

THE DEATH OF THE  
PRUSSIAN REPUBLIC

by

EARL R. BECK



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# Florida State University Studies

Number Thirty-one

## The Death of the Prussian Republic

A Study of Reich-Prussian Relations, 1932-1934

by

EARL R. BECK



THE FLORIDA STATE UNIVERSITY

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## PREFACE

When the kingdom of Prussia disappeared from the map in 1918, its place was taken by a republican state, one of the eighteen states making up the new German republic. The state of Prussia was far larger than any of the others. More than half of the territory and population of Germany was comprehended within Prussia. By virtue of its constitution it was designated a republic. During the years from 1919 to 1923 it was in the vanguard of German democratic development, and the demise of Germany democracy was made possible by its death. It was to a high degree the focus of the semi-authoritarian regimes of Franz von Papen and Kurt von Schleicher. Its fortunes intimately affected the acquisition of power by Adolf Hitler and the conversion of his quasi-constitutional regime into an authoritarian one. The administrative reforms of the Nazis reduced Prussia from an entity to a name. World War II has not restored the entity and has destroyed even the name. Prussia no longer exists. But Prussianism itself has acquired the status of a myth. That myth surrounds monarchical legends and misty memories of deeds of valor. But the saga of Prussian democracy has not been told. It should be. Germany very much needs legends of democratic leaders to place alongside those of the days of monarchy. This study presents a small segment of that saga.

The author's particular interests in the Prussia of Weimar derived from his war-time days at Stanford University and his very pleasant association there with Frau René Brand and Dr. Kurt Bergel. From them he conceived an interest in the life and ways of the Berliner, "zäh" and "praktisch," humor-loving, democratic minded. From them also he derived a deep interest in the career of Otto Braun, who from Berlin directed for twelve years an efficiently functioning democratic government. The success of Braun's government for more than a decade posed the puzzling question of the factors behind its ignominious downfall. A search for an answer to this question has led the author deeply into the legal history of the period as well as into the intricacies of day-by-day politics. The legal history of a country does not provide the most congenial waters for a foreign historian! If an apology be due for the effort the author has made to traverse them, he can only plead interest, even fascination. Particularly because of his residence in the South, he found the efforts of Prussia to defend itself from

federal intervention into its internal affairs an interesting parallel to contemporary events in this area. The parallel is, of course, only a superficial one. Factors of legal background differentiate affairs in Germany and the United States too sharply to justify extensive comparison.

The author had been for some time engaged in his research when the fine volume on the closing period of Weimar by Karl Dietrich Bracher appeared. Where indicated, he has leaned on it unashamed, believing that Bracher has often accumulated more materials than he has fully evaluated. Most of Bracher's sources, however, the author has seen at first hand, but the more restricted scope of the present writer's enquiries has often placed variant interpretations on the materials concerned. To Bracher's materials he has added a careful examination of the unpublished files of the United States Department of State, the official protocols of the German cabinet and of the office of the German Foreign Minister, of the protocols of the Prussian cabinet, of manuscript materials deposited in the Library of Congress (*Eher Verlag, Rehse Collection*), and of extensive legal literature with which Bracher dealt very lightly. He has sought to focus his story heavily upon the fate of Prussia but has felt that this is intelligible only within a framework which seeks to elucidate the events transpiring within the Reich government at the same time.

Acknowledgments are due many from whom the author has received help in his research. To Dr. Heinrich Brüning, Dr. Hans Schlange-Schöningen, Dr. Arnold Brecht, Dr. Hjalmar Schacht, and former Chancellor Franz von Papen he is most grateful for helpful and explanatory correspondence. To Dr. E. Taylor Parks of the Historical Division of the Department of State grateful acknowledgment of much kindly assistance and advice is due. Mrs. Mary Ellen Milar and Mr. Clarence Holmes were most helpful with respect to the use of unpublished State Department Files during the summer of 1956. Dr. Carl Lokke and his staff in the Department of Foreign Affairs of the National Archives have since provided much help. The author is also grateful to Drs. Paul Sweet and Arthur Kogan for their help in using portions of the cabinet protocols not yet deposited in the National Archives. Acknowledgment is also gratefully made of the kindness of the officials of the *Bundesarchiv* in Koblenz, particularly of Dr. Wolfgang Mommsen, in

making available microfilms of portions of the Schleicher *Nachlass* and portions of the *Nachlass* of Bill Arnold Drews. Similarly, the author has benefited from the cooperativeness of the officials of the *Hauptarchiv* in Berlin, particularly of Dr. Gerhard Zimmerman, in making available the protocols of the Prussian State Ministry. The author regrets that he could not obtain access to the Franz Bracht *Geschäftsnachlass* in the *Zentralarchiv* in Potsdam, but was assured by the officials there that it was of minimal significance.

Gratitude is due Prof. Enno Kraehe of the University of Kentucky for reading portions of the manuscript and to Prof. Victor S. Mamatey of the Florida State University for a helpful review of the entire manuscript. Any errors or inaccuracies which remain are the sole responsibility of the author. The author also owes a debt of gratitude to many others for their help in his work—to his wife and daughter for their gift of many hours which might have been shared in family pleasures; to his sister who has helped with valuable suggestions in respect to style; to many other friends and colleagues for their encouragement. In particular the author would like to express appreciation to his colleague, Prof. Weymouth T. Jordan, who sets the perfect example of the research professor, to Professors Lawrence F. Hill, Harold J. Grimm, and Edwin A. Davis for their friendship and encouragement, and to Miss Marianne Ferlisi for her conscientiousness and proficiency in completing a very difficult typing task.

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State University, and of the University of Florida. Acknowledgment is also due the kindly help of Miss Frances Haynes of the Reference Division, Miss Mary J. Kennedy of the Documents Division, and Mr. Reno W. Bupp of the Social Sciences Division of the Florida State University Library. Helpful information and assistance in respect to the holdings of the Hoover Institute and Library on War, Revolution, and Peace were provided by Mrs. Agnes F. Peterson in charge of the Central and Western European Collections there.

A very special note of acknowledgment is due the editorial board of the Florida State Studies for their assistance in the publication of this book. To Editor James Preu for careful and painstaking review of the manuscript for style and content the author owes particular gratitude.

Tallahassee, Florida  
April, 1958

EARL R. BECK

## CH. I. A NEW GERMANY AND A NEW PRUSSIA

The state of Prussia was born of strife and christened with blood. Perhaps this could also be said of other states, but no other name so quickly evokes an image of serried rows of steel helmets, of stiffly-erect statesmen obdurately pursuing their will, of the clicking of heels, the half-curtsy of deference to authority. Every schoolboy knows—or at least hears—the saga of tiny Brandenburg in the sandy marsh lands of northeastern Germany and how it evolved into the powerful Prussian nation which dominated the Germany of the kaisers on the eve of World War I. Frederick William I., “the drill sergeant of the North”; Frederick the Great, the “Old Fritz” of enlightened despotism and *Staatsraison*; and Bismarck, the personification of the influence in history of “Blood and Iron”—all of these are among the most commonly known figures of history.

But the average reader seldom learns that Prussia was more than the kaisers, the Bismarcks, the Fritzs, and the Frederick Williams. The sober industriousness of Prussians, their devotion to honor and to honesty, their willingness to die for freedom as they did in 1848 and in 1918 have received scanty attention. Yet, between 1918 and 1932 the word “Prussia,” which stood in the past, whether rightly or wrongly, linked with despotism and militarism, became synonymous with social progress and democratic government. Prussia was the “bulwark of republican Germany,” the last bastion of her defense against the returning waves of reaction and dictatorship. But at the end the bastions proved to have been erected upon sand and tragedy wrote another fateful chapter in German history. This is the story of that tragedy.

It is difficult to begin a story anywhere but at its beginning. This is the story of the death of a state, but its last struggles reflected the weaknesses of its origins and the shortcomings of its middle age. A brief consideration of the process of gestation and maturation cannot be avoided if one seeks to clarify the ultimate failure of the republic of Prussia, a failure which has apparently been linked by fate with the disappearance from the map of the very name of Prussia itself.

The birth of the republic of Prussia accompanied that of the Weimar Republic of which it was a constituent part. Much of

the story of its creation was interlocked with that of the birth of the larger unit of government and both stories were conditioned by the earlier history of the German state. Germany became a nation late among the nations of Europe. It was made a nation by the dynamic leadership of Prussian kings and statesmen. But both Prussia and Germany became republics under circumstances in which that dynamic leadership seemed absent. Republicanism was born in Germany lacking the glamor of Bismarck's Reich and strongly affected by German suspicions that it was an alien import not suited to the soil to which it had been transplanted. And, indeed, the Weimar Republic and the Prussian Republic which was a part of it were, when created by Germans in the November Revolution of 1918, not entirely a work of German hands. The authorship of these republics may be attributed to a high degree to an American, Woodrow Wilson, who dealt from three thousand miles away with a situation which he did not fully understand. Whether his actions were wise and the results good is debatable.

This is not the place to discuss the advantages or disadvantages of monarchical government in pre-World War I Germany. That it degenerated into arbitrary and ineffective government under the flamboyant, temperamental, and irresponsible Kaiser William II is, however, scarcely debatable. During the military action of the First World War the monarchy failed to serve as a mooring stone. The kaiser was thrust into the background by the military leaders of the state, and General Erich Ludendorff, not himself more balanced or more sensitive to the requirements of statesmanship than his legal master, became the virtual dictator of Germany. Bolstered by the massive prestige of Field Marshal Paul von Hindenburg, who had obtained the worshipful adoration of all Germans by his victory at Tannenberg early in the war, Ludendorff masterminded the great "drive for peace" which the German armies launched in the spring and summer of 1918. The "drive for peace" crumpled before the stubborn resistance of allied forces bolstered by American contributions of men and materials. In October, 1918, the German government, already aware of waning morale in the armies and in the workshops at home, began the first of a series of improvised actions in the face of imminent military collapse. The arbitrary government of the kaisers converted itself into a parliamentary monarchy. For this purpose



William II appointed a cousin, Prince Max of Baden, to head a cabinet which hoped by a promise of greater freedom to obtain the support of socialists and liberals and reconstitute a solid front against the enemy. This was followed by a number of constitutional changes designed to implement that which had been done and to assure the responsibility of the cabinet to the popularly-elected Reichstag.

Germany was fated, however, not to have an opportunity to test the success of constitutional monarchy. The military leaders of the state succumbed to uncontrolled hysteria in the face of setbacks on the field of battle. Although German armies were still deep in France, German headquarters became the source of crescendo demands that the Baden government immediately sue for peace. Overwhelmed by the apparent urgency of these messages from the military, the civilian authorities, on October 3rd, reluctantly appealed for an armistice to the President of the United States, Woodrow Wilson, who had recently restated in a series of public speeches the principles that he believed should govern the conclusion of a treaty of peace.<sup>1</sup>

The nature of the message addressed to Wilson by Prince Max reflected the inexperience of his government. He requested an armistice on the basis of "the program laid down by the President of the United States in his message to Congress of January 8, 1918, and in his subsequent pronouncements, particularly in his address of September 27, 1918."<sup>2</sup> This was a most irregular diplomatic procedure. It was true that the speech to Congress delivered by Wilson on January 8, 1918, contained the enlightened blueprint for peace known as the Fourteen Points. But five other addresses had followed within the time limit of the German note. These were delivered for domestic consumption in the midst of some of the severest fighting of the war. They combined lofty principles of peace with justice with severe excoriation of the war-time German government. To all intents and purposes, therefore, the German appeal was based upon the general concept of "peace with justice" rather than upon specific and definable terms of peace. There was never, as Germans later asserted, any clear pre-armistice contract for peace. Actually, the surrender of the Germans in World War I was not based upon appreciably better terms than their "unconditional surrender" in World War II. This fact was

underscored in the negotiations which followed.

The American replies to the German notes were quite cautious. The American who received Prince Max's surrender offer had himself some of the qualities of the Prussians—an excessive sobriety and sense of duty, a deeply-ingrained *Weltanschauung*, a stubborn adherence to objectives and aims regardless of odds. Peace offers from the cousin of Kaiser Bill did not impress the prophet of democracy. On October 8th he replied to Prince Max stressing the need for the immediate evacuation of allied territory and asking "whether the Imperial Chancellor is speaking merely for the constitutional authorities of the Empire who have so far conducted the war." The President declared that the answer to this question was "vital from every point of view."<sup>3</sup> When Prince Max replied that he spoke for the German people, Wilson again, on October 14th, stressed the questionable basis of the existing government. Calling attention to his speech on July 4th (which was not one of the two specifically mentioned by the original German note, but was certainly included in those referred to by the language of the note), Wilson pointed out that he had demanded, "The destruction of every arbitrary power anywhere that can separately, secretly, and of its single choice disturb the peace of the world. . . ." "The power which has hitherto controlled the German nation," added the American note, "is of the sort here described. It is within the choice of the German nation to alter it."<sup>4</sup> This warning was made still more specific on October 23rd in the third American note to Germany in which Wilson demanded armistice arrangements which would make it possible for the Allies "to enforce any arrangements that may be entered into and to make renewal of hostilities on the part of Germany impossible." This was followed by the famous statements in which Wilson suggested that the United States could only deal with "the veritable representatives of the German people who have been assured of a genuine constitutional standing as the real rulers of Germany" and added that if the United States dealt with "the military masters and the monarchical autocrats of Germany now, or if it is likely to have to deal with them later . . . it must demand, not peace negotiations, but surrender."<sup>5</sup> Whether Wilson actually sought the overturn of the monarchy in Germany is debatable, but the language of his notes clearly invited a more revolutionary government than that involved in the ministry of

Prince Max.

In spite of the doubts he expressed in regard to the nature of the German government, Wilson and the other powers at war with Germany eventually agreed to negotiate for armistice with representatives of the Baden government. But Wilson's notes had made it apparent to German leaders that the position of the Kaiser constituted an obstacle to more favorable terms of peace. Conservatives as well as liberals and socialists advocated the abdication of the Kaiser. Fearing trouble in Berlin, William II sought refuge with the High Command at Spa. Monarchy and military were, as a consequence, joined closely together in the face of the German revolution of November, 1918.

Revolutions are seldom the result of carefully laid plans. The German revolution of November, 1918 was no exception. It began on October 30, 1918, with the mutiny of sailors at Kiel who preferred life regardless of victory or defeat to the quixotic quest for a glorious death planned by their officers. Efforts to control the mutiny on November 3rd brought armed revolts and a revolutionary organization. Insurrection fanned out like a brush fire across northern Germany while political leaders, impressing one more with their caution than their daring, moved to follow the people's will toward a new order.<sup>6</sup>

It was not clear at once, however, what the people really sought. The insurrectionary movements of November 3-9 were followed by the creation of soldiers' and workers' councils paralleling those created in Russia a year previously. These councils were almost universally under Socialist leadership, but this Socialist leadership was not a unified one. The German Social Democratic Party had divided during the war over the issue of supporting wartime revenue measures in the Reichstag. This division was accentuated by the coming of the Bolshevik revolution in Russia. By November, 1918, the seeds of the later Communist-Socialist break had already been planted. As a consequence the revolutionary movement of November brought immediate dispute as to whether the spontaneously created workers' and soldiers' councils should be regarded as temporary expedients awaiting a call for a constitutional assembly or as a preliminary step toward a permanent sovietized government.

In the midst of these events the old government of Prince Max

of Baden with the consent and assistance of a portion of the High Command announced on November 9th the abdication of the Kaiser. This was a measure of despair not officially approved by the Kaiser himself. It appears, to the contrary, that he still hoped to retain the right to rule in Prussia if not in all of Germany.<sup>7</sup> The abdication decision failed utterly in its purpose, being taken too late to save either the government of Prince Max or the Hohenzollern dynasty itself. On the same day on which he made this announcement, the Imperial Chancellor turned over governmental authority to Friedrich Ebert and Philipp Scheidemann, the leaders of the Majority Socialists, the faction of the Social Democratic Party which had advocated loyal support of the government during the war. Baden hoped by this action to retain a chance for the survival of monarchy in Germany. Ebert and Scheidemann on their part accepted the transfer of governmental authority and proclaimed the continuity of their new regime with the old, promising also the maintenance of security and order. It was to the surprise and anger of Ebert and one of those less-than-clearly-explicable events of a revolutionary period that Scheidemann a few hours later proclaimed publicly that Germany was now a republic. For some months afterwards, however, the issue between the erection of a constitutionally regularized republican government or of a soviet state based on revolution lay in doubt.

Republicanism in Germany was to be closely connected with the action and inaction of the Social Democratic Party. This party had, prior to World War I, combined tenets of Marxism and of parliamentary democracy in an uncertain and instable amalgam. Neither its "socialism" nor its "democracy" were clearly defined. It derived its program not only from the teachings of Ferdinand Lassalle, whose work antedated the arrival of orthodox Marxism in Germany, but also from the philosophy of Eduard Bernstein, one of the most outstanding "revisionists" of the original content of Marxism. Neither before nor after the war did it present a clear-cut program of the Marxian variety of Socialism. Nor was its usage of the word "democracy" susceptible to standardized rules. Lassalle, its proper parent, leaned toward an authoritarian monarchy but advocated universal suffrage as a means by which that monarchy would be forced to serve the interests of the working class. Later socialists varied in their exposition of the nature of the state

but generally agreed upon the desirability of universal suffrage and its employment by the workers to obtain a share in the powers of the state. The republican form of democracy, in contrast to the concept of a democratic parliamentary monarchy, had played a small role in Socialist literature. Indeed, the Social Democrats never adopted a program of open hostility to the Bismarckian Reich. They had wished to capture it, not to destroy it.<sup>8</sup>

Republicanism, therefore, arrived in Germany with few prepared for its coming. It was an "improvisation" not created by passionate proponents but accepted reluctantly by lukewarm adherents.<sup>9</sup> Even democracy itself, in its broadest sense, had attracted little enthusiasm during the war years. There was almost a vacuum during that period as respects interests in, discussion of, and propaganda for genuine democratization of the government.<sup>10</sup> Socialist deputies in the Reichstag denounced the Ludendorff dictatorship, but the patriotism of the great majority of the Socialists had left to a few extremists the advocacy of revolution. The fall of Ludendorff, the coming of Prince Max of Baden, had derived not from pressure from below but from above. The moves that followed, resulting in the creation of a German republic, found a strange alliance existing between uncertain and cautious Social Democrats on one side and extreme Rightists on the other side who sought in democratic government an emergency solution (*Notlösung*) to the crisis which they had created.<sup>11</sup>

The Revolution of November, 1918, in Germany, derived its initial impetus from the old ruling groups. It began with a move toward parliamentary procedures initiated by a reactionary monarchy seeking to bolster its position in the face of crisis. It moved from parliamentary monarchy to republicanism almost by accident, with the revolutionary leaders divided in their counsels as respects the advisability of the action. A third step seemed almost inevitable. This would have been the move from republicanism to a soviet state on the Bolshevik model. That this third step was not taken was in many respects remarkable.

