave labour revolt.

The Gestapo moved in synchronous to policing all critical opinion statements, including offences by communists, as malicious gossip prosecuted through the courts or loosely defined opposition resolved with police justice. Figure 12 illustrates the political affiliations of suspects in the random sample of these two categories.¹¹⁷ Most suspects were either entirely politically colourless or restricted their association with Nazism to mass organizations that became facts of life in Hitler's Germany. The single largest category concerned 36 per cent of suspects with no affiliation to the Party or its mass organizations. The second largest group covered 22 per cent of suspects who belonged to some combination of the organizations that regimented labour and social services. The German Labour Front (DAF, Labour Front), the National Socialist People's Welfare (NSV, People's Welfare), and the Reich Air Defence League (RLB, Air Defence) represented the national union, welfare, and civil defence organizations respectively. Of the 44 suspects who belonged to mass organizations, 13 belonged to all three, 12 belonged to two, 10 belonged to the Labour Front, and 9 belonged to an organization other than the Labour Front. The third largest category concerned 11 per cent of suspects that case officers described as members or supporters of the Center Party as well as "fanatical Catholics" espousing political Catholicism. A comparable number of suspects belonged to the Party and exclusive organizations such as the SA (6 per cent); the conservative ethno-nationalist German National People's Party and its associated veterans' organization *Stahlhelm* (3.5 per cent); and leftist parties. Members of the Social Democratic Party and its civic associations constituted 4.5 per cent of suspects alongside members of the Communist Party and similar organizations that made up a further 6 per cent. The miscellaneous category contains a mixture of democratic and national liberal parties as well as four suspects the Gestapo described as holding distant or oppositional attitudes. A significant minority of caseload focused on targeted political groups, at 22 per cent of suspects, with an even split between the democratic Center Party on the one hand and the Marxist parties on the other.

The sudden appearance of Marxists reveals how the Gestapo increasingly policed all forms of criticism as malicious gossip rather than treason beginning in 1935. A shift occurred in both the police and the judiciary at this time. Officers increasingly forwarded leftist criticism to state prosecutors as malicious gossip in step with the destruction of the underground Communist Party over spring 1935.¹¹⁸ During this same period, Heydrich published an influential series of articles entitled

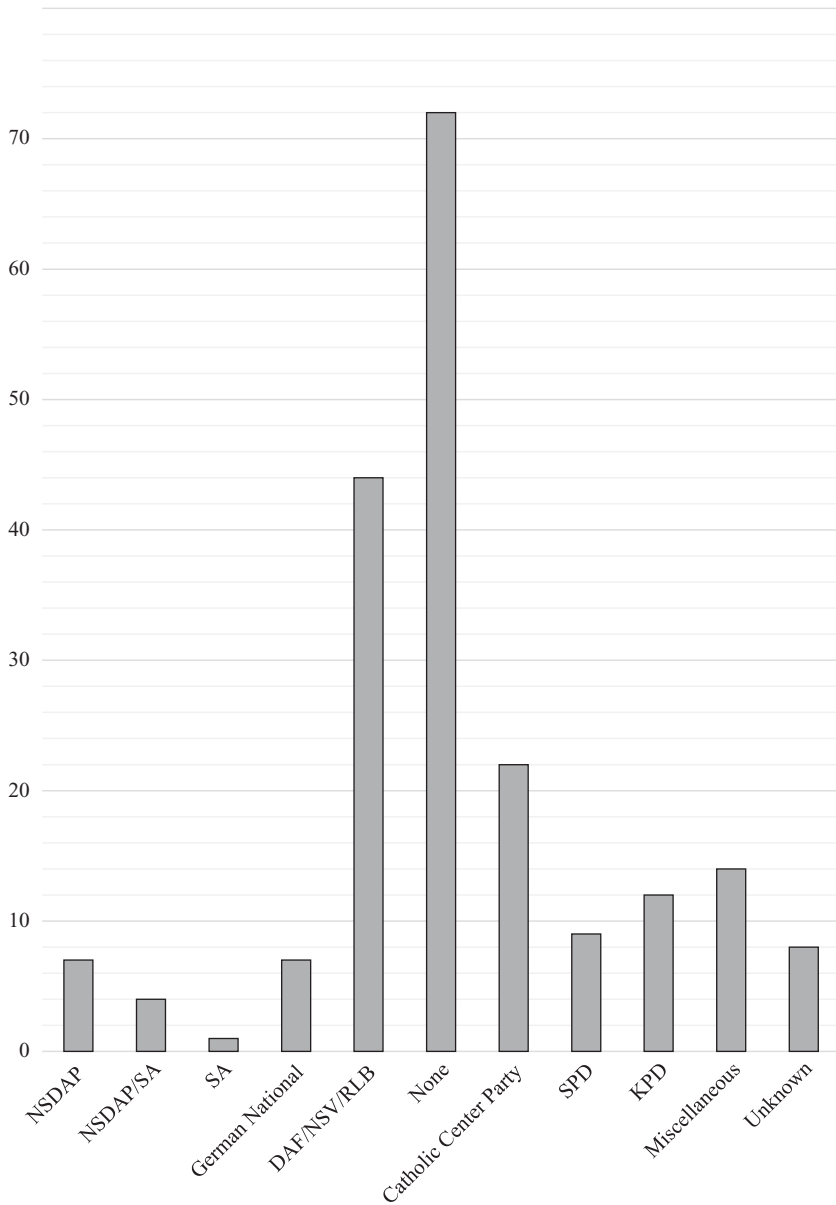


Figure 12 **Political Affiliation of Suspects in Malicious Gossip and Opposition Sample of District Düsseldorf, 1933–1944**
 n = 200

“Transformation of Our Struggle,” which celebrated victory over “the convenient outer manifestation” of “the Opponent” while exhorting officers to recognize that their battle had “become deeper.”¹¹⁹ The 1936 directives from the Ministry of Justice, which aimed to establish standard practices toward “propaganda of the word,” went on to limit the definition of treason to statements supporting regime change. On balance, it appears that the Gestapo treated leftist criticism as treason when faced with organized opposition and viewed these cases as less of a threat after the destruction of organized resistance.

The trajectory of political policing followed this arc propelled by internal power struggles and bound by external developments. The policy of selective enforcement rested upon this system of police justice. The Gestapo’s early reliance on arbitrary detention while communists remained the primary target and reintroduction of formal legal process as policing turned to scrutinize the private sphere was part of the system’s evolution. So too was the mandate of prevention and Frick’s inability to control Himmler after his rise to chief of German Police. Once the test of extrajudicial detention against a ruling of the People’s Court confirmed the primacy of prevention over punishment, the Gestapo held ultimate authority over enforcement decisions. The tension from a worldview that politicized the private, demanded absolute adherence, criminalized any deviation, and yet preferred to reintegrate “decent Germans” who embodied the ideals of a people’s community cried out for resolution. Selective enforcement cut the gordian knot.