The shadow of Bolshevism hovered close above the German political scene during the fall and winter months of 1918-19. Only a year previously a minority group in Russia had overturned a brief and insecure parliamentary regime. That minority group, the Russian Bolsheviks or Communists, had been nurtured upon

the tenets of orthodox Marxism and knew that their victory controverted the normal expectations of their creed. Many of the outstanding leaders, Lenin as well as Trotsky at the outset, considered that the harvest from the revolution which had been planted in the infertile soil of an agricultural Russia would not be secure unless attended by favorable winds from a Bolshevized Germany. Their agents in Germany gave support to the left wing of the German Social Democratic Party, which had separated from the original party during the war to form the Independent Socialist Party opposing the continued provision of war revenues. The Independent Socialist Party, in turn, included at the outset the extremist faction called the "Spartacists," a name derived from the pen name of its leader, Karl Liebknecht. The creation of the revolutionary soldiers' and workers' councils mentioned above had been followed by the election of an executive committee (*Vollzugsrat*). The executive committee checked on the work of the provisional cabinet, which had inherited the position of Max of Baden. The revolutionary councils and their executive committee had no legal standing. The provisional cabinet exercised authority legally only insofar as it represented the perpetuation of the old regime of the Kaiser. In both of these agencies the Independent Socialists and the Majority Socialists (those who had remained within the original party) shared authority equally. The Independent Socialists advocated the erection of the soldiers' and workers' councils into a permanent part of the government as had been done in Russia a year earlier (although they disclaimed slavish imitation). The Majority Socialists believed that this action would involve a proletarian revolution probably accompanied by bloodshed and certainly likely to postpone for some time the return of stable conditions. This, they felt, would be for Germany, coming as it would on the heels of war privation and defeat, an unmitigated disaster. The Majority Socialists became, therefore, in many respects, counter-revolutionists striving to reestablish law and order and to check the course of revolution from its onward rush. Their actions were basically wise and patriotic, but their solutions of current problems laid heavy burdens on the shoulders of those who sought to make republicanism effective in Germany.

During the course of events that followed, the Majority Social Democrats moved cautiously. They were weary of war. They

were weary of violence. In spite of their "socialist" appellation, they were fundamentally conservative. They had not been advocating the end of all capitalism. They had not been advocating the downfall of the monarchy. They had not been militantly anti-militarist. For the sake of internal order and security they were willing to sacrifice much. In all, during the months that followed, they underwrote at least ten basic compromises with expediency, or, as they have been described by post World War II critics, improvisations designed to master the existing state of chaos.<sup>12</sup> To use the terms "compromise" and "improvisation" need not imply criticism. Politics is the science of compromise, and "improvisation" is the mark of the practicality of a politician. Some of these improvisations were wise, even ingenious. But others contained seeds of the ultimate catastrophe which resulted. For a republic whose failure was in the last analysis closer to accident than to the inevitable the burden of death lay in the shortcomings of its origins.

The most fateful of the compromises made by the Social Democrats was arrived at first. On November 10th, 1918, the provisional president, Friedrich Ebert, appealed to the supreme commanders of the regular army, Hindenburg and Wilhelm Gröner, for military support in case of a threat to Bolshevize Germany by way of *coup d'état*. In this request a Social Democratic president revealed his fears of his own erstwhile party colleagues, the Independent Socialists and the Spartacists, who were, indeed, hoping to seize power in Germany as the Bolsheviks had in Russia. The extremity of Ebert's apprehensions was indicated by the fact that he addressed himself to the very heart of the old regime. The generals with whom he spoke by telephone represented imperial Germany. Republican Germany called upon Imperial Germany to prevent the coming of Bolshevik Germany. Perhaps this was necessary, and alternative solutions, such as the creation of a voluntary republican guard, not feasible. But there was nothing in this step to send tingles of pride down the spines of republicans or to swell the hearts of young Germans in the classrooms of Weimar Germany. Republicans, whose task it was to create new traditions for a new society, sought instead the path of safety by preserving the old.

The generals acceded quickly to Ebert's request. There was forged on November 10, 1918, an unwritten alliance between Ma-

majority Socialists and the German Reichswehr. The army had achieved a major victory on the home front. Out of defeat it emerged as the mooring stone of the new regime. It became impossible now for republican leadership in Germany to free itself from the stigma of the treaties imposed by the victor powers. Those responsible for the catastrophe watched complacently while their scapegoats suffered from the consequences of a lost war.<sup>13</sup>

The second compromise with expediency followed quickly on the heels of the first. The election of an executive committee of the workers' and soldiers' councils was accompanied by directives designed to facilitate orderly transfer of authority. These orders retained large sections of the old bureaucratic officialdom in their places and upheld the continuing validity of imperial laws until they should have been replaced by new directives. The new leaders of the state were more concerned with stability and order than with reform. They wished to deal with the problems of a national constitution and of a treaty of peace before turning to problems of local administration. During this interim the revolutionary impetus available for the needed top-to-bottom housecleaning of the state was lost. Meanwhile, sentiment protecting the entrenched bureaucratic system increased. The fidelity to duty and the economic functioning of the pre-war civil servants were stressed at Weimar. In the long run officials below the rank of *Oberpräsidenten*, *Regierungspräsidenten*, *Polizeipräsidenten*, *Landräte*, etc., the top level of the officialdom, were virtually untouched by the advent of the democratic state. As a consequence, the lesser officialdom, who were in closest contact with the public, remained inwardly wedded to concepts of authoritarianism. They were completely incapable of demonstrating in their contacts with the man on the street the democratic spirit which derives from the recognition by a governmental official that he is the servant, not the master, of the public. Weimar officialdom was a tightly-knit unit of bureaucrats with little to distinguish them from the bureaucrats of the kaiser. When opportunity came, many threw their influence to anti-democratic movements and some violated the obligations of their office to give aid and sustenance to the totalitarian cause.<sup>14</sup>

Meanwhile, the Majority Socialists began a strong move to bring about the resumption of regularized, constitutional government. On November 14, 1918, three days after he had been named



Chairman of the Council of People's Commissioners, which represented the revolutionary soldiers' and workers' councils, Friedrich Ebert summoned the well-known political theoretician, Hugo Preuss, and commissioned him to prepare a draft for a democratic constitution for the newly-proclaimed German republic. Not until the middle of December, however, did it become certain that Germany would adopt a new constitution in a legal fashion by a constitutional convention. This decision was made by the Congress of Workers' and Soldiers' Councils which met in Berlin from December 16th to 21st. Although the Congress was not elected in formal fashion it represented reasonably accurately the interests and wishes of the country's organized laboring classes. By its actions the Congress revealed that the German working class, like its leaders, was fundamentally not revolutionary but conservative. The vote for the calling of a constitutional convention barred the Independent Socialists and Spartacists from any move to a soviet state except by way of force.

The events that followed were intricate and many aspects of the kaleidoscopic patterns which appeared are still fuzzy. Suffice it to note that during the month of December the left wing Socialists and Spartacists had launched a series of harassments of the provisional government, which had come under Majority Socialist domination. Violence followed — bloody fighting in Berlin on December 6th and again on December 23rd and 24th. On December 29th the Independent Socialists resigned from the cabinet. Between January 6th and 13th came the "Spartacist uprising" in Berlin, during which the Majority Socialists cashed the blank check of support promised by the High Command in November. The regular army units which answered their call moved harshly against the Spartacists. Spartacist leaders Karl Liebknecht and Rosa Luxemburg were shot by the reactionary troops which had arrested them. After these events there was no real possibility of reconciliation between the Majority Socialists and the Spartacists, who became the Communist Party in the later period. From this time on the Communists were to refuse their rivals the label of a "revolutionary" party and to consider them the tools of their capitalist opponents. Yet there are aspects of the events of the crowded weeks of December and January, 1918-19, which indicate that German Spartacists had moved in a very different fashion from

their Russian counterparts of the previous year. There was no German Lenin or Trotsky and the events of the Spartacist Week deprived German Communists of the leadership of those who had guided their actions during the latter part of the war. Left with dead martyrs but with dull and spiritless living leaders, the German Communists became tiresome critics of the republic that was created but not particularly dangerous ones.<sup>15</sup>

Elections to the National Assembly to draw up a new constitution were held on January 19, 1919. Its first session convened in Weimar on February 6. It completed its work with the election of the first constitutional Reichstag on June 6, 1920. During this period of time it governed Germany, drew up a constitution, and concluded the treaties of peace with the enemies of the imperial state.

The elections for the constituent assembly underscored how slight were the changes in political alignment effected by war and revolution. There were, of course, changes of party designations. The Conservative Party, which had been the backbone of Wilhelmian Germany disappeared, but its place was filled by the German Nationalist People's Party. Like the other parties with which it contended, the Nationalist Party represented a *Weltanschauung*, a philosophy of life, rather than a set of principles and projected policy. It stood opposed to the "swinishness" of revolution and republicanism. Essentially counter-revolutionary in orientation, it had little influence on the decisions of the Weimar Assembly. Nor did it frequently, during the years that followed, exercise significant influence on government policy, but its spokesmen did succeed in creating a breach between the concepts of "nationalism" and "republicanism." Whatever chance it had for really constructive leadership was lost after October, 1928, when the party came under the control of the irascible, arrogant, and superficial newspaper and film magnate, Alfred Hugenberg.<sup>16</sup>

Slightly left of the Nationalists stood the German People's Party, which carried over a considerable portion of the strength of the pre-war National Liberal Party. Representing conservative business elements, it was to contribute heavily to Weimar foreign policy through the role of its leader, Gustav Stresemann. Like the Nationalists, the People's Party entered the Weimar era with reservations as respects republicanism and a strong hostility to all that

smacked of socialism.

The creation of a Weimar Germany rested most largely upon three major parties of the center and moderate left. The Catholic Center Party, created during the days of the *Kulturkampf* when Bismarck had threatened the position of the Catholic Church in Germany, remained an association of many viewpoints and philosophies bound together by a community of religion. Of little moment in the revolutionary days preceding the Weimar Assembly, the Catholic Center Party became thereafter the keystone of republicanism in Germany, in the long run far exceeding the Social Democrats in significance.

Joining the Center and Social Democratic Parties in the so-called "Weimar Coalition," which controlled the constitutional assembly, was the German Democratic Party. This was a moderate bourgeois party devoted to democracy and republicanism and inclined to look with sympathy upon measures for social progress, although it had been formed, in part, to help offset existing tendencies toward outright socialization. A party of "many talents," the names of its leaders embraced some of the ablest men in Germany. In the elections for the constituent assembly it polled five million votes, but a little better than a year later it lost more than half of its supporters, and further declines followed precipitately.

Left of the Majority Socialists, of course, stood the Independent Socialists. The Spartacists, now separate from them, boycotted the elections for the National Assembly. From the Independents came, in 1919, some significant criticisms of the projected constitution. Most of the Independents were, however, soon absorbed into the German Communist Party, which openly used the privileges of democracy to seek its avowed objective of social revolution. In many respects the Communists were a far more detrimental force in Weimar Germany than the Nationalists, for no coalition arrangement could be concerted in which they would take even temporarily a constructive part in the formation of governmental policy.

The discussions of the constituent assembly at Weimar revolved most largely around the draft constitution which had been drawn up by Hugo Preuss in accordance with the wishes of Provisional President Ebert.<sup>17</sup> Preuss had first won acclaim as a theoretician for democracy in 1915 with his book, *Das deutsche Volk und die*

*Politik*. Complaining in this work of the absence of political experience on the part of Germans, Preuss advocated the provision of such experience by the state. He doubted that, without state assistance, the German people would be able, of themselves, to move to the institution of democratic forms.

Preuss's less-than-optimistic viewpoint differed little from that of the other leading wartime exponent of democratic ideals, Max Weber, the sociologist. Weber had, like Preuss, criticized Bismarck for leaving behind him "a completely powerless parliament." He also emphasized the desirability of having the state give the lead toward more responsible government. Democracy when it came, he felt, should be accompanied by sociological alterations to support it. The fundamental changes needed could not be accomplished by the people alone and unaided. They would need, felt Weber, a symbol of authority to assist in the process of transition. This symbol would be a "plebiscitary dictator" wielding power with the consent of all the people.

In 1918, Preuss, who had felt that the German people could not, of themselves, create a democratic government, found himself confronted with the task of creating a constitution which would allow them to do so. For this purpose he appropriated the symbol of a plebiscitary presidency which had been advocated by Weber. The creation by Preuss, in his constitutional draft, of a presidential position endowed with the support of millions of popular votes but lacking some of the elements of the American presidency was the third of the "compromises" or "improvisations" associated with the Weimar experiment.<sup>18</sup>

Preuss's conception of the office of the presidency found a favorable reception in the constituent assembly. Serious opposition derived only from the Independent Socialists, who advocated the establishment of a directory to exercise executive authority.<sup>19</sup> The definition of the duties and powers of the President was, however, a more difficult question. Many aspects of the President's position were closely related to the problem of the nature and method of organization of the state. It will be well, therefore, to consider this problem briefly before completing discussion of the Weimar compromise involved in the office of the presidency.

No political theorist could view with satisfaction the pre-war territorial division of Germany. Bismarck's Reich was created by

force of arms and represented historical compulsion rather than logic and common sense. Even on a monarchical basis it was unsound. The size and population of Prussia gave it a hegemony within the old Empire which robbed second and third ranking states of their basic *raison d' être*. The Second Reich was an unequal partnership of the Hohenzollern dynasty with lesser dynasties holding satellite positions or, as it has been phrased, a partnership of the lions with the foxes and the mice. Centrifugal forces were held in check by the threat of military force and by some special concessions to the subordinate dynasties. One of these concessions was the granting of a series of "reserved rights" (*Reservatrechte*) involving legislative and administrative areas within which the Reich promised not to intrude. Another was the privilege granted to the princely houses of naming direct representatives to the upper house of the pre-war parliament, the *Bundesrat*. The powers of the *Bundesrat* were more properly negative than positive. It held a consultative position with regard to current legislation. But it also exercised a controlling vote in respect to the ultimate powers of the federal government, the so-called "Execution" by which the *Länder*, the states, were held to loyal and effective enforcement of federal law, and the so-called "Dictatorship" by which an emergency situation might be met by emergency action, including military force if needed.<sup>20</sup>

It was clear that such a state, created by historical improvisations growing out of monarchical relationships, ought to be basically transformed in the establishment of a republic. In some quarters there was real enthusiasm for reducing the size and importance of Prussia, whose hegemony had not been an entirely popular one. Sincerely democratic Germans leaned to the creation of a unitary state, whereby the democratization of the administrative apparatus would have been greatly facilitated. Preuss proposed in the preliminary sketch which he submitted to the provisional government, to divide the Reich into fourteen districts (to which the joining of Germany by Austria would have added two more) designated as "free states" (*Freistaaten*). The provisional government raised serious objections to this plan, and Preuss's draft constitution discussed in the National Assembly retained the existing territorial divisions of Germany, although the competency of the central government was appreciably extended, the superiority of

federal law over state law specifically stated, and the right of the federal government to introduce alterations in *Länder* boundaries provided for. Preuss accompanied his draft with a strongly worded memorandum setting forth the impossibility of maintaining a Prussia which held four-sevenths of the territory of the Reich, unless it were to hold hegemony within the state.<sup>21</sup>

Preuss's advocacy of the destruction of Prussia unleashed a storm of protest. Prussian conservatives called his draft "a product of the study lamp," and the provisional government of Prussia also protested, pointing out that it no longer constituted a threat to democracy and that the dissolution of Prussia would only increase existing tendencies to particularism.<sup>22</sup> South German states added their protest against Preuss's draft, based largely on the loss of the reserved rights accorded them by Bismarck. Preuss even failed to obtain a mandate to the Constituent Assembly, as did also Max Weber, the other spiritual father of the Weimar Constitution.<sup>23</sup> The ultimate outcome was another compromise, another improvisation, one which satisfied few but proved difficult to correct. Prussia remained stretched across northern Germany like a giant hand, with two-thirds of the Germans divided in their allegiance to Reich and to Prussia. On the other hand, the proper role of Prussia and of the other *Länder* was reduced to the areas of internal justice, police action, education, religious life, and supervision of municipal arrangements. In all of these areas the Reich had extensive rights of supervision and the privilege of extending its own competencies if it deemed proper.<sup>24</sup> The history of the Weimar Republic saw a gradual but steady encroachment of federal action upon the fields originally reserved for state authority.<sup>25</sup>

Particularist opposition to the increased authority given to the federal government by the constitution was partially allayed by an effort to recreate in republican form the *Bundesrat* of the Second Reich. The Reichsrat, which became the second house of the republican parliament, was composed of representatives designated by the governments of the *Länder*. In this regard Prussia formed an exception in that half of its Reichsrat representatives were named by the government of her provincial subdivisions, which were, in fact often larger and more populous than some of the other *Länder*. The position of the Reichsrat was, however, much less significant than that of the *Bundesrat*. Largely consulta-

tive in character, it had the right to present objections against Reichstag legislation, but the lower house could uphold these laws by a favorable vote of two-thirds of its members. The Reichsrat was not vested with control over the powers of "Execution" and "Dictatorship" as had been the old *Bundesrat*.<sup>26</sup>

The question as to where this significant right of control over these exceptional measures should repose was a very serious one in the Weimar assembly. One obvious solution would have been to place it in the hands of the Reichsrat. It is clear from the discussion above that this would have reenforced particularist tendencies to which the democratic forces were opposed. An alternative proposal was that the usage of these powers should be subject to the approval of the highest judicial organ to be created, the *Staatsgerichtshof*. This, however, ran contrary to German legal practice, which drew a sharp line of separation between judicial and political areas. It was, in fact, a considerable innovation when the Weimar Constitution attributed to that court judicial competency in regard to questions of constitutional disputes between Reich and *Länder*. This protective measure was one of the factors which brought acceptance of the final compromise in respect to the powers of "Execution" and "Dictatorship." These were placed in the hands of the President of the Reich. As a consequence, he was vested in times of crisis with great power. By the power of "Execution" he could use extraordinary measures, including military action if needed, to compel a *Land* to execute loyally federal laws. By the power of "Dictatorship" he could use the full powers of the State to deal with the disturbance or a threat of disturbance of peace and order. If the President chose to do so, he could ask the advice of the *Staatsgerichtshof* before employing these measures. However, he was not obligated to do so. If he preferred, he could proceed on his own authority, being required only to bring his actions as quickly as possible to the attention of the Reichstag, the lower house of the parliament, and to revoke them if the Reichstag should disapprove. In the discussion of these aspects of presidential authority the greater part of the controversy centered around the relationship of state governments to federal authority. The truly devastating consequences of entrusting the powers of "Dictatorship" to the President occasioned little discussion in the constitutional assembly.<sup>27</sup>

Thus, in the form of the state and in the position and powers of the presidency the Weimar Constitution embodied two improvised solutions to the serious problem of transition from empire to republic. They were a portion of a constitutional work of high quality achieved within the space of three months' time by men who had only a theoretical acquaintance with democratic government. Not in themselves errors, they are to be evaluated most properly as miscalculations by men who expected those who followed them to work loyally in the spirit of the constitution they created. This hope was not realized.

The remainder of the Weimar Constitution embraced, of course, the normal arrangements of a parliamentary government with a ministry commissioned by the President but responsible to the Reichstag. The President's position in the parliamentary machinery was substantially that of a king in a constitutional monarchy. He was a kind of "master of ceremonies," whose function it was to consult with party leaders at necessary times and determine upon a political leader who could obtain a vote of confidence from the Reichstag. As will be seen, von Hindenburg, the second President of the Weimar Republic, was to use this process of consultation and commissioning as a means by which he exerted far greater influence upon governmental policy than had been intended.<sup>28</sup> To many observers, however, the Weimar Republic was a "party state," in which formally organized parties held life and death control over the destinies of the people. This complaint broadened with the onset of the depression and the accompanying rigidity of party programs and policies.

It was most unfortunate that the Weimar Assembly was confronted not only with the task of creating a new framework of government but also with the conclusion of peace terms and other problems relating to the transition from a state of war to one of peace and orderly government. It is not difficult to understand the unified opposition of all parties in the assembly to the "injustice" of the Treaty of Versailles. In this area the heart ruled the head, but with unfortunate consequences. The Paris Peace Conference in many ways violated the spirit of Wilson's Fourteen Points and of the principle of a "peace with justice," which he discussed in his wartime addresses. The protection of the Fourteen Points had, as it were, been purchased by the proc-



lamation of a German republic. Now it appeared that the victorious powers were dealing with a republic at least as harshly as they would have dealt with the Kaiser himself. They had not even deigned to hear its representatives. The Treaty of Versailles was, as Hitler later emphasized, a dictated one. The Allies chose the beginning days of a new German republic as the time to depart from all previous custom in international relations and deny Germany's new leaders a reasonable hearing.

However, the defects of Versailles were heavily exaggerated in Germany. The Wilsonian program had protected Germany from outright division and from complete military occupation, and the final form of the Treaty of Versailles promised the consideration of revision in the future. Realism in 1919 should have made it clear that someone was going to have to assume responsibility for the treaty of peace. Realism should also have indicated that oral expressions of indignation were not likely to free the republican signers of the treaty from the obloquy attached to their action. Hence, realism might well have dictated an effort to admit that the treaty was the inevitable consequence of a lost war. Republican leaders might well have enumerated the gains which their leadership had brought, over against the utter disaster which confronted Germany when they assumed power. A few republican leaders followed this policy, but most sought to outdo the nationalists in their denunciations of the treaty. They even considered the possibility of further resistance, but General Gröner—von Hindenburg had shirked the responsibility—indicated that there was no hope of this. Few Germans were willing to point out that many unpopular portions of the treaty—the loss of Alsace-Lorraine, the creation of the Polish Corridor, the reparations themselves—were direct outcomes of the armistice arrangement concluded by the old imperial government. It seems reasonable to suggest that a government which would have accepted the treaty more gracefully, without the insulting gesture of defiance made in Paris before the Allied representatives by the anti-democratic Brockdorff-Rantzau, might well have earned much more quickly relief from some of the most patently unjust features. Certainly the patient and reasonable attitude of the Adenauer government after World War II contributed greatly to the reversal of much severer peace terms. The reaction of democratic leaders

to Versailles was natural and understandable. Some imagination and some real courage in the face of hostile public opinion might have won great returns.<sup>29</sup>

From this nationalist attitude as well as from the consequences of the Ebert-Gröner bargain in behalf of public security late in 1918 derived the basic failure to reform the German military establishment. The Weimar National Assembly made no effort to republicanize the German army. Nor did it set into motion reform efforts in the areas of agricultural land ownership and of public education. In these areas reforms might well have contributed vitally to the future of German democracy, but it must be admitted that the exact nature of the needed reforms and how they might have been effected are debatable.

There was little real popular sentiment antagonistic to the old landowning aristocracy of Germany in 1919. Only the Communists advocated full-scale socialization and their proposals were considered disruptive influences at a time when all others were striving for stability. Division of the large landed estates east of the Elbe River, the heartland of German "Junkertum," might well have furthered possibilities of an invasion by the newly-recreated state of Poland. And in the midst of food shortages, created in part at least by the continuance of the Allied blockade of Germany after the conclusion of the armistice, there was no great support for any drive which would in any way endanger Germany's domestic food supply sources.<sup>30</sup>

Nor was there any real drive for educational reform. The German school master was not an unpopular figure. Germans had little understanding of or interest in the ideal of a common system of secondary as well as elementary education for all. There was no way by which the underlying philosophy of education could be changed overnight. It may, however, be alleged that the spirit of education is important along with the efficiency of the process, and that greater attention could well have been devoted to seeking means by which curriculum, pedagogy, and normal school preparation might give more emphasis to democratic ideals and practices.<sup>31</sup>

In the area of judicial theory and practice, reform also stopped short. The supreme court (*Staatsgerichtshof*) of the Reich was provided for in the constitution and implemented by a law of the Reichstag in 1921, but legal definition of its disputed competency

was not attempted. The Reichstag left the determination of the court's position in constitutional questions to the actions of the president and of the court itself, even though it was clear before 1926 that there was a vacuum in the area.<sup>32</sup> Beyond the problem of the competencies of the supreme court the Weimar republic faced difficulties created by the retention of large sections of the imperial judiciary. Weimar judges allowed newspapers to use such terms as "Saustaat" and "Saurepublik" (swine state and swine republic), "Schieber- und Judenrepublik" (republic of black marketers and Jews), and other libelous terms, to call republican officials "bastards," to speak of the republican flag with profound disrespect, and to sponsor the harshest anti-Semitism. The idea that the judges held over from the days of the monarchy were "untouchable" greatly impaired efforts to defend the republican system.<sup>33</sup>

Nor was there serious consideration of alteration in the procedures and practices of the political parties themselves. Recognition of the origins and pre-war history of the German parties and of the circumstances that shaped them into ideological associations rather than political parties provides understanding for their positions during the Weimar period. But the feeling remains that somewhere along the road at least a few imaginative leaders might have appeared within the German parties; leaders who could have brought Social Democrats to realize that the interests of workers and industrialists were not diametrically opposed; leaders who could have made Catholic Centrists realize that the days of Bismarck and the *Kulturkampf* were past and that it was desirable for Catholic and Lutheran church leaders to cooperate in maintaining their confessional schools; leaders who could convince Populist business leaders that a well-paid labor force provides a country's best market; and leaders who could bring within the Nationalist camp acceptance of the end of authoritarianism in the age of mass democracy. It was the tragedy of Weimar that such appeals to the common interest and to the welfare of the generality were posed most basically by the groups which sought selfish power for selfish ends.<sup>34</sup>

Before the Weimar Assembly completed its work and resigned its powers into the hands of a regularly elected Reichstag, there was one final opportunity to give democracy a meaning and a

morale, to create for it that which one recent author has labeled a "legitimation." Republicans had defended themselves vigorously against Bolshevism in 1919. The events of the "Spartacist Week" had been accompanied by numerous arrests. The Communist leaders, Karl Liebknecht and Rosa Luxembour, had been murdered by the military groups on whose assistance the government had called. The crime, the work of undisciplined rightist extremists, was never properly punished. In 1920 republicans were confronted by a threat from the Right, from militarist and reactionary groups seeking to prevent execution of the army limitations involved the Treaty of Versailles and, undoubtedly, also to overthrow the republic. This so-called "Kapp Putsch" of March, 1920, derived its name from Wolfgang Kapp, an American-born son of a German emigree. Kapp had returned during the war, helped to organize the "Fatherland Party," and became the major civilian leader of what was substantially a military *coup d'état*. The efforts of Kapp and his co-conspirators resulted in the seizure of Berlin and the erection of a rival government temporarily in control of the seat of authority. A general strike sponsored by the Social Democrats forced the putschists to admit defeat. But the logical consequences of the event did not follow. General Hans von Seeckt, the chief of the general staff, who had refused to use regular army forces against the illegally constituted revolutionary forces, was rewarded for his perfidy by being given supreme command of the armed forces.<sup>35</sup> And no one was hanged! If the government had only hanged a dozen or so of the participants to show that treason in a republic is as serious as treason in a monarchy, there would have been fewer who could have equated the terms "democracy" and "lack of authority!" Nor did President Ebert, who found it possible in 1923 to use his power of "Execution" against a Communist government in Saxony, find it possible in 1920 to use it to force the reactionary state government of Bavaria to surrender avowed traitors. Somehow German democrats failed to recognize that democratic procedures do not require a state to nurture within its breast the seeds of its own destruction. This lesson, however, came with the harsh days of Hitler and post World War II Germany has given evidence of its willingness to proceed strongly against groups negating the foundations of democratic and republican government.

The preceding pages have sketched the origins of a new Germany after World War I. Much of this story is familiar, but post-World War II reevaluation has added interesting viewpoints. Many of the new generation of German historians have written of this era in the blackness of disillusionment.<sup>36</sup> It is to be hoped that their healthy criticism will be accompanied by positive contributions—by sympathetic biographies of republican leaders who deserve the kindly brush of the artist for their efforts to create something new and untried. No more challenging subjects could be found for such studies than the lives of the republican leaders of Prussia, who sought with some success to erect a democratic framework of government in the homeland of Bismarck. A small segment of this story is the purview of this study.

As is true of the history of any political subdivision, it is difficult to separate the story of Reich and Prussia. In the process of constitution-making and governmental reform after World War I their destinies were closely intertwined. The political conditions in pre-war Prussia had been even less favorable to the growth of democratic sentiment than those in Germany as a whole. The Prussian government functioned under the Constitution of 1850 handed down (*oktroiert*) by the king after the failure of the revolution of 1848. Not only was the cabinet responsible to the king rather than to the diet (*Landtag*), but also the principle of universal manhood suffrage was contravened by the arrangements for the election of the lower house (*Haus der Abgeordneten*). Electors were divided into a three-class system according to their tax contributions and each of these classes elected one-third of the members of that body. Thus, in 1908 the votes of 293,000 electors in the upper class had the same influence as those of 1,065,240 in the second class and of 6,324,079 in the lowest class. Voting was public and apportionment of representation very faulty. Beyond this was the curtailment of democratic spirit in a state controlled by the spirit of obedience to authority and subordination to one's superior. In 1918 Prussia seemed likely to be the most sterile ground in all of Germany for the development of democratic government.<sup>37</sup>

Until November 11, 1918, the history of the revolution in Prussia and in the Reich as a whole was one. On that day the executive committee of the workers' and soldiers' councils named a provisional

government for the state of Prussia. This government included Paul Hirsch and Heinrich Ströbel as chairmen, along with Otto Braun, Eugen Ernst, and Adolf Hoffmann. Three days later a sixth member, the lawyer, Dr. Kurt Rosenfeld, was added. This government was created as had been that of the Reich by joint agreement of the two sections of the pre-war Social Democratic Party, the Majority Socialists and the Independent Socialists, who shared equally in power. Not only did they have equal representation in the cabinet, but they also participated in a dual control of the ministries, each minister having a co-minister from the other party of the coalition. Hirsch, Braun and Ernst belonged to the majority group; Ströbel, Hoffman, and Rosenfeld to the Independents. Of scarcely secondary importance were Konrad Haenisch of the Majority Socialists, who shared with Hoffmann control of the Ministry of Culture; Adolf Hofer of the Independents, who shared with Braun control of the Agricultural Ministry; Emil Eichorn, an Independent, who became provisional chief of police in greater Berlin; Dr. Albert Südekum of the Majority Socialists, who took charge of the Ministry of Finance, and Dr. Rudolf Breitscheid of the Independents, who shared with Paul Hirsch control of the Ministry of the Interior.<sup>38</sup>

Most of these new leaders were men unknown to the general public. Party stalwarts, whose task had been organizational work and determination of principles, they had had no previous governmental experience. It is not surprising that they found their new tasks difficult and that they proceeded cautiously. In time some of them emerged as significant political personalities. Others faded back into the shadows from which they had emerged.

On November 13th the new government issued a proclamation which set the pattern for much of its later action. Although it proclaimed its determination "as quickly as possible to convert the old Prussia, reactionary from top to bottom, into a fully democratic constituent part of a unified, popular republic," it proceeded within the same communication to hold in force the existing administrative organization pending legal change.<sup>39</sup> A day later it added a specific admonition that the workers' and soldiers' councils were not to interfere with the independence of the law courts and that existing laws and ordinances were to remain effective until rescinded.<sup>40</sup> In a more revolutionary mood were the proclamations

of November 15, 1918, which ordered the abolition of the old upper chamber (*Herrenhaus*), the dissolution of the lower house (*Haus der Abgeordneten*), and revision of the educational system to eliminate false and tendentious views of the origins of the war, of militarism, of republicanism, of revolution, and of the present government.<sup>41</sup>

The vacillation between fully revolutionary changes and the retention of traditional arrangements continued in the period that followed. The major target of governmental action was the problem of church schools and of religious instruction in the public schools. Here, severe governmental action met with severe criticism and the full enforcement of the government regulations was withheld pending the establishment of constitutional government.<sup>42</sup> Actions seeking the abolition of titles and reduction of the role of the old officer group brought an early resignation from the government on the part of Minister of War Scheuch.<sup>43</sup> Protests against the dissolution of the old *Haus der Abgeordneten* and the abolition of the old *Herrenhaus* were published by the chief officials of those houses.<sup>44</sup> The royal family remaining in Prussia engaged in a series of proclamations in which Princes Friedrich Leopold and Adalbert took opposition to Prince Heinrich who stated that his major loyalty still remained with the head of the ruling family.<sup>45</sup> Thus, in Prussia during the early days of the republic, there were powerful elements wedded to the pre-war traditions of the state who sought to impede the process of democratization.

Meanwhile, the Prussian government followed with attention the course of events which had led to the calling of a national constituent assembly. The decision of the congress of workers' and soldiers' deputies providing for elections for the assembly found rapid acceptance by the Prussian government. On December 13 it provided that elections for a constitutional assembly in Prussia would take place a week after the national election. These were to be held with universal, direct, and secret suffrage under a system of proportional representation.<sup>46</sup> Before the votes were actually cast, however, the course of events in Prussia had again paralleled those in the Reich as Independent Socialist members of the government withdrew on January 3, 1919. The government which remained was composed solely of Majority Socialists with the exception of one Democratic minister (Fischbeck, Minister of

Commerce) and two non-party members. The Independents explained their withdrawal by pointing to the withdrawal of their fellow party members from the central council in Berlin and also stating that they considered unauthorized the replacement of Minister of War Scheuch by the Director of the Demobilization Department in the Prussian War Ministry, Col. Max Reinhardt.<sup>47</sup> Their voluntary withdrawal was followed a day later by Minister of Interior Eugen Ernst's dismissal of the Berlin police president, Emil Eichorn, who was accused of furthering the disorder of the Spartacists in the capital city. Eichorn refused to recognize the dismissal and became a significant figure in the armed uprising of the Spartacists in Berlin beginning January 5th. The Spartacist revolt was suppressed only after the Reich government employed regular army troops under the leadership of Gustav Noske.<sup>48</sup> This involved heavy fighting in the taking of the *Vorwärts* building, headquarters of the leading Social Democratic newspaper, and the occupation of the police presidency itself. Not until January 13th were fully stable conditions restored.

The elections in Germany as a whole for the national constitutional assembly took place on January 19th, those for the constitutional assembly for the state of Prussia on January 26th. Election statistics indicate a considerable parallelism in Reich and Prussia although the fact that Catholic Center Party strength was less in Prussia than in the Reich as a whole increased the proportional strength in the Prussian returns of the Majority Socialists and of the German Nationalists.<sup>49</sup> The Prussian elections were followed, however, by action of the Prussian government postponing convocation of the Prussian assembly until issues had been clarified within the National Assembly.<sup>50</sup>

Such a step was made imperative by the possibility that the National Assembly might of itself make an end to the old state of Prussia. The constitutional draft by Preuss which incorporated this change was, of course, altered under the influence of the national provisional government so as to retain the old *Länder*, but, as noted above, Preuss in a memorandum accompanying the draft proclaimed that the maintenance of Prussia in its pre-war territorial area was not feasible. The initial attitude of the Prussian government, as expressed by Hirsch in the conference of the representatives of the new states called to consider Preuss's draft,



was sharply critical of Preuss's proposal, declaring that it operated entirely to the advantage of the South German states and to the disadvantage of Prussia. If the Reich were to be unified, said Hirsch, the process should be carried through completely—it should become a unitarian state.<sup>51</sup> A similar line was taken by the Minister of Justice, Heine, in the sessions of the National Assembly, where he pointed out that division of Prussia, particularly under existing circumstances, would imperil the unity of the Reich as a whole.<sup>52</sup> Before the opening of the Prussian constituent assembly on March 13 it was relatively certain that the national assembly was not likely to set in motion drastic changes in respect to Prussian territory.

By the time the constitutional convention of Prussia opened its session, Prussia had been under a provisional government of republican but quasi-legal character for exactly four months. Accurate evaluation of its accomplishments would be extremely difficult. Many of the prominent personalities in this interim period did not leave detailed records of their view of the events. The clearest picture of the problems of the day is found in the memoirs of Otto Braun, the Minister of Agriculture, Forests, and Public Domains in this provisional cabinet. The difficulty of imposing democratic viewpoints and policies upon the reactionary bureaucracy held over from the kaiser's day is compellingly sketched by Braun. The serried rows of unfriendly faces, the artificially expanded stacks of *Akten* awaiting the minister's attention, and the passive resistance to actual accomplishment which confronted Braun must have been duplicated in the other ministries.<sup>53</sup> This kind of opposition was accompanied by dangers of separatism in the Rhineland, Hanover, and Schleswig-Holstein, by strike upheaval in the Ruhr region, by Spartacist activity in Berlin and reactionary plots in the eastern part of the state, and by problems of food supply more severe than in some of the less populous portions of the Reich. The accomplishments of the provisional government in meeting these problems deserved the applause of the constitutional assembly to which it reported, but little was received. Instead it was subjected to sharp criticism both from Right and from Left.

"The old Prussia is dead, long live the new Prussia," proclaimed Minister-President Hirsch in opening the deliberations of the

constitutional assembly.<sup>54</sup> Most disrespectful, complained the German Nationalist spokesman, Dr. Hergt, in answer. Hirsch fully misunderstood and libeled the old Prussia. "With a deep sense of gratitude," he added, "we recall that which the House of Hohenzollern accomplished, how its members themselves were examples of the Prussian sense of duty, of Prussian thrift and simplicity, how under their leadership was created a loyal and incorruptible officialdom, the envy of the world, and how under their rule the Prussian state was a model of order and authority."<sup>55</sup> The struggle between the old Prussia and the new, thus signalled, extended long beyond the sessions of the constituent assembly and found its ultimate denouement in the events of 1932 and 1933.

The constituent assembly proceeded to elect by acclamation as its president the Social Democrat Robert Leinert with the first and second vice-presidencies being held by Center and Democratic Party members respectively. This election indicated the formation within Prussia of the Weimar Coalition referred to above. On March 25th the results of discussions among the three parties were indicated with the announcement of a new cabinet whose posts were divided among them.<sup>56</sup> Otto Braun has related that the formation and operation of such a ministry was by no means an easy task. The non-Socialist, "bourgeois" parties had indicated their unwillingness to enter singly into coalition with the Social Democrats, and the broad basis of the Center Party, which rested upon reactionary as well as liberal Catholic support, meant that many of the governmental policies were the subject of severe dispute among coalition members.<sup>57</sup> Efforts to secure necessary reforms under these circumstances were often doomed to failure.

Designation of a new provisional government now resting upon the support of the constitutional assembly was followed shortly afterward by the proclamation of an emergency provisional constitution. Discussions of the permanent constitution, interrupted by the events of the Kapp *Putsch*, were not completed until November 30, 1920. Thus, a year of provisional government had passed, before the state of Prussia received its official constitutional form. During that period the cabinet conducted affairs in responsible relationship to the constitutional assembly, which acted the role of the later Landtag. The first constitutionally chosen Landtag, or state legislature, derived from the elections of February 21,

1921. Meanwhile, the events associated with the Kapp *Putsch* had brought the resignations of Minister-President Hirsch and Minister of the Interior Heine, who were replaced on March 29, 1920, by Otto Braun and Carl Severing respectively.<sup>58</sup> These two Social Democrats, "the strong men" of Prussia, gave color to the history of republican Prussia, and their role is dealt with more extensively in the following chapter. The executive decisions of the provisional governments, however, formed a very vital role in the birth of the Prussian Republic.

Much of the form of constitutional organization of the state of Prussia was determined by the events of the national assembly. By the Weimar Constitution Prussia lost her hegemony in the Reich. Beyond the increased centralism of the government noted above Prussia's influence was reduced by the assignment of half her votes in the Reichsrat to her provinces and by the separation of the position of head of state, the Reich President, from any connection with the Prussian state. The constitution provided that a state might not be divided contrary to its will until after August 11, 1920, which by implication indicated that this would be possible after that date. Still the disposition toward division appeared relatively weak. Prussia was considered a necessary "corner stone" of the Reich: the integrity of Prussia was needed to safeguard the integrity of the Reich itself. However, Prussia, like the other *Länder*, became subject to Reich surveillance of the enforcement of Reich laws, and to the principle that Reich law took precedence over *Land* law ("*Reichsrecht bricht Landesrecht*"). Against the state of Prussia as well as against smaller states the Reich was empowered by the federal constitution to use force, if necessary, to compel obedience to the federal government. For twelve years, however, Prussia was noted for its loyal enforcement of Reich law and her trustworthy cooperation with the shifting cabinets of the Reich.

The creation by the national constitution of the position of Reich President influenced the arrangements for the Prussian executive. There was considerable strength within the Prussian assembly for the creation of a head of the state for Prussia also, but majority opinion felt that the existence of such a post in Prussia, which shared the national capital, would imperil the prestige of the Reich President.<sup>59</sup> As a consequence, there was no titular head

of state in Prussia. The Landtag, or state legislature, chose "without discussion" the Minister-President, who then named the other members of his cabinet. This procedure entailed considerable uncertainty in respect to the operations of the cabinet system. The Minister-President was, by the constitution, entitled to determine "the guide lines" of policy, but in actuality had little control over his fellow ministers. These might at any time resign or be subject to a vote of lack of confidence without the resignation of the Minister-President or the cabinet as a whole becoming necessary. In turn the Minister-President might resign and some members of his cabinet retain their positions. Each minister had also practically autonomous responsibility within his own department. As a consequence, the ministry in Prussia stood somewhere between a collegial system and the Prime-Minister variety of cabinet.<sup>60</sup>

The assembly was to all intents and purposes a unicameral legislature chosen by universal, direct, and secret vote. Nothing in the way of a representative chamber other than the Landtag was envisaged by the original draft of the constitution. There was to be a Finance Council composed partially of *ex-officio* members and partially of representatives elected by the Landtag. In the discussions in the constitutional assembly this Finance Council fell by the wayside and was replaced by the establishment of a *Staatsrat* (Council of State), which had a representative character but was not considered a second house. Its functions were basically consultative. It was entitled to offer advice in respect to projected laws and to be consulted after laws were voted by the Landtag. In the latter area it had a suspensive veto — a law passed by the Landtag but rejected by the *Staatsrat* could not become effective unless again passed by the Landtag by a two-thirds vote or approved by a popular referendum. One significant function of the *Staatsrat* lay in the fact that its president, in conjunction with the president of the Landtag, and the Minister-President, constituted the "Committee of Three" (*Dreimännerkollegium*) entitled to dissolve the Landtag and call for new elections. The *Staatsrat* was significant, also, in that it was representative of the provinces and municipalities and, therefore, though its voice was a negative one, could on occasion speak in behalf of local interests.<sup>61</sup>

Some objection may be offered to the title of this book which deals with the Prussian Republic. Rather amazingly, Otto

Braun, who held the post of Minister-President of that state for twelve years declares that the term republic was rejected in behalf of the term "*Freistaat*" (free state) which rolled more easily from the German tongue and rang more softly in German ears.<sup>62</sup> Actually, the term "*Freistaat*" was used in the title of the constitution, but the term "*Republik*" was used in the first article of the constitution and this was not accidental. The term was specifically chosen to prevent the return of the Hohenzollerns, since it would have been possible to label a parliamentary monarchy a "free state" but not a "republic."<sup>63</sup> But Braun, himself, became the most ardent helper in the republicanization of one of the most reactionary of the German states and, although subject to much valid criticism in respect to some of his policies and procedures, emerges in the long run as one of the most capable of the German democratic leaders. That tragedy wrote finis to his career and that the strong man of Prussia abandoned the ramparts of his fortress for the security of a Swiss villa does not affect the substance of his achievement during a period when democracy still seemed an attainable ideal. It is now appropriate, therefore, to examine briefly the Prussia of Otto Braun.



## CH. II. REPUBLICAN PRUSSIA: BASTION OF DEMOCRACY

The history of the republic of Prussia is to a high degree the biography of one man. That man was Otto Braun, variously referred to as "the uncrowned king" or "the red tsar" of Prussia. Braun was the Minister President of Prussia from 1920 until 1932 with only brief interruptions in 1921 and 1925. His deposition from that office and the events subsequent to that deposition form the major substance of this volume. Some would count Carl Severing, who served as Minister of Interior from 1920 to 1926 and 1930 to 1932, a co-partner in the history of the Prussian state. Partner he was, but not upon the basis of equal political acumen or statesmanship.

Otto Braun, the republican, typified many of the better qualities associated with traditional Prussianism and only a few of its darker characteristics. Born in 1872, he spent his pre-war years in the city of Koenigsberg in East Prussia. Although he was of humble origin, his career reflected an astonishing transformation from printer's apprentice to Minister President, an accomplishment which ought to have been one of the inspirational factors in a democratic state. Not until 1932, however, when the days of democratic inspiration were well past, did two rather thin and not very colorful biographies of Otto Braun appear. To these have been added Braun's own autobiography and a handful of appreciative commentaries by contemporaries. A definitive biography of this important statesman is still lacking.<sup>1</sup>

Braun's forte was not genius but sober factuality. He reflected strongly the earnestness and intensiveness of his East Prussian homeland, but he also typified its willingness to assume difficult tasks and to master adversity. Honesty, loyalty, responsibility, a strong sense of morality, modesty, shrewdness — these are some of the characteristics attributed to Otto Braun. But there was more. There was, in particular, a certain flexibility that few German statesmen developed. Braun possessed a keen ability to analyze political forces and to draw from this analysis the necessary conclusions. Contacts with party leaders and discussions in respect to coalition policy he managed well. He led his own Social Democratic Party in Prussia into a series of compromises and adjustments which the Communists labeled the policy of "the lesser evil" but

which represented the ultimate sacrifice in an effort to preserve parliamentary government. Braun's whole career was blackened by his premature flight from Germany in early 1933, and some of the harsh criticism of this action by his opponents cannot be waved aside.<sup>3</sup> But Braun's flight was by and large consistent with his earlier career. By 1933 there remained no longer in German politics place for a convinced republican. German democratic statesmen had been left in the lurch by those whose welfare they most sought—the people themselves.

There is in this respect, however, a comment that cannot be avoided. It is that few of the leading German statesmen had the characteristics of great popular leaders. Braun was not an exception. Although the stiff massive frame, the large semi-bald head, and the shrewd eyes encircled by dark-framed glasses conveyed a deep impression of solidity and reliability, there was not there the verve and *élan* of a popular leader. Perhaps it was not to be expected. Factual-minded democratic statesmen in Germany between the wars had little to offer the public but explanations of unavoidable compromises with necessity. Still it might be conjectured that a Braun who had great oratorical ability and a sense of mass psychology as well as the attributes possessed by the real Braun might well have saved the republic from destruction.

Carl Severing's name is most closely linked with Braun's in the government of Prussia. Like Braun he rose from a humble position, apprenticeship in the metal trades, to high government position. He was Prussian Minister of the Interior from 1921 to 1926 and from 1930 to 1933. Severing's great and unquestionable services to the cause of Prussian democracy are discussed below. He understood, very probably, more of the fire and drama of politics than did Braun, but he lacked the equipoise of serenity and strict self-control. He was also, it would appear, more narrowly wedded to concepts of party position than was Braun. There was in Severing a brusqueness and rigidity which served also to deny him a role of broad leadership in the confused politics of the Reich between the two World Wars. But in honesty, hard work, earnest effort to accomplish democratic goals Severing, like Braun, left little to be desired.<sup>4</sup>

Beside Braun and Severing worked a great number of resolute and sincere ministers and civil servants whose accomplishments in



Prussia, although far from perfect, were of great importance. Most of them stand in the shadows, their deeds unsung by their contemporaries and neglected by later historians. They, themselves, have told us little of their problems. Particularly to be regretted is the absence of memoirs by men like the Minister of Public Welfare, Heinrich Hirtsiefer; the Minister of Culture, Carl Heinrich Becker; and Ministerial Director Wilhelm Abegg in the Ministry of the Interior, whose statements could throw much light in dark places. One of those more clearly delineated is Albert Grzesinski, who held the Ministry of the Interior between the two terms of Severing, and who was also police-president of Berlin, 1925-6 and 1930-2. Grzesinski seems to have been a figure endowed with considerably more "drive" than Severing himself but he was kept from a role of greater prominence largely because of that drive and the enmities it produced. On the surface it would appear that much of the reform work often attributed to Severing belongs to Grzesinski's term of office.<sup>5</sup> Hermann Höpker-Aschoff stands forth as the ablest Prussian Finance Minister of the period and Becker, mentioned above, as the most notable Minister in the area of education and cultural offices.<sup>6</sup> Special note should be given to Arnold Brecht, Ministerial Director in the Ministry of Finance, whose outstanding ability emerged in the period of crisis discussed below and whose talents would undoubtedly have won him a ministerial post if the early demise of Prussia had not prevented it.<sup>7</sup> Beyond these there were, of course, many others — Hermann Badt, the able Ministerial Director in the Interior Ministry, the early Minister of Transportation, Rudolf Oeser; Adolf Grimme, who succeeded Becker in the Ministry of Culture; and Otto Klepper, who headed the Finance Ministry after Höpker-Aschoff's resignation.<sup>8</sup>

The outstanding impression presented by the Prussian government during the Weimar period was that of political stability. There were actually only three occasions which might have been counted "ministerial crises." These were in 1921, when the cabinet of Center party leader Adam Stegerwald found itself unable to retain power more than a few months; in 1925, when the Great Coalition in Prussia, discussed below, broke up and was replaced by the Weimar Coalition; and in 1932, after the resignation of the Braun cabinet. This steadiness of government leadership during a period when Reich cabinets were changing so frequently is

explained by a number of factors. Most outstanding is the skill of Otto Braun in the execution of coalition policy.

Braun's first cabinet, that of 1920, was based on the so-called "Weimar Coalition" of Social Democrats, Democrats, and Centrists, the three parties which had most strongly influenced the construction of the Weimar Constitution. This was replaced in late 1921 by the "Great Coalition" which added to the above parties representatives of the German People's Party and thus brought together the broadest possible combination of parties supporting republican government. The divergence between the Marxist Social Democrats and the People's Party, which was not only bourgeois but also strongly influenced by big business, meant that the construction of the "Great Coalition" and its preservation through four years of intense foreign and domestic problems was an almost miraculous accomplishment. It signified the fact that the Social Democrats in Prussia relinquished during that period a considerable portion of their party objectives. With the exception of the founding of the mining works sponsored by the Prussian government (*Preussische Bergwerke und Hütten A.G.* — "*Preussag*") and the entry into the field of water rights and control (*Landesanstalt für Wasser-Boden- und Lufthygiene*), there were no efforts to extend the scope of government ownership. People's party cabinet members and Landtag leaders exercised zealous supervision to eradicate anything smacking of socialism from government policy. As it was, they too had to suffer under government prohibitions of open-air demonstrations during a lengthy portion of this period. These restrictions were, of course, justified by the possibility of tension between Communists and rightist groups, but were difficult to explain away when they interfered with occasions of patriotic celebrations or memorials of past heroes. The coalition was never a really solid one—friction was endemic. Absence of evidence from the side of the People's Party makes it impossible accurately to assess responsibility for this friction, but Braun's ability to mix firmness and concession is strikingly underscored in his memoirs.<sup>9</sup>

After 1925 Braun again governed on the basis of the Weimar Coalition, although during part of that time he had, as he says, "a majority of minus four plus fear of the opposition."<sup>10</sup> During this period, although opponents exaggerated the "redness" of Prussia, there was an increase in the number of socialists in local

government posts with a corresponding move in the area of welfare activities, and two rather dramatic steps by the central government of Prussia — the creation of the *Preussische Elektrische Aktiengesellschaft* (“Preag”) for the distribution of electric power and of the *Preussische Landesrentenbank*, which provided long range credit terms for settlements in agricultural areas. These moderate measures were the most that the Social Democrats could obtain support for from their bourgeois coalition partners, the Centrists and Democrats. On the other side, as will be noted, the Social Democrats made extensive concessions to the particular objectives of their partners.

Beyond the unusual flexibility of some of the party leaders in Prussia several other factors aid in explaining the stability of the government coalition. One of these was the position of the Catholic Center Party in Prussia, where the large industrial population and strongly Protestant character of a goodly portion of the state rendered nugatory any effort by Catholics to dominate the government. The Catholic-Social Democratic coalition, accompanied as it was by the understanding and tolerance of Otto Braun, provided security against action detrimental to confessional schools in strongly Catholic regions. Then, too, Catholic chancellors of the Reich obtained significant concessions on occasion by the threat of sabotaging the coalition in Prussia. Perhaps the most outstanding of these concessions was the withdrawal of Otto Braun from the second presidential election of 1925 and his replacement by Marx, the Center candidate. In the first election Braun had polled almost twice as many votes as had Marx.<sup>11</sup>

Another very significant factor in the stability of the Prussian government was its clearly apparent efficiency. Perhaps the most vital key to that efficiency was the administrative apparatus and the police forces. This is not to say, of course, that the bureaucratic offices had been brought into a state of orderly and economical simplicity or that they had been divested of all reactionary elements. But it does appear that the reconstruction of administrative personnel on the basis of a republican point of view was far more thorough in Prussia than in the Reich as a whole.<sup>12</sup> The course of events after July 20, 1932, proclaims this fact. And, beyond this, is the general lack of scandal associated with the Prussian regime. There were, of course, exceptions—the Sklarek scandal relating to

the city administration in Berlin is a notable one.<sup>13</sup> But peculations were minor and the force of government action was directed strongly against them when they appeared. As for the Prussian police, their effectiveness and impartiality are probably best substantiated by the complaints directed against them by both National Socialists and Communists. The importance of the Prussian police in the story of the death of republican Prussia justifies special consideration here.

The Prussian police, numbering about 85,000, were under the administration of the Minister of the Interior. Control over local areas was delegated by him to subordinate officials, such as the Police Presidents of the larger cities and the administrative officials of the provinces. Like that of most European police, the armament and equipment of the Prussian police exceeded the usual American connotation of the term. Since there was no exact equivalent of our national guard arrangements by which state governments could meet conditions of riot or mass demonstrations, the use of police forces for this purpose was probably an unavoidable alternative. Early in his period of activity Severing made Dr. Wilhelm Abegg his particular assistant in the area of police supervision, and Abegg carried on in that capacity until the time of the coup of 1932.<sup>14</sup> Prussian police moved with severity against both right and left on various occasions. The most outstanding of the actions against the Communists occurred May 1, 1929, when police action against an illegal demonstration in Berlin resulted in seven dead and almost a hundred injured. The Communists named this the "Zörgiebel May Day" after the then Social Democratic police president of Berlin and swore permanent enmity against the "Social Fascists" who were responsible for these "murders" of the working-class.<sup>15</sup> This antagonism was deepened in 1931 when Berlin police raided and thoroughly searched the Communist party headquarters, the Karl Liebknecht House.<sup>16</sup> An equally deep antagonism to the Prussian police reposed in the hearts of the National Socialists, since the "Schupos" enforced laws against Nazi speeches, took severe action against rightist student groups, and engaged in a constant series of raids of Nazi meeting places with attendant arrests and confiscation of arms. Eventually pressure of the Prussian government, based upon raids in Pomerania in 1932 which partially demonstrated treasonable intentions on the part of the Nazis, resulted

in the prohibition of SA and SS formations which is discussed below. Basically the actions of the Prussian police system do not completely satisfy the observer. There is considerable evidence of excessive severity on a number of occasions. There was an indication in 1931 that sections were not completely loyal to republican viewpoints.<sup>17</sup> But judgment of police activity during such troublous times is most difficult; by and large the Prussian police served the cause of the republican state and were looked upon by many as a counterpoise to anti-republican movements on the eve of the crisis of 1932.

Police action reflected, of course, the determination of the Prussian cabinet to preserve conditions of public order. Arnold Brecht, former Ministerial Director in the Prussian government, has summed up in defiant language the fight made by the government against Fascist threats:

It was the democratic Prussian cabinet which, as early as November 1922, outlawed the National Socialist party of Prussia, and again in 1927 outlawed the Berlin party section, and which forbade Hitler to make public speeches in Prussia from 1925 to 1928, until the failure of the other states to follow this practice and the defeat of the Nazis in the 1928 elections led to discontinuance of the ban. It was the Prussian cabinet which in 1928 led the vote in the Federal Council against the building of the first pocket battleship (the later *Deutschland*); which, in contrast to the Reich cabinet, forbade members of the Prussian civil service to be members of the National Socialist party; which conducted police action against the Nazis with comparative vigor. . . .

It is a moot question . . . whether the Prussian measures were always wise and whether at the end the Prussian cabinet should have fought with other than constitutional weapons; but its political fight against fascism was sincere, and continued even after the Reich cabinet and the cabinets of most other states had capitulated.<sup>18</sup>

Little needs to be added to this summary except the commentary that after-thoughts of several statesmen have suggested possible means of more effective action. Most convincing is the narrative of Albert Grzesinski, who relates that he sought in late 1928 and early 1929 to secure from Severing the dissolution of the *Stahlhelm*, the Nazi Party, and Communist Party and all camouflaged military organizations appertaining to them.<sup>19</sup> Severing's effort to rebut Grzesinski's criticism of his own failure to act at this time is far from convincing. Both here and later Severing displayed a degree of political caution which did not comport with his reputation for firm decisive action.<sup>20</sup> Whether dissolution of the Communist and Nazi parties would have resulted in their disappearance is, of

course, dubious, but it would certainly have prevented them from taking advantage of the privileges of democracy to work for its overthrow. It would have alleviated, at least temporarily, the difficulties which Arnold Brecht, one of the officials of this troublous period, has described in his interesting article portraying the dilemma of democratic leaders confronted by anti-democratic majorities.<sup>21</sup> Grzesinski's suggestion of action probably came at the last moment when really effective action might have been taken and when the anti-democratic forces were sufficiently divided to have made action effective. But Prussian democrats like those of the Reich as a whole were reluctant to see the need to suspend the accepted standards of democratic government in order to preserve it from extraordinary dangers.

Nor were accomplishments in the field of agricultural reform completely satisfactory. It might have been anticipated that a government headed by a Social Democrat convinced of the urgent need of agricultural reform in Prussia would accomplish more in this area than Otto Braun found possible. In this respect it has already been noted that the earliest and most favorable period for possible socialization was overshadowed by concern with the Versailles treaty and fear that socialization would give Germany's former enemies a wedge by which to increase reparations. In the period that followed, Braun was handicapped by the necessity of holding together the "Great Coalition" in Prussia in order to retain governmental authority. Not until after 1925 was the Prussian government free to pursue somewhat more intensively the increase of "settlement" of small farmers in the East Prussian region. Even under these circumstances the facts of advancement in this area are striking. In all the years from 1885 to 1915, the old Prussian government, labeled at times a "welfare state," had created only 1500 new farms for "settlers." In 1919 to 1921, the Prussian government created 4739 new individual farming settlements (*Siedlerstellen*) with 44,000 hectares of area and 5466 extensions of existing farm land holdings (*Anliegersiedlungsstellen*) with 53,500 hectares.<sup>22</sup> By 1931 this number had increased to 42,642 new settlements with 480,561 hectares of land.<sup>23</sup> Between 1921 and 1928, 21,075 new quarters for agricultural workers on estates (*Werkwohnungen*) and 16,895 individual, privately owned, homes for agricultural workers were built.<sup>24</sup> The Prussian government spent more

than double the amount monarchical Prussia had spent to assist agricultural development and doubled the number of agricultural schools available.<sup>25</sup> In 1932, of course, the Prussian government was forced to agree that problems of agricultural colonization in the East Prussian area would be the exclusive province of the central government, as will be noted below.

In the area of education the Prussian government achieved a notable expansion of its activities. Expenditures for the lower schools (*Volksschulen*) were tripled between 1913 and 1931 and those for higher schools were doubled.<sup>26</sup> This increased expenditure of funds reflected the importance the government attached to education. Unfortunately it is not possible to pay unalloyed tribute to the accomplishments of the Prussian government in the educational field. Konrad Haenisch, the first post-war Minister of Education, and Carl Heinrich Becker, the third, seem to have been sincere and earnest seekers for reform. However, neither regarded his task as a really revolutionary one requiring fundamental revision. Becker, the abler of the two, reflected much of the academic abstraction of the traditional German school master.<sup>27</sup> Otto Boelitz, who held the ministry from 1921 to 1925, belonged to the People's Party and the nationalist tone of his own writings was reflected in the nationalist character of many of the school texts used.<sup>28</sup> Adolf Grimme, the last of the Ministers of Education, was probably most practical-minded of the group but he arrived on the scene too late and under circumstances too unfavorable to accomplish radical revision of the system.<sup>29</sup> Basic reform efforts also ran into the problem of religious concerns—with the Center Party, a necessary partner in the government coalition, preferring cautious moves in the area of education. Among the advancements made during the period may be mentioned the extension of some elements of a common curriculum into the area of secondary education, although higher education remained still subject to class division and still far short of the more democratic conception of an "*Einheitsschule*" which would draw all students together into one common program of secondary education.<sup>30</sup> Prussia also created a system of *Pädagogische Akademien* or two-year normal schools, separate from the universities, to provide teachers for the elementary schools, and these seem to have been more progressive than the universities themselves.<sup>31</sup> As for the universities Becker pro-

vided some of the most progressive-minded discussions of their role in republican life of this period and struggled, although not always too successfully, to defend republican professors and students from the rising wave of reaction.<sup>32</sup> As one of those directly concerned with the process notes, the reform of education during the republican period was seriously handicapped by the close intertwining of scholastic consciousness and the cultural heritage and by the insecurity of the nation at large.<sup>33</sup> But one cannot escape the criticism that entrusting this vital area to a People's Party candidate for five years and failing to insist upon fundamental measures of change reflect one serious shortcoming in Braun's political leadership. In his memoirs Braun half apologized for this failure, offering as an excuse that the Reich delayed in establishing fundamental school laws, and that the coalition nature of his government made educational reform difficult.<sup>34</sup>

Balancing, in a sense, Braun's limited accomplishment in the field of education, is his very unusual achievement in stabilizing religious problems within the state. In 1929 the Prussian government, headed by a Socialist, achieved what the Reich, often under Catholic Center leadership, had been unable to accomplish, the conclusion of a concordat with the Papacy. Signed on June 14 and ratified by the Landtag on July 9, the concordat provided increased subsidies for the church but contained no provisions relating to elementary or secondary schools.<sup>35</sup> As it was, it was remarkable that Braun could secure ratification of the accord prior to a similar regulation of affairs of the Protestant church. Indeed, this action was strongly denounced by agencies of the Evangelical (Lutheran) Church itself and of the German Nationalists and People's Party.<sup>36</sup> Basically, it signified the liquidation of the last remnants of Bismarck's *Kulturkampf* against the Catholic Church.<sup>37</sup> Not until May 11, 1931, did the Prussian government sign the corresponding treaty with the Evangelical (Lutheran) Church organization regulating state subsidies and assistance. Even then this was accompanied by the stern warning of the Socialist leader in the Staatsrat, Dr. Meerfeld, that attention should be devoted to the simplification of administration of the evangelical church and that a republican state could scarcely look with satisfaction on the anti-republican "Stahlhelm-pastors" of that church.<sup>38</sup> In spite of the fact that it was sponsored by a Social Democratic Minister



of Culture and that it contained provisions allowing the state some check over the political reliability of higher church officials, the Social Democrats abstained from the final vote of ratification.<sup>39</sup> It was, thus, in opposition to a portion of its own following that the Braun cabinet achieved by 1931 a generally satisfactory settlement of internal church policy.

Stern police action, a minor degree of socialization of industry and agriculture, a moderate reform of education, and a partially satisfactory legal stabilization of church-state relationships—these are the outward accomplishments of the Braun government. All are, however, to be measured against the starting point in one of the most reactionary of the German states and against the mountainous difficulties of a tumultuous post-war period.<sup>40</sup> Eighteen governments came and went in the Reich while Braun held office in Prussia. Spartacist week, Kapp Putsch, inflation, strikes, political assassinations, Nationalist taunts and Communist insults, depression, deflation—the catalogue of problems is scarcely begun. But a very patient leader and a patient and experienced cabinet had accomplished much by 1932. That the leader and some of his colleagues were, by then, weary of the striving against almost insuperable odds is scarcely to be wondered at. It was most unfortunate that younger and more aggressive leadership did not stand ready to fill their shoes. But the youth belonged to those who sang siren songs of action rather than the mournful dirge of self-control and hard work.

Reich and Prussia shared a common capital—the sprawling, bawdy, cynically caviling city of Berlin in which every twenty-fifth German found his home in 1932. Berlin was not a popular symbol in that year of depression and hard times. Even many Berliners shared in the antipathy to the city, counting the absence of normal family life and broad social intercourse there an obstacle to the fulfillment of creative talents. Part of the antipathy derived from the feeling that the interplay of cultural influences had deprived the Berliners of their national roots—there was a sense of “homelessness” (*Heimatslosigkeit*) which haunted patriotic Germans. For Berlin reflected an atmosphere that was essentially foreign—a bustling industrialization that Germans labeled “American” accompanied even by a pronounced taste for American literary and dramatic productions. Provincials looked aghast at a city where 130,000 foreigners were in permanent residence; where 300,000

business enterprises flourished; where 1,342,800 citizens received medical care from socialized clinics; where society reflected a multiplicity, an intermixture, and an atomization which defied the understanding and repulsed the taste of the Münchener, the Kölner, the Königsberger. But far beyond these items of outward appearance Berlin was the symbol of governmental authority, both of Reich and of Prussia, and to the dark designs of selfish politicians the average German in 1932 attributed his sufferings and fears.

Berlin accorded far better with its status as a capital for the state of Prussia than as a national capital. Its extensive industrial population gave it a very large socialist-communist vote. Over half of the members of its city council (*Stadtverordnetenversammlung*), provided for by the Prussian law which revised the city's government in 1931, belonged to one of these parties.<sup>42</sup> It adhered firmly to the support of the republic. Not even in February, 1933, when almost all of Germany "went Nazi," did it provide a Nationalist majority.<sup>43</sup> Far more the symbol of "Red Prussia" than of the "Black Reich" it seemed to many Germans a dangerous home for the government of the Reich. But because of its association with the glorious history of the Hohenzollern Reich few even dreamed of a removal of the government from the city. The answer of those who were concerned with the problem was rather that Berlin and Prussia must both be subjected to a "cleansing" process (*Säuberung*) by which they should be rendered fit once again for their traditional task of leadership.

From this nexus of governmental activity a sincere but ascetic chancellor controlled the lines of political power in 1932. That man was Heinrich Brüning, a figure enigmatic to his contemporaries and by no means clearly defined today.<sup>44</sup> His party, the German Center Party, had dominated the politics of the Reich under the Weimar Republic. The "fourteen years of the first German republic" were not years of Social Democratic control as often alleged by its enemies. Paul Löbe, the Social Democratic President of the Reichstag from 1920 to 1932, has put together an interesting analysis in which he points out that during these fourteen years there were only three Social Democratic chancellors, that Social Democrats took part in only eight of the eighteen governments which were formed, and that there was only one cabinet in which there was a Social Democratic majority. This cabinet held office only four

months, and all of the cabinets together in which Social Democrats took part were in office a total of three of the fourteen years of the republic.<sup>45</sup> In contrast, the Center party provided chancellors for eight of the cabinets and members for every German government prior to that of Franz von Papen.

The chancellorship of Heinrich Brüning was in itself sign and symbol of the crisis under which Germany lay in 1932. It had come into being in March, 1930, after the collapse of the cabinet of Hermann Müller, which had been based since April, 1929, on the so-called "Great Coalition" of the Social Democratic, Center, Bavarian People's, Democratic, and People's Parties. Brüning's cabinet was created to master political, economic, and social problems of an extraordinary nature and functioned with extraordinary measures and policies. Its difficulties centered around adjustment to depression conditions of great severity.<sup>46</sup>

The depression, which began in the fall of 1929 in the United States, communicated itself quickly and with emphasis to Germany, which was heavily indebted both in terms of long range and short range credits to the United States. In Germany the depression posed special problems because of the existence of the obligation to pay reparations for World War I damages and because of the heavy obligations attached to interest payments on foreign loans. Some amelioration of Germany's position in respect to reparations was attached to the conclusion of the Young Plan in 1929, but the onset of the depression quickly began to make the projected payments promised by this plan seem unrealistic. Accompanying this problem in the field of foreign relations was the severe internal problem of keeping the unemployment insurance fund liquid when the number of jobless was sky-rocketing. There was also the difficult task of maintaining Germany's foreign trade at a time when tariff walls hampered the free exchange of goods and when consumer buying power was rapidly dropping throughout the world. Germany's high level of industrial production made it vital for her to export. But a large, well organized, influential and vociferous agricultural section also demanded security against foreign agricultural intrusions. Depression problems in Germany, therefore, were highly complicated, involving the obligation to transfer large sums of capital abroad each year, the obligation to safeguard extensive social security arrangements, the need to assist in the

exportation of manufactured goods, and the pressure to assist and protect domestic agriculture—and, of course, the effort to create some solution to the mounting toll of business failures, bank closings, and unemployment.

From first to last there were two basic methods by which to deal with the economic crisis. One method would have been to place major emphasis on Germany's own economy, to increase governmental expenditures for the provision of work, and to extend the area of governmental supervision and activity into many fields previously regarded as reserved for private capital. This program of increasing governmental spending in a time of economic constriction has been traditionally associated with the economic policies of Sir John Maynard Keynes. There were many reasons why Keynesian economics found little reception in Germany. Perhaps most outstanding was the experience of the inflationary period of the early 1920's which meant that measures of an inflationary nature were likely to trigger an hysterical reaction. Of almost equal weight was the fact that any kind of inflationary scheme would reduce the exchange value of German currency and make it still more difficult to accomplish the necessary transfer of reparations and service on foreign debts. Another vital factor was the fear of Marxism on the part of the non-Marxist parties. The bourgeois parties had no inclination to increase by excess governmental expenditures that which they regarded as already an over-extended "welfare state" apparatus. On the contrary, they were increasingly desirous of an *Abbau*, an "unbuilding" of social insurance and welfare arrangements. In the long run, of course, the National Socialists after 1933 were able to follow this inflationary method of fighting the depression, making use of concealment and subterfuge to avoid fears of inflation, canceling many of Germany's foreign obligations by unilateral action, and getting rid of the Marxist "danger" by removing the Marxists from the political arena.<sup>47</sup>

Meanwhile, however, between 1930 and 1933 the cabinet of Brüning and, to a lesser degree, the cabinets of Papen and Schleicher followed a much more difficult and far more unpopular alternative road out of the economic morass, that of governmental deflation. This involved the reduction of governmental expenditures, and with them, of taxes, so that German industry might be able

to reduce prices and thus retain a competitive place in the world market. At the same time, however, it was necessary to provide some governmental assistance to segments of the economy not otherwise protected—particularly agriculture. All of this was complicated by the fact that declining levels of business brought also a rapid decline of government tax receipts so that the idea of tax reduction proved more and more difficult. It has been well suggested that Brüning's program of the early 1930's was much like the "austerity" program of Sir Stafford Cripps after the war. For the Communists Brüning was the "hunger chancellor." An American reader might well find some lines of similarity between Brüning and Herbert Hoover, noting that both stood for policies which had much economic "know-how" behind them but which lacked popular appeal.<sup>48</sup>

The greater portion of Brüning's program had been delineated before he became chancellor. In the early months of 1930 the cabinet of Hermann Müller had confronted the unavoidable problems of balancing the budget and meeting the mounting costs of unemployment insurance. The Social Democratic ministers of the cabinet and Social Democratic leaders, such as Otto Braun, who were experienced in other political fields, had reconciled themselves to emergency steps to balance unemployment insurance expenditures. This would have involved not only increased contributions on the part of those insured but also a reduction of the state's responsibility for deficits in the fund. They were countermanded in their tendency to compromise with the "bourgeois" parties by their own party directorate, which feared that any infringement of unemployment compensation might lead to complete destruction of the system and would, at any rate, result in an immediate loss of votes to the Communists. The outcome was that the Social Democrats, who by the elections of 1928 were the leading party in the Reichstag, laid down governmental responsibility. They never regained it. Between 1930 and 1933 the party which had exercised a vital influence in the creation of the Weimar Republic and which still commanded about a fourth of the popular votes recorded in national elections played a purely negative role in governmental policy.<sup>49</sup> As a consequence, the economic crisis was accompanied by a political crisis of major proportions since the parties committed

to parliamentary government could no longer agree upon fundamental measures of governmental policy.

It was Brüning who, in the last days of the Müller cabinet, had made seemingly desperate efforts to retain the Social Democrats in a position of governmental responsibility. He led the compromise efforts which sought to make the contemplated modification of unemployment compensation as palatable as possible.<sup>50</sup> But Brüning had already discussed the existing problems of financial policy during an audience with von Hindenburg concerning the acceptance of the Young Plan. The announcement which resulted from that audience had stressed that the President was convinced of the urgency of the financial situation and would make use of "all constitutional means" to solve it.<sup>51</sup> With the fall of the Müller cabinet Brüning was commissioned by von Hindenburg to form a cabinet which the President "in view of the parliamentary difficulties" considered need not rest "upon the basis of coalition relationships."<sup>52</sup> The consequence was that for two years Heinrich Brüning headed a cabinet which derived its right to govern not from the normal support of a parliamentary majority but from the extraordinary powers of the Reich President wielded in what must be regarded as a continuing state of crisis.

Brüning's dependency upon the President was increased by the results of the unfortunately premature dissolution of the Reichstag in the summer of 1930.<sup>53</sup> The elections of September, 1930, appreciably narrowed the strength of moderate parties in the center of the political spectrum and electrified the country with the revelation of an unprecedented swing of political opinion to the previously relatively unimportant National Socialist party. Through the two years that followed, observers at home and abroad watched the drama attached to the rivalry of two men representing the antipodes of personality and political policy.

Adolf Hitler and Heinrich Brüning were both products of the first World War. But World War I had found Hitler, an unsuccessful, self-educated, undisciplined unknown adrift in the flotsam and jetsam of the Bohemian life of Munich to which he had come from his native Austria. Brüning, on the other hand, was already on the eve of his doctoral degree at Bonn, applauded for his brilliance in the field of economics but demonstrating some of his later uncertainties and lack of complete self-confidence.<sup>54</sup> Both

men entered the war as volunteers, but the steadiness and self-discipline of Brüning brought him the commission which Hitler's hysteria denied him.<sup>55</sup> In the post-war period Hitler entered a little known radical labor party and made it his own by demagogic oratory and fervent fanaticism. Brüning, on the other hand, served in the Prussian Ministry of Welfare from 1919 to 1921, when he became political and economic adviser to the Christian Trade Unions in Germany. His associate, Adam Stegerwald, later wrote that Brüning's office hours stretched from 9:30 in the morning until late at night.<sup>56</sup> His sober appearance—he was nicknamed the "chancellor with one suit of clothes" because of his predilection for black—reflected self-discipline in all aspects of his life. An American commentator reported that Brüning's wildest emotion was a passion for Plato and that his only vice was an excessive taste for cigars. Unlike Hitler, whose speeches sometimes carried with them an emotional impact approaching an orgasm, Brüning spoke calmly and imperturbably, and made his basic appeal to reason rather than emotion.<sup>57</sup> In many respects it might be said that in these years of crisis Brüning, with his measured tones, his tightly-buttoned dark suit, his eyes remote behind thick glasses, typified the sober judgment and abstemious self-control of the old Germany, while Hitler, with comic-opera gestures, raucous voice, and glaring eyes, represented the release of emotions long pent up in the souls of the masses.

But Brüning was the Richelieu of a puzzling and obscure Louis XIII—Field Marshal Paul von Hindenburg. In spite of the extensive literature available the historian still awaits the definitive life of this strange man. Perhaps it will never be written. For it is hard for those who have erected a man into a god to examine the ways of that god with objectivity. Hindenburg had been made a symbol of Germany's military struggle in World War I, a rallying point in time of national peril. Although one of the most responsible agents in Germany's defeat, he had emerged with the faith of the people in his person unshattered and had remained as the major symbol of the sober and stable Reich of Bismarck. To that symbol the German people rallied in the presidential elections of 1925 with a floodtide that bore down doubts about the marshal's conversion to the cause of republican government. In the years after 1925 Hindenburg made himself a new symbol—a symbol of

the adjustment of the old to the new, a symbol of stability in the midst of uncertainty, a symbol of calm in the midst of storm. An English biographer has called Hindenburg "a wooden titan."<sup>58</sup> The designation appears appropriate. The student of the period can find little to commend in the character or historical contributions of von Hindenburg. In World War I his military decisions were largely charted by Ludendorff. After World War I he himself gave early support to the "stab in the back" legend of a German defeat due not to military setbacks but to failure at home.<sup>59</sup> He accepted a candidacy for presidency of a republican government although he hated all that went with republicanism. He used the office of the presidency for an influence on political developments that exceeded the constitutional limits of his prerogatives. And in the final outcome he who swore an oath of fidelity to a republican constitution became the key to its overthrow. Of personal intelligence there was a moderate measure. Of genuine concern for his fellow countrymen there was little. Of personal loyalty to his associates there was none.<sup>60</sup> One has the feeling that von Hindenburg's less-than-completely-honorable role is still covered by German historians and statesmen who fear that a "debunking" will deprive Germany of one of the few symbols of greatness remaining. But the commentary cannot be avoided that no symbol is of value unless enabled by its true character to withstand all adverse criticism.<sup>61</sup>

The recent life of von Hindenburg by Walter Görlitz, although it adds relatively little to that previously known, highlights the influence of von Hindenburg on republican politics after 1925.<sup>62</sup> This influence was by no means the restricted role of a French president or a British monarch. The German president was not bound to any specific procedure in his efforts to bring forth a cabinet capable of gaining Reichstag support. From first to last it is clear from Görlitz's account that Hindenburg used his presidential position as a vantage point from which to influence policy, accompanying his discussions with political leaders with a clear indication of his own views and making use on a number of occasions of personal letters to political leaders in order to shape policy. Hindenburg's course might be described as that of "moderate right." During his first years in office he was often attacked by extremists on the right. In spite of this criticism he was, during that time, active in



the defense of those elements of national tradition which he considered irrefragible. The consequence was that he created an impression of semi-objectivity, although his efforts paid little heed to the opinions of the majority of his fellow-countrymen, who until 1930 voted center and moderate left. All of this adds up to a reaffirmation of the commentary of Theodor Eschenburg that the Weimar Constitution had created in the position of the Reich President an "Ersatz-kaiser," a position exploited much in that sense by von Hindenburg, who never dreamed of the role of an honorary head of state such as that usually attached to truly parliamentary regimes.<sup>63</sup> There was, however, virtually no challenging of Hindenburg's actions. The importance of the presidency gained by deficit of healthy criticism. Ebert in his last year in office had been forced to institute numerous libel processes to protect himself against defamation.<sup>64</sup> Von Hindenburg, his successor, moved in an aura of unimpeachability. By the time of the *Staatsgerichtshof* proceedings discussed below, the judges even warned against allusions to the idea that he might have erred or done wrong.<sup>65</sup>

Hindenburg never found the normal course of parliamentary procedure a satisfactory one. As early as 1929 he had jotted down in respect to the formation of the Müller cabinet the note that if other methods of procedure failed, he might entrust the building of a cabinet to a man in his confidence without party connections, who would be provided "with the order of dissolution in his pocket."<sup>66</sup> By 1930 he arrived at the implementation of that decision with the creation of the Brüning cabinet. His acceptance of Brüning was furthered by the fact that Brüning, in spite of his Christian labor union experience, was considered to belong to the more conservative wing of the Center party and by Brüning's wartime service as a "front-line officer." Undoubtedly von Hindenburg also saw in Brüning's views a respect for monarchical traditions and a tendency to favor conservative, authoritarian reform which paralleled his own.<sup>67</sup> Yet Brüning denied at the outset inclinations toward dictatorship.<sup>68</sup> And at no time during the period of two years which followed does he appear to have advocated constitutional reform intended permanently to deprive parliament of its controlling position. He convinced his democratic contemporaries that he used extraordinary powers for temporary purposes and intended to return to normal parliamentary procedures when

possible.<sup>69</sup> During the course of his chancellorship, however, Brüning seems to have become more pessimistic in respect to republican government in Germany. By the fall of 1931 he seriously contemplated the establishment of constitutional monarchy. He proposed to make von Hindenburg regent (*Reichsverweser*) until his death, at which time one of the sons of the Crown Prince would have assumed the throne. This plan would have by-passed both the former Kaiser and the Crown Prince, to both of whom objections existed within Germany as well as abroad. It looked toward a constitutional monarchy on the English model.<sup>70</sup> As such it died stillborn because of the opposition of von Hindenburg, who dreamed of the restoration of a monarchy not constitutional in character.

Several aspects of this confused period of the fall and winter of 1931-2 remain unresolved. In 1947 Brüning stated that von Hindenburg had suffered a mental breakdown (*einen geistigen Zusammenbruch*) in September, 1931. For ten days strict secrecy was preserved and uncertainty in respect to the President's health continued in the period that followed.<sup>71</sup> In Brüning's words, "Hindenburg's mental strength varied. He was sometimes very tired and did not understand the political situation. Then it frequently happened that after a good long sleep he was quite well and shrewd the next day."<sup>72</sup> Although Brüning's picture has been questioned, his good faith is less subject to question than that of his critics.<sup>73</sup> As a consequence, it would seem that the chancellor's plan for a constitutional monarchy in which Hindenburg would be regent for his lifetime was projected at the most inopportune moment possible. If this is considered along with Brüning's own indication that he withheld from his fellow-cabinet members news of the president's illness and the details of his own negotiations with the United States in respect to disarmament arrangements, a picture begins to emerge of a cabinet based upon a "prime-minister" basis rather than upon a collegial system.<sup>74</sup> This impression is strengthened by the protocols of the cabinet sessions. In one of these, untoward pessimism in respect to Germany's financial condition, voiced by Stegerwald, the Minister of Labor, led to the breaking off of the open cabinet session and its continuance on a very narrow basis. During this discussion at the ministerial level (*Chefbesprechung*), Brüning cautioned his fellow cabinet mem-

bers about their utterance in the plenary cabinet sessions – which were, of course, in themselves considered secret.<sup>75</sup> Most of these plenary sessions were, as a consequence, of a most perfunctory nature. The impression is left that in the loneliness of great responsibility in a time of urgent need Chancellor Brüning had begun to create for himself a strongly personal system of government in which he made most of the basic policy decisions himself. One of the most important of these decisions was that full attention to internal political difficulties must be preceded by an outstanding success in the field of foreign policy.<sup>76</sup>

Closely related to these questions in respect to the inner workings of the Brüning cabinet are those questions relating to the roles of the president's intimates and advisers. Of these, Schleicher has come off most badly in the postwar period, probably largely because he did not have a chance to defend himself.

General Kurt von Schleicher had become during the 1920's the major expert of the German army in respect to political affairs. In the United States he would be denominated a "public relations expert." In the Weimar Republic, however, Schleicher's principal task was not so much to "sell" the army to the general public as to steer its course through the complicated waters of parliamentary politics. A joyful intriguer, the "creeping" general seems to have possessed real ability to assess the strength of existing political forces. Through mastery of the play and counterplay of personalities and parties he made himself a confidant of the President. The fascinating story of his activities has received much attention in postwar histories. Later phases of these activities play a vital role in this account.<sup>77</sup> It is not, however, clearly indicated that it was Schleicher who kept von Hindenburg *au courant* of the course of politics. His influence seems to have been sporadic rather than constant. Who was it, who, probably by indirection and innuendo, often formed the President's decisions, for it appears clear that after the fall of 1931 the President was no longer capable of completely independent judgments? Probably this day-to-day direction came through Otto Meissner, his State Secretary, whose memoirs are among the most superficial and unsatisfactory of the postwar crop. If so, Meissner's memoirs are more significant for what they leave unsaid than for their actual contents!<sup>78</sup>

Regardless of these details, however, the fact remains that in the early part of 1932 the course of German politics centered around an octogenarian who was not always in complete possession of his mental faculties and who lacked the breadth of background needed to understand his fellow countrymen. A deuce made trump by his associates, he became the means by which those men sought to triumph in the complicated game of domestic politics. The efforts to prolong his term of office, the decision, when this proved impossible, to prevail upon him for a renewed candidacy for office, the constant reliance upon his emergency powers under the constitution — all of these served to raise his prestige at a time when his personal reliability was declining. That such a course of action was accepted by all the political parties from the Socialists on the left to the Nationalists on the Right, was a demonstration of the lack of faith in the democratic process on the part of those who professed support for it. Perhaps they were right — as Arnold Brecht has explained it, they found themselves democrats in a country where the majority had proved themselves undemocratic.<sup>79</sup> And it appears that their maneuver almost succeeded in saving at least a portion of the parliamentary system and of the concept of a state of law. But one has the feeling that some consciences might have rested more easily in the period that followed, if those committed to democracy had held to their convictions, rejected dependence on a used-up holdover of the monarchical era, and at least given their fellow Germans the chance to vote in 1932 for one truly democratic figure. That he would have been defeated is probable. That his defeat would have been accompanied by the election of Hitler is also probable. That the presidential position might have given Hitler a better springboard from which to launch his dictatorship than the one he obtained in early 1933 also cannot be denied. But these were probabilities, not certainties, and defeat under the flag of genuine convictions would have left a far better after-taste for the Weimar era.

The tragedy of the presidential election is a well known story. With Hindenburg's consent Brüning sought to get approval of a lengthening of his constitutional term of office. This required a constitutional amendment, hence a two-thirds vote in its favor in the Reichstag. Brüning gained support for the idea from the Social Democrats and the smaller bourgeois parties in the center as well

as from his own Catholic Center party. He was unable to obtain agreement to lengthen the President's term from the Nationalists and National Socialists, both of whom were hostile to his own chancellorship. The consequence was that von Hindenburg was forced to withstand a presidential election campaign in which many of those who had supported him in 1925 now stood against him. In his victory, which required a second campaign in view of his failure by four-tenths of one per cent to carry an absolute majority in the first campaign, Hindenburg provided a set-back to the National Socialists who campaigned behind Hitler. But it was not a very convincing one, attended as it was by the amassing by Hitler in the second election of thirteen and a half million votes in opposition to a great national hero. Most distressing to the ego of the aged president was the fact that he owed his victory to Social Democratic and Democratic supporters, who stood for a way of life the Field Marshal abhorred.<sup>80</sup> That his reelection laid any form of obligation upon him seems not to have occurred to him. Very probably his advisers made shrewd choice of the newspaper materials they read to him—one reads with cynical irony the hopeful comment of the great jurist, Friedrich Giese, that Hindenburg should be reelected as “the best guardian of the German constitution!”<sup>81</sup> Von Hindenburg appears to have been far more moved by irritation at the minor incidents of the election process than impressed by the renewed expression of the faith of his countrymen in his ability to safeguard them from disaster.

Meanwhile, the position of the great state of Prussia was of momentous importance during these crisis days in the Reich. It had become the major target of abuse both from the extreme right and the extreme left. Stahlhelm leader Franz Seldte berated the “Marxist Prussian government” and warned that “He who has Prussia has Germany.”<sup>82</sup> Alfred Hugenberg, the despotic and dyspeptic leader of the German Nationalists, barraged Brüning with demands for an alteration of the Prussian government. And the National Socialist leaders made no secret of their hatred of Prussia. Some of them went so far as to suggest that their “Third Reich” would exchange the “foreign city” of Berlin for Munich as their capital.<sup>83</sup> Nazi newspapers initiated in 1932 a cross-fire of mordant criticism of Braun and Severing and harsh attacks upon Klepper, the Prussian Finance Minister, Grzesinski, the Police President of

Berlin, and Bernhard Weiss, the Vice-President of the Berlin police.<sup>84</sup> On the other extreme of the political spectrum Communist leaders denounced the "Social Fascists" in Prussia as being as bad as Brüning, who was, in turn, quite as bad as Hitler.<sup>85</sup> Yet from the standpoint of democratic leaders Prussia's stability was an anchor in a time of great uncertainty. None of the responsible leaders of the day could envisage the possibility that Prussia's large and efficient police organization might come into the hands of irresponsible persons. To prevent this many sacrifices could be made.

The nature of the opposition to the Braun regime in Prussia was underscored in the great plebiscite of August, 1931. Initiated by the Stahlhelm, whose antagonism to the Prussian government has been noted above, the plebiscite proposed to the voters the dissolution of the Prussian Landtag last elected in 1928. Backed by Stahlhelm, Nationalists and National Socialists at the outset, this proposal gained late in July the support of the Communists, who announced that they were making the vote a "Red Plebiscite" against the government of Braun and Severing.<sup>86</sup> The plebiscite gained its constitutional authorization by obtaining almost six million signatures. In the final vote nine and three-quarter million of an eligible twenty-six million voters cast their ballots in its favor. Although it failed in its desired accomplishment, a majority of the eligible voters being required, it cannot be doubted that its basic impact was unfavorable to the Prussian government. As Bracher points out and as Severing frankly detailed in his memoirs, the Prussian government had thrown its weight heavily against the plebiscite. Prussian officials were prohibited from expressing themselves in its behalf. Severe police action was taken against demonstrations. Newspapers were required to carry the government's explanation of its stand.<sup>87</sup> As a consequence, the narrow margin of success did not augur well for the regular elections to be held during the following spring.

Meanwhile, neither Brüning nor von Hindenburg looked with favor on the Braun-Severing regime in Prussia. Brüning had defended it against the Stahlhelm plebiscite, but did so, he said, only from party loyalty. He was privately highly critical of Braun and repulsed the suggestion made shortly after the plebiscite that he bring Severing into the Reich Cabinet and combine Reich and Prussian administrations in the areas of police, finance, and justice.<sup>88</sup>

Von Hindenburg was even more critical of the Braun regime than was Brüning. In 1930 he and Braun had had a serious disagreement relating to a joint visit of the two leaders to the sections of the Rhineland then being evacuated by the French. Hindenburg complained in an open letter to Braun against the "unjustified" prohibition of the Stahlhelm by the Prussian government, which would deprive it of the right to take part in the celebrations. The incident itself was soon settled — the Stahlhelm prohibition was lifted after its leaders had declared that they would conduct their activities in accordance with Prussian regulations. But Braun regarded the President's action as an unwarranted intrusion into the internal affairs of Prussia motivated by a desire to destroy his governmental coalition. Braun carried his complaints directly to the President, by his own report in a firm and thorough manner, and von Hindenburg ended their conversation with the peace-making request that in the future they talk out their differences.<sup>89</sup> Braun, for his part, shelved his doubts about the President and became one of the strongest backers of his reelection.

Von Hindenburg, however, was far from reconciled with Braun. In July, 1931, he answered sympathetically complaints of the Crown Prince in respect to the course of the Prussian government. He promised on this occasion to use his influence to strengthen the action of the Prussian government against the Communists and to moderate its severity against groups on the right.<sup>90</sup> He was, however, not satisfied with the results obtained by the time of his reelection. In a private letter to Graf Westarp, the leader of the "moderate right" at that time, he emphasized his intention to work for a reconstruction of the Prussian cabinet after the election. If this could not be accomplished prior to the Prussian Landtag elections, which "had to take place by May at the latest," he felt sure that it could be done afterwards.<sup>91</sup> It is clear from these communications that the Prussian leaders who supported von Hindenburg in his reelection obtained neither gratitude nor help from him as a result.

The new elections for the Prussian Landtag or legislature were held on April 24, 1932, two weeks after the second vote for the Presidency. The time had been set with the expectation that Hindenburg would give the Nazis a severe set-back and that the moderate parties in Prussia could capitalize upon this loss of

prestige.<sup>92</sup> These hopes were disappointed. Two elections had been necessary and the Nazis had gained heavily in the second one. Now, on the eve of the Prussian vote, the Nazis proclaimed loudly their adherence to the old Prussian traditions. "Prussia," said Goebbels, the party's chief propagandist, "is more than a territorial conception. Prussia is a political (*staatspolitische*) idea. . . . Training, order, service to the whole (of the people), iron discipline, unconditional authority, political leadership, a strong army, a solid, sober officialdom, the well-being of the land produced by the zeal of its inhabitants and iron economy of its princes, education of the people in Christian and national conceptions and, in spite of the fact that the individual is bound to the law of the nation, a free sweep (*Freizügigkeit*) of the spirit, a liberalism of thought, a tolerance among all religious beliefs . . . — all that is Prussia." And, added Goebbels, "Prussia must again become Prussian."<sup>93</sup>

The results of these appeals to Prussian traditions were, indeed, highlighted in the election figures. The Nazis gained in the Prussian elections 8,008,000 votes. This would seem to indicate that they were maintaining the increase registered in the second presidential election. The Nazis now held 162 seats in the Prussian Landtag. Their nearest rivals were the Social Democrats with 94. The only other party which gained was the Communist, which obtained an additional seat. The Center gained in popular votes but lost in its representation.<sup>94</sup>

The consequence was that the Prussian government found itself in the position occupied by the Reich government since September, 1930. A heavy representation of anti-parliament Nazis on the right and anti-parliament Communists on the Left virtually negated all possibility of orderly constitutional government.

This outcome was not entirely unanticipated. Two weeks before the date set for the election, the old Landtag in its closing days had adopted a change in the order of procedure regulating the election of the Minister President. The Prussian constitution, as noted above in chapter one, stated simply that the Minister President should be elected by the Landtag without discussion. It did not provide exact procedures for this action so that the definition of these procedures, as a consequence, rested within the prerogatives of the Landtag. Until April 9, 1932, the Minister President had been chosen in a process resembling the popular election of



the Reich President, by which one vote was taken and if there were a majority given to a candidate, he was elected. If no person received a majority, then a second election was held in which the person having the highest number of votes was declared elected. Recognizing the probability that there would be a large National Socialist upswing but hoping that this would not provide them with an absolute majority in the Landtag, the Social Democratic fraction proposed and carried in the Landtag an alteration by which the election of the Minister-President required an absolute majority. This was designed to prevent the Nazis from obtaining that office unless they created a coalition with the Nationalists and the Center.<sup>95</sup>

The wisdom of the step is debatable. Much can be advanced for and against the decision. The actual results must undoubtedly have been anticipated—the formal resignation of the Braun government, the failure to create a coalition capable of choosing a successor, and the retention of the Braun government under the constitutional provision that the cabinet which had resigned must serve as a “care-taker” (*geschäftsführende*) government until it had been replaced. Complaints that the action was unconstitutional are unconvincing—it was originally justified by the statement of Konrad Adenauer, then president of the Prussian Staatsrat, that the earlier procedure was in fact unconstitutional, since it did not necessarily effectuate the constitutional requirement that the Minister-President have the confidence of the Landtag.<sup>96</sup> On the other hand, the lateness of the decision and its clear purpose to prevent a National Socialist candidate from being elected greatly weakened the moral position of the Braun government in the period that followed. Even Braun himself was dubious of the wisdom of the action. It did not really help much to point out that the Bavarian Minister-President had been for the past two years the head of such a “care-taker” government. But the alternative of allowing unfettered control of administrative and police apparatus to fall into the hands of the National Socialists was direful enough to justify extreme measures.<sup>97</sup>

Election activities were accompanied by severe action of the Prussian police against the National Socialists. On March 13, Prussian police raided Nazi party offices and homes of Nazi leaders in Berlin and throughout Prussia. The reason advanced was that

they had been informed that plans existed on the part of the Nazis to seize control in the Reich if they obtained a plurality but not a majority in the first presidential election. The police found what they considered sufficient evidence to justify the action.<sup>98</sup> The American Embassy Counselor, however, discounted the extensiveness of the evidence and that which was presented in the newspapers at the time is certainly not convincing.<sup>99</sup> The raids recalled the "Boxheimer Incident" of the year before when police of Prussia and Hesse had uncovered what they claimed to be considerable materials indicating the illegal position of the National Socialists. Brought to the stage of court proceedings against several of the Nazi lesser lights, the incident resulted in a court decision indicating insufficient evidence.<sup>100</sup> It must, of course, be added that the courts were strongly rightist in sympathy due to the failure of judicial reforms discussed above. But, regardless of court decisions, there was no doubt on the part of either the Braun or the Brüning governments of the radical intentions of the National Socialists.

As a consequence, the capital was rife with comments in respect to plans of the Brüning government to make use of the President's emergency powers to take over control of the government of Prussia by way of a commissioner of the Reich if a Nazi Minister-President were elected.<sup>101</sup> Brüning has denied any intention to go so far as this. His plans contemplated only the sequestration of police authority in Prussia. However, regardless of the details of his real plans, the discussion of the problem at this time and the many mentions of the usage of a Reich Commissioner provided a background for Papen's action in July.<sup>102</sup> In actual fact, no new Minister-President was elected; the Landtag proved completely incapable of action — its proceedings on May 25, 1932, culminating in a terrific melee between the Nazis and the Communists, who had called the National Socialists a "party of murderers."<sup>103</sup> Braun continued to be the titular Minister-President but was so much disgusted by the whole state of affairs that he took "leave for reasons of health" and left Heinrich Hirtzsiefer as his representative.<sup>104</sup> Severing, however, continued in his post of Minister of the Interior, still directing the police strongly against excesses on both right and left.

Meanwhile, the Reich already in a state of crisis reached the apex of its difficulties. Brüning emerged from the presidential elec-

tions convinced of the need for action against the National Socialists. Contrary to the account in his recent letter to Rudolf Pechel of the *Deutsche Rundschau* (it is difficult for men to remember this kind of detail twenty-five years later), the cabinet record shows that he took a major lead toward the famous "S.A. *Verbot*," of April, 1932. This was an order of the government requiring dissolution throughout the Reich of the S.A. and S.S. formations of the Nazi party, their surrender of arms to proper authorities, and the cessation of their use of uniforms in public activities.<sup>105</sup> The background of this decree has been much discussed recently. Among the interesting disclosures is that the Reichswehr (regular army) officers, Schleicher, von Hammerstein, and Groener, who was also in the cabinet, had been working toward a solution whereby all of these para-military organizations would be converted into sport societies under Reichswehr sponsorship in the hope of divorcing them from party connections, and, although not specifically stated, probably in the hope of holding them ready for integration into the regular army if the disarmament conference brought Germany a recognition of her equality with France in the right to arm.<sup>106</sup> Conviction of the growing seriousness of the Nazi menace and some feeling on the part of the military that the Nazi organizations would refuse to make national considerations secondary to those of their party brought the action against them.<sup>107</sup>

The result was a storm of protest. Much of this was not sincere. Both Nationalists and National Socialists were anxious to avail themselves of any vantage point from which to attack Brüning. The one used here was that the action against the S.A. and S.S. had been one-sided since it was not accompanied by a prohibition of the "Reichsbanner," a para-military organization of the Social Democrats. It was of no avail for government leaders to point out that the Reichsbanner had not been found guilty of causing any disturbances and that its leaders immediately announced that they would voluntarily dissolve the military sections of their organization.<sup>108</sup> Strong criticism of the government action emanated from the Crown Prince, who deplored the loss of the "wonderful human material" brought together in the Nazi agencies.<sup>109</sup> The President was sufficiently disturbed about the situation to request materials on the Reichsbanner. These were provided by Schleicher, who had originally supported the S.A. *Verbot* but had by now relinquished

his favorable attitude. Von Hindenburg professed himself impressed by this material — it was not regarded as meaningful by republican-minded statesmen who examined it. The President wrote to Brüning asking whether the Reichsbanner should not also have been included in the decree.<sup>110</sup> Brüning refused to take action against the Reichsbanner although steps were taken against Communist “godless” societies.<sup>111</sup> Action had been taken considerably earlier against the “Red Fighters” (*Rotfrontkämpfer*) of the Communists, the equivalent of the S.S. and S.A.<sup>112</sup>

The climax of this frontal assault on the Brüning government came on May 10, 1932, when Groener defended his policies before the Reichstag. Groener, never an able speaker and not in the best of physical health at the time, was treated to a demonstration of the art of heckling by the Nazis, who were indeed masters of invective.<sup>113</sup> The result was, as the Nazis exulted, that Groener “white as chalk, without composure and without honor gave up the field.”<sup>114</sup> On his retreat he met Schleicher, who told his former patron that the army no longer had confidence in his ability to lead them. With this action Schleicher wrote finis to his subordinate role in the regular army circles and set himself in the position of supreme policy-maker for military affairs. He was not yet, however, ready to emerge from behind the curtains for his brief performance on the center of the stage. Groener, who had held two cabinet positions, resigned his post as Minister of War, retaining, however, the Ministry of the Interior.<sup>115</sup> Clearly, however, the position of the S.A. and S.S. had not yet been regulated definitively. The failure of Brüning to provide full and thorough support for Groener was an indication that he did not wish to establish an unbridgeable chasm between Center and Nazi parties, which were even then involved in some discussion of a coalition ministry in Prussia. On the other hand, von Hindenburg was most certainly not pleased with the action which he by now conceived as a one-sided move against organizations which stressed their patriotism.

At this time a second issue began to receive considerable public interest and some attention in the cabinet sessions. This was the plan long discussed of providing relief for unemployment by settling small farmers on agricultural estates in the East. Discussions of the budget earlier in the year had brought Brüning’s commentary that no further taxes or reductions of social security provisions could be

contemplated unless the government could present concrete evidence that these were offset by the reduction of unemployment.<sup>116</sup> Projects for creation of work received much attention in the period that followed. The Labor Ministry under Adam Stegerwald was much interested in the solution of the question through "colonization" in the East. There many of the large landed estates were already so overburdened with debt obligations that there was no conceivable way by which they could have been rendered economically sound. The problems of agriculture in this eastern section of the Reich had been entrusted in 1931 to a young minister of conservative and aristocratic background but of very sound political instincts, Hans Schlange-Schöningen. He had found the financial situation of the eastern estates chaotic beyond belief. With great energy — and with great sums of Reich monies also — he had attacked this problem of providing governmental support so that mortgaged estates need not go on the block at a time of drastically reduced values. But Schlange had found that many of these estates were in such a serious financial position that nothing could avail.<sup>117</sup> During the month of May a decree looking toward combining problems of foreclosure of these excessively burdened farms with the problem of unemployment was drafted by the Ministry of Labor with some assistance by Schlange-Schöningen.<sup>118</sup> The draft was considered with considerable heat by the cabinet on May 20, 1932. The protocol of the cabinet session indicates that there was a serious question of competency between Stegerwald and Schlange which Brüning stated must be regulated by the two outside the cabinet meeting. Schlange and Helfferich, the Finance Minister, were also critical of the plan itself and no action was taken.<sup>119</sup> Nevertheless, in one of the cabinet leaks which seemed to occur on occasion at this time, either this draft or one of its predecessors or successors came into the hands of the strong defenders of the agricultural interests of the eastern regions. Among those involved was von Gayl, later Papen's Minister of the Interior, who was proved guilty of direct falsehood in regard to his role in the matter in one of the post-World War II squabbles about "who killed Cock Robin" — that is, who sabotaged the Brüning government. As Otto Meissner has pictured the course of events, the conservative aristocratic landowners of East Prussia obtained knowledge of this contemplated action and presented it to von Hindenburg in the blackest hues.<sup>121</sup>

Although it was actually a very wise and proper scheme, some of the opprobrium of the charge of "agricultural Bolshevism" levied against it by its enemies seems to have held over into the post-war period, for those involved are still anxious to disclaim connections with it.

The exact effect of these two items can be exaggerated. From the note to Graf Westarp at the time of his reelection, it is clear that von Hindenburg was growing weary of his support of Brüning.<sup>122</sup> He was dissatisfied with the failure of Brüning to seek an extension of his cabinet to the right and with his reliance upon Social Democratic support. Very probably the startling move that came on May 30, 1932, was the maturation of plans long made. It derived from the President's desire for a cabinet of the right, which might hope to satisfy the Nazis and relieve pressure from the Nationalists at the same time that it kept the aristocratic landowners happy and prepared for some constitutional revision to end the disturbing necessity of dealing with selfish parties. It was accompanied by the worst possible combination of circumstances: the President's absence from Berlin on a vacation at his estate at Neudeck presented to him by a popular subscription sponsored by conservative interests in 1927; his return to receive Brüning in a session in which he read him a prepared statement printed in the huge letters that the President's failing eyesight required; his indication that he would no longer use his decree powers in Brüning's behalf — tantamount to a direct declaration of lack of confidence in the Chancellor's leadership.<sup>123</sup> Brüning, although he had received the negative support of the Reichstag in votes just preceding this, knew that he could not count upon its positive support of his policies. The Social Democrats could and did refuse to vote down actions taken by emergency decree in following their policy of the "lesser evil" — it was a lesser evil to allow Brüning to continue than to open the way to Hitler. But they would not vote in behalf of the decrees that carried increased taxes and reduced social security benefits. As a consequence, Brüning and his cabinet drew the logical conclusion and resigned. A day later the President named a political unknown, Franz von Papen, chancellor, and within a week a new cabinet was in action, having almost no support in the Reichstag but having the full support of von Hindenburg. With its term of office a new era of history began. For Prussia, this was to be also

a new era and a tragic one, one from which it was to receive a mortal wound.

The crisis in Prussia and Germany in 1932 was a many-faceted one. Politically it involved a complete collapse of normal parliamentary government due to an anti-democratic majority holding the antipodes of political position. It also involved a conservative tradition which had defined itself in various ways and means but directed itself basically toward the reestablishment of more stable political conditions by a return to constitutional forms existing before the revolution of 1918. This conservative tradition was opposed to the republicanism of the 1920's but opposed also to the equally revolutionary Nazi ideology. Those appealing to its tenets hoped by the promise of de-parliamentarizing Germany, by a strongly nationalist foreign policy, and by elevating the symbolic position of the Reich Presidency, to drain off from the National Socialists those elements which had joined them in protest to the open defects of republican government.<sup>124</sup> In the long run, however, the conservatives were to offer visible confirmation of the even greater poverty of the traditions they proclaimed.

Beyond this political aspect of the crisis there was the still momentous crisis of depression, unemployment, and hunger. The succeeding governments did not provide marked policy changes in dealing with these problems. Actually, it appears that Brüning's measures, upheld and extended by Papen, were gaining some favorable results. In the long run, however, the real benefits from the upturn were to be obtained neither by Brüning nor Papen, nor Schleicher, who followed, but by Adolf Hitler.

There was also a crisis in the field of foreign relations, where Brüning had counted himself "a hundred meters from the goal" of obtaining for Germany a favorable settlement in the questions of reparation and disarmament. These problems were dropped in the lap of a political *ingenue*, who handled them somewhat ungently and not with full success.

And lastly, there was a crisis greater than all of these—the crisis of the spirit. There is much of this story that will never be written but must lie deep within the souls of its still living participants. For the course of events indicates that in the face of mountainous problems and disillusioning defeats, many of the strongest battlers for democracy and parliamentary government had abandoned the

struggle. Undoubtedly some of them had met disappointments beyond the bearing—Brüning in respect to von Hindenburg for example. Most disappointing of all must have been the feeling that do what they might their fellow-countrymen when handed the voter's ballot to determine their own destiny used it to seek someone else to do their thinking for them. The weariness and frustration lies bold-faced in the blank spaces of many of the memoirs of the day.



### CH. III. UHLAN POLITICS

On June 2, 1932, a tall, lean, dapper individual, attired with customary elegance befitting his wealth and social position looked down along the conference table at his associates. He saw before him the earnest and intense countenances of nine men whose role in history was to be subjected to the most intense barrage of criticism ever accorded a German cabinet. Five of them bore in their names the coveted "von" that indicated they stemmed from titled aristocracy of pre-war days. The others, although not of noble families, had obtained eminence in the world of business. To one side sat the bespectacled, self-assured bureaucrat, who spoke with the voice of the man whose presence dominated the scene in spite of his absence. For this was the first meeting of a purely "presidential cabinet" composed of those who, in spite of their own self-esteem, were political ciphers save for the support of former Field Marshal Paul von Hindenburg, now in his eighty-fourth year, just reelected for what could be a new seven-year term. And the shadow of the absent President must have smiled as it looked down upon the assembly, for here at last was a cabinet which he could really call his—composed of his kind of men, doing his will with proper respect and devotion. Best of all, he who sat at the head of the table was no longer a Brüning, peering cautiously at the President from behind thick glasses, but a scion of a family with almost a thousand years of patented nobility, who stood stiffly and firmly as befitted a former member of the General Staff and who spoke the bold language of bygone days with a conviction seldom to be found in these times of endless confusion.<sup>1</sup>

It was, indeed, the strangest item of all that it was Franz von Papen who sat at the head of that table. He was a political unknown in Germany who had been chosen to replace a chancellor respected even by those who opposed him. It was insult added to injury that Center Party chancellor Heinrich Brüning found himself replaced by a man who had claimed membership within his own party, who had pledged his word to the leader of that party, Monsignor Kaas, that he would not accept the mantle of succession, and then had found that loyalty to the person of the President overcame all political scruples.<sup>2</sup> Even yet, in the face of a broad postwar revelation of undercover machinations and political intrigue,

the choice remains incomprehensible. Seemingly, someone made an assessment of the political situation which was so faulty as to be astounding in the enormity of its asininity. But such an egregious error accords neither with the customary view of the character of Kurt von Schleicher nor with that of Otto Meissner, who are blamed for it. It would seem that the real motivation behind the choice has not yet been discovered.

"Who is Franz von Papen?" was the question in 1932. Who was he? and What was he? are the questions still to be answered today. A typical product of the Westphalian agricultural nobility—this is one easy answer to the questions.<sup>3</sup> It assumes a set of characteristics applicable to a particular class. It makes the individual a personification of social forces and deprives him of a separately definable personality. In Germany it has the connotation of superficiality—lack of the traditional *Gründlichkeit* in government—and of artificial pretense. As such the designation was basically valid for von Papen, but there were nuances that greatly affected later events. The guess may be hazarded that it was these nuances in the character of von Papen which the intriguers of 1932 failed to assess.

Von Papen has given historians a most revealing view of his life and personality in his memoirs. Seldom has an author found such a virulently critical audience. The very title, in the German, was a provocation to rebuke and ridicule—"Der Wahrheit eine Gasse" or "a pathway for the truth." It was taken, with a slight alteration, from a nineteenth century poem by Karl Theodor Köner celebrating the heroic deeds of Arnold von Winkelried, the Swiss infantryman who gathered into his own body the spears of the Hapsburg cavalry so that his country might win freedom. What von Papen meant to convey by it is not clear. But the basic conception of martyrdom for a great ideal, the military jangle of its lines, the sense of passionate nationalism, all of these were part of the fabric of a man essentially a romantic in a world of practicality, a twentieth century avatar of the days of banners, bugles, lancers, and white chargers. Only in a German republic hopelessly entwined in political vagaries of the rarest order could he have become chancellor.<sup>4</sup>

Papen's education and training were purely military. To a career which began as an officer of the famous Uhlans, the mounted

lancers of the Kaiser, more fit for the parade ground than for battle, Papen brought a handsome appearance, a respect for discipline, and a love for horseback riding. Through these he became a royal page and later a member in the lower echelon of the famed German General staff. The degree of intelligence which he brought to these and later endeavors is disputable. The prime characteristics that have attached themselves to him are superficiality, dilettantism, and vacuity. The judgment thus made is correct but has become exaggerated through repetition. Von Papen points out that his acquisition of permanent membership on the General Staff was a real accomplishment entailing hard work and ability. Papen did not, of course, like some of his schoolmates at the War Academy, von Hammerstein, von Fritsch, and von Bock, make a real name in the military profession. Probably this was largely due to the unfortunate outcome of what had seemed a very favorable initial appointment—that of military attaché to the United States and Mexico.<sup>5</sup>

The detailed story of Papen's questionable role in the United States during the early part of World War I cannot be told here. By his own admission von Papen used the office of military attaché to collect information on Canadian troop movements to France, to further the return of former German nationals resident in the United States for war service, providing them with forged passports for this purpose, and to set up conspiracies to destroy Canadian railroad bridges used for the transport of troops.<sup>6</sup> Of these activities, it might be said that the first function, the collection of information by a military attaché in a neutral country, was neither illegal nor particularly reprehensible. The second action involving the forging of passports violated domestic United States law and in itself justified dismissal, but was a rather minor breach of morality. It is with the third activity, the effort to bomb railroad bridges that illegality and a very flagrant breach of ethical standards obtrudes. To use the German embassy in the United States as the focal point of plots for military sabotage in a neighboring friendly state cannot be excused on the ground that he had not "endangered either American lives or security"—it was more than just "in the strictly legal sense. . . improper."<sup>7</sup> Von Papen denies that any of his activities, concluded before the famous "Black Tom" explosion in New Jersey, were related to it, and there appears no reason to doubt

this.<sup>8</sup> There was, however, contemporary evidence not completely conclusive in nature which indicated that not all of Papen's sabotage efforts were directed to areas beyond the territorial limits of the United States.<sup>9</sup> Von Papen was, of course, acting under instruction of his government and received considerable sums of money to be used for his purposes.<sup>10</sup> His activities were not out of accord with the standards of conduct of the government he represented. But his expulsion from the United States in December, 1915, was clearly justified upon ethical as well as upon legal grounds.

From the standpoint of the events of 1932 that which is important in Papen's period as military attaché in America is the ineptness of his actions. The catalogue of errors is lengthy. He employed a professed secret service expert, Paul Koenig, whom Papen still admires although police investigation disclosed him to be a vain and rather simple-minded fumbler.<sup>11</sup> Papen himself wrote checks to agents under code terms but jotted their real names and sometimes the purposes of the expenditures on the stubs he retained!<sup>12</sup> Added to this was carelessness in private correspondence in which he detailed far more of his activities than was wise. The most egregious error of all was his failure to be sure that his diplomatic immunity extended to his baggage during his return trip when expelled from the United States. The British, who were probably not acting in quite the most ethical fashion either, seized Papen's baggage and found a whole group of embarrassing and incriminating documents which they published and forwarded to the United States for action.<sup>13</sup> The man who became chancellor of Germany in June, 1932, had been until a month prior to that time under indictment in the United States for his effort in World War I to organize an expedition to sabotage the Welland Canal. Although the indictment was nolle prossed in May, 1932, the American Secretary of State remarked to the British Ambassador in Washington that von Papen would not have been accepted as Ambassador to the United States if appointed to that post!<sup>14</sup>

When Papen returned to Germany in 1916, he sought modification of the submarine campaign, so that the United States would not be drawn into the war. He met, by his own account, the opposition of top leaders, including the Kaiser, who felt that the German background of the United States would prevent our entry into open warfare. This expectation, of course, proved faulty, but von

Papen was not in a position to derive advantage from his gift of prophecy. He served out the war as an active staff officer in Europe and later in the Near East.<sup>15</sup> When defeat came, Papen found himself adrift. "The world I had known and understood," he says, "had disappeared. The whole system of values into which I had integrated myself and for which my generation had fought and died had become meaningless."<sup>16</sup> Most of all, the life of the Uhlan no longer accorded with the temper of the times.

Papen answered the problems of his existence by a return to the land and an entrance into politics. Conservative by temperament, still a monarchist by internal conviction, unable and unwilling to recognize or appreciate the real character of republican government, its party system, or the functioning of parliament, Papen chose in spite of all this to enter the ranks of the Center Party, one of the major architects of republican government and policy.<sup>17</sup> That this was possible is a reflection of the ideological character of that party, which was throughout its history a federation of political opinions rather than a single, unified bloc. Even then, Papen was a "maverick" within its ranks, of some influence because of his financial investment in *Germania*, the major party organ, but without a personal following in the party.<sup>18</sup> The only distinction he acquired in the decade of the 1920's resulted from his breaches of party discipline. In 1925 Papen brought about the fall of the short-lived Marx Cabinet in Prussia, based on the Weimar Coalition, because he wished the Center to seek coalition on the right. Telling of this incident with pride in his memoirs, Papen neglects to add that his maneuver was extremely ill-advised. The result was that the Center was merely placed in the position of having to give renewed support to the Social Democrat, Otto Braun.<sup>19</sup> In the presidential election of 1925 Papen opposed the candidacy of the representative of his own party, Wilhelm Marx, and supported that of von Hindenburg.<sup>20</sup> Beyond these items of note there was little in Papen's political career prior to 1932 that gave him significance.<sup>21</sup>

What was it, then, that attracted Meissner's and Schleicher's attention to Papen when they began to contemplate the replacement of Brüning in the spring of 1932? Clearly it was not his forceful character, for he was by his own account approached only after Schleicher had made most of the preliminary arrangements.<sup>22</sup> It

would appear that one factor that prompted the choice was the expectation that he would be a pliable puppet in the hands of stronger personalities. His position within the Center Party also played a part in the determination. Probably the conspirators expected that Papen's choice would bring with it the support of at least a small portion of the Center. To assert that Schleicher expected more than this would be to underestimate his political acuity. But these factors are not sufficient to explain Papen's designation. It might be guessed that a consideration of Hindenburg's position and point of view played a part. Papen had recently earned attention for his denunciation of the failure of the Center Party to look for coalition to the right. In this he was echoing criticisms voiced privately by the Chief Executive. In origins, appearance, style of speech, and political outlook he was ideally qualified to obtain the confidence of the President. The men who intended to sponsor an experiment in government based upon the supreme authority and the emergency powers of the President required the full and unqualified allegiance of von Hindenburg. It is probable that they, Schleicher in particular, saw in advance that Papen would fulfill this objective—but not that he would fulfill it so well as to displace Schleicher himself from his advisory role!<sup>23</sup>

Exactly when Papen was chosen and cabinet dispositions arranged remains uncertain. Brüning was informed by the French ambassador a week before his fall that Papen was being mentioned as his successor.<sup>24</sup> Goebbel's diary indicates that the setting up of a new cabinet had begun by May 8th and that von Papen's and Neurath's names were included as early as May 24th.<sup>25</sup> But Papen denies that he was informed prior to May 26th, when he was summoned by Schleicher to Berlin.<sup>26</sup> On the following day he consulted with Schleicher and von Hindenburg. The final sessions with von Hindenburg and with Monsignor Kaas took place on May 31st. "Why the President chose me as Chancellor, I do not know," he stated later. "I can only say that I myself did not lift a finger."<sup>27</sup> If Papen's statement be true, and his absence from Berlin during the critical period prior to May 26th seems to substantiate it, he accepted the most responsible governmental position in Germany without having himself had a decisive influence either upon the basic personnel of his cabinet or upon the preconditions of governmental policy. Erich Eyck has suggested that this action

falls into the tradition of the cavalry officer who would direct the orchestra of the state opera if commanded to do so by the kaiser.<sup>28</sup> Papen, called to office by von Hindenburg with appeals to his sense of duty as an officer, broke with his party, shattered the pledge he had just made to the official leader of that party, and accepted a cabinet already determined upon at least in part and private bargains made by Schleicher with the National Socialists. And he does not seem even in the retrospect of events a quarter of a century later to find such action unwise or improper. Clearly Papen's political decisions were based upon highly personal standards of morality. The events that followed indicated that Papen considered himself called upon by fate to head a crusade which was to save Germany from disaster by a return to nineteenth century conceptions of authority. One can only suggest that to Papen these ideals were so real and binding that he did not doubt their acceptance by the masses, who were, after all, less than a generation removed from their benefits.<sup>29</sup>

Schleicher, also, at times proclaimed doctrines reminiscent of the nineteenth century. He was, however, far more realistic than von Papen. His goal in creating the Papen cabinet, a cabinet divorced from the existing political parties, was the hope that it would gain support from the very vocal group criticizing the parliamentary system. He also expected to neutralize the appeal of the National Socialists. It may have been that he already thought of creating division within their ranks. Probably he was aware that Gregor Strasser, the most uncertain of Hitler's lieutenants, was investigating coalition possibilities with Schleicher and Brüning and that rank-and-file Nazis were beginning to pant after the fruits of victory.<sup>30</sup> At any rate Papen's chancellorship was well calculated to soothe the pique of von Hindenburg, who had been increasingly irked at Brüning's reluctance to "move right."<sup>31</sup> With this accomplished, a static position would be created in which the President would continue to govern without the direct participation of the Reichstag. Under these circumstances the bandwagon rise of the Nazis would crumble, and they could be brought to a more reasonable view of the political scene by which they would be willing to accept governmental authority without complete control over the state. In the long run, however, Schleicher did not intend to foster a permanent regime supported by a minor percentage of

the German population, nor did he contemplate the possibility of reversing the whole process of historical development since 1918.<sup>32</sup> That Papen with these objectives in mind accepted the chancellorship without reaching a clear understanding with von Schleicher indicated Papen's political naiveté. That Schleicher made use of von Papen without troubling to explore the latter's political opinions and objectives indicates Schleicher's gross underestimation of von Papen's ambition and self-regard.<sup>33</sup>

The building of von Papen's cabinet was not difficult. It involved none of the customary conferences and compromises with party leaders. If there was one common requirement, it was that of an inward yearning for the return to monarchy, a revulsion for the place of "authority" in the field of government, a revulsion from the recent tribulations of party bargaining and compromises. There was in von Papen's cabinet not one convinced republican. Nor was there one member of von Papen's cabinet who in his person and career reflected the interests of the laboring classes in town or country. They all belonged to an upper stratum which regarded the position of the masses as secondary in the pursuit of state policies. They were a "cabinet of gentlemen" as von Papen defined it.<sup>34</sup>

The strongest of those who faced Papen across "*den grünen Tisch*"—if we exclude the conspirators Meissner and Schleicher,—was Wilhelm Freiherr von Gayl.<sup>35</sup> Cold and precise in manner, he, like von Papen himself, gave evidence in his person of his aristocratic background. There were, of course, no monocles in the "monocle cabinet"—von Gayl wore dark-rimmed spectacles—but the consciousness of high social status was reflected in the manner and countenances of its members. Von Gayl was descended from an old Prussian officer's family. In the postwar period he had been the head of an East Prussian agricultural society and the plenipotentiary of the province of East Prussia in the Reichsrat. In the Papen cabinet he, along with Meissner and Schleicher, played a prominent role made possible by the deficit of leadership on the part of the chancellor.<sup>36</sup> Also of importance was Konstantin Freiherr von Neurath, the career diplomat now become Minister of Foreign Affairs. Since 1930 German ambassador in London, von Neurath had earlier represented his country in Denmark and Italy. The prevailing impression he left upon his colleagues was that of cold



immovability. Nothing was able to shatter his calm or ruffle his temper. He had entered Papen's cabinet with great reluctance and only after a personal appeal from von Hindenburg, similar to that which the president had made to von Papen.<sup>37</sup>

The remaining members of Papen's cabinet were not impressive. Freiherr Magnus von Braun, the General Director of the *Raiffeisengesellschaft*, an agricultural credit co-operative, became Minister of Foodstuffs and Commissioner for the East. Labeled a Kappist by the Socialists, he had been removed from an administrative post in East Prussia in 1921 for accepting orders from a Kapp-appointed superior. His published memoirs reflect the same sudden shifts of thought, the arrogance of undisciplined superficiality found in von Papen's apologia.<sup>38</sup> Papen's friend, Freiherr Eltz von Rügenach, until then head of the Reich Railroad Directory in Karlsruhe, became Minister of Post and Transportation. Von Rügenach's brother was a Nazi deputy in the Prussian Landtag.<sup>39</sup> Graf Schwerin von Krosigk, who had been Ministerial Director in the Finance Ministry, now headed that ministry, having accepted his post after another one of von Hindenburg's personal appeals.<sup>40</sup> Minister of Economics was Professor Hermann Warmbold, who had held the same post under Brüning, resigning it only a month before the fall of the Brüning government. At his resignation Warmbold had referred to differences in point of view with regard to economic policy. He was considered extremely hostile to the trade unions, a strong opponent of Adam Stegerwald, who had had considerable influence in the Brüning government.<sup>41</sup> Franz Gürtner, long-time Minister of Justice for Bavaria and thus associated with the inconclusive legal aftermath of Hitler's Beer Cellar Rebellion, became Reich Minister of Justice and Hans Schäffer, president of the Reich Insurance Office and one-time director of the Krupp enterprises, became Minister of Labor.<sup>42</sup>

Of some significance is the fact that two men mentioned prominently for cabinet posts had rejected them. Carl Friedrich Goerdeler, then chief mayor of Leipzig, and later the major leader of the German resistance in World War II, refused the Ministry of Labor, and Hermann Freiherr von Lüninck, General Secretary of the Rhineland Farmers' Union, destined for the Agricultural Ministry, also found the proffered role undesirable.<sup>43</sup> Association or close relationship with the Brüning regime played a part in these deci-

sions—Goerdeler had been Commissioner for Price Reduction and von Lünick belonged to the Center Party.<sup>44</sup> Both men would have been stronger than those who accepted, although not necessarily more devoted to the interests of republican government.

Thus described, the cabinet of von Papen stands forth in its blatant disregard of public opinion. It was a cabinet of “unknowns,” of men without strong support from the organized parties, the labor unions, the small farmers, or even the majority of the business people. Papen later referred to it as a cabinet of “experts” and it is true that most of its members had had bureaucratic experience in fields associated with the ministries they headed.<sup>45</sup> But few of them could be described as “experts” in the sense of possessing thorough and rigorous training or outstanding ability so that they possessed the confidence and respect of the general public.

In 1932, however, Papen did not refer to his cabinet as a cabinet of “experts,” but as one of “national concentration.”<sup>46</sup> This mystical designation was supposed to imply a broad support by groups on the right, with some connotation such as that attached to a “Broad Front Ministry” or “*Ralliement*” in France, that normal party differences must be laid aside in time of crisis. This designation, universally condemned, found particular criticism on the part of the German State Party, which pointed out that the nineteen and a half million Germans who had reelected von Hindenburg did not have one representative in the cabinet.<sup>47</sup> Narrowness, not breadth, was the basic characteristic of the Papen government—a Center Party spokesman referred to it as the “*Kabinett der nationalen Trennung*”—the “Cabinet of National Division” rather than concentration.<sup>48</sup> Reality, however, did not trouble the former Uhlán. On June 4th he stressed that his government was “an assembling of all the creative and preservative forces of the state, in short of all national forces.”<sup>49</sup> A little later, while at Lausanne, he told the foreign press representatives that his government represented an assembly of “all the creative forces” of his country.<sup>50</sup> On June 20th he informed Stephen Lauzanne, the representative of a Paris newspaper, “I represent here that which my predecessors were not able to say of themselves, all the national forces of Germany. France has accordingly in my person the guarantee for the conclusion of a Franco-German agreement that it is all of Germany which signs whatever I may sign.”<sup>51</sup>

This was pure Papenese. Public expressions of other members of the cabinet appear more cautious. Von Gayl, for example, on June 9th addressed the Reichsrat over which he, as Minister of the Interior, was privileged to preside. Noting "the now publicly accepted designation of ourselves as reactionaries," von Gayl declared that the members of the cabinet would bear it "with dignity and some sense of humor" until its falsity had been demonstrated. He stressed the closeness of the cabinet to the life of the people and denied its intention to "recreate the past as men rebuild ruins according to old plans and pictures." The whole cabinet, he affirmed, wished to place itself "in warm love behind the properly understood welfare of the broad laboring masses." As for the form of the state, although the cabinet members were monarchist, they did not intend to breach the republican constitution under which they served. The future form of the state could only be decided after the present time of crisis had been passed.<sup>52</sup> But von Gayl and other members of the cabinet did not hesitate to express their opposition to the normal processes of democracy. Von Gayl even made use of the traditional observance of the adoption of the Weimar Constitution as an occasion on which to point out its defects. It should be made, he said, "The point of departure for progress toward a new political life."<sup>53</sup> Of the proposals made by von Gayl more will be said later.

There would, however, appear to be a discrepancy between the exaggerated, neo-romantic language of Papen in respect to his government's program and place and the more sober and cautious commentaries of von Gayl, von Schleicher, and others. Evidently Papen took the toleration of his regime by the National Socialists, arranged in advance by von Schleicher, to mean active support. Very probably, in spite of his formal withdrawal from the Center Party after a bitter exchange with the party leader, Monsignor Kaas, Papen still considered that he represented Center groups.<sup>54</sup> Hence, in his own inexperienced eyes Papen had support from Center all the way right, at the beginning of his regime.

Another partial explanation lies in Papen's repetitive usage of the word "creative." His claim to represent all the "creative" forces of the Reich reflected his belief that these lay solely on the right. From first to last Papen was less concerned about numerical support

than was Schleicher. This fundamental difference led to the rift between them which occurred in November.

Papen's extravagant language was appropriated and bolstered up by a conservative publicist, Walter Schotte, who became a kind of official spokesman for the chancellor.<sup>55</sup> Schotte was himself a member of the famous *Herrenklub*, the political "club" of the nobility which gained such notoriety during the Papen era. Both he and others associated with the club denied that it had had an influence upon the fall of Brüning or the formation of the Papen cabinet—"The *Herrenklub* as a cabinet-maker—that is a bad joke"<sup>56</sup> But Schotte could not deny that many members of Papen's cabinet were members of or closely associated with this social organization which discussed politics vigorously at its meetings. And more important than the question of membership was the matter of the spirit of the organization. The concept of an élite group set apart from the masses, discussing the course of events from Olympian heights of narrow class-conscious backgrounds, and rejecting the premise that the voice of the people can be heard only through the instrumentality of party organization — this was the legacy of the *Herrenklub* to the "*Herrenreiter* in Politics."

Karl Dietrich Bracher has dealt extensively and most unsympathetically with the von Papen-Schotte concept of a "New State" designed to bridge the gap between republicanism and monarchy.<sup>57</sup> Unsympathetic as any convinced democrat must be over against the stereotyped slogans of reactionary reformers, such as Papen and Schotte, there are certain factors in the Papen program that had some potentialities of success in 1932. First, it must be noted that there was a widely-held belief that the extravagances of party politics needed to be checked.<sup>58</sup> Even sincere party leaders confessed that the workings of the party system in Germany left much to be desired. Papen and his colleagues sought to capitalize on this. The basic concept of a "New State" was that it would be freed from the incubus of the older system. There would again be "authority" in government. This meant, baldly, a regime able to act because it did not need to consult public opinion. To this matter of by-passing the parties Papen and Schotte sought to add vague concepts of "creative forces," an internal "Christian regeneration," "personality," and "conservative revolution."<sup>59</sup> Many of these phrases were virtually taken from the pages of Nazi propaganda

but without the simplification of form which gave the National Socialists strong mass support. By the fall of 1932 Schotte was openly, although cautiously, challenging the right of the Nazis to possession of some aspects of their ideology—notably their claim that the only salvation of the Reich lay through the creation of a “Third Reich.”<sup>60</sup> There would seem, indeed, to have been some possibility in 1932 that these appeals might win the allegiance of some of those who had strayed into the Nazi camp in their search for a government able to awaken faith in its stability. There was no reason why the Nazis in 1932 should have had a monopoly of the terms that rang bells in the inner recesses of the German mind. But somehow Hitler and Goebbels managed to make more effective use of them than did Franz von Papen! Nevertheless, Papen’s regime was not, in the long run, quite such a failure as it has been pictured; and a little good fortune along the way might have altered later judgments in regard to it.

The announcements of government policy made in early June by the Papen government were accompanied by three steps of very considerable importance. Two of these had been arranged for by Schleicher before the cabinet was constituted. The very first cabinet session of June 2 involved a discussion of the dissolution of the Reichstag, scheduled to reconvene four days later. Schleicher, clearly the dominating figure in these early cabinet sessions, took the lead, suggesting the desirability of a postponement of the date for new elections as long as possible, so that the cabinet would have a chance to provide something of a record for itself. Meissner alluded to the need for providing a reason for dissolution of the Reichstag.<sup>61</sup> The decree of dissolution itself was issued on June 4th, based on the fact that the recent Landtag elections indicated that the Reichstag composition no longer corresponded to public opinion. How this justification could be reconciled with the legal arrangements of Article 48 of the constitution, on which it was based, is difficult to answer, but previous presidential decrees had been founded on similarly shaky grounds.<sup>62</sup>

The second major action of the Papen government was an effort to balance the budget in the face of the broad variety of social security payments to which Germany was now committed. Unemployment insurance, “crisis support,” welfare payments, pensions for invalids and disabled war veterans, and other varieties of local

welfare payments placed a heavy burden upon state resources at a time when the tax yield was declining. The slashing of these payments by the Papen government, the requirement that need for assistance be demonstrated, and the increase of the contributions to such purposes made by those still employed were harsh measures. They gave the parties hostile to the government a strong basis upon which to raise their cries against the "unfeeling" measures of the "reactionary barons."<sup>63</sup> In justice, however, it must be stated that the Brüning government itself could not and probably would not have long delayed in adopting measures very similar in nature.<sup>64</sup>

On the same day, June 13th, on which the cabinet accepted the proposals in respect to social insurance reform it began deliberation upon the provisions of a presidential decree lifting the prohibition against the National Socialist military organizations, the S.A and S.S. The cabinet discussions indicated that von Hindenburg was by now strongly opposed to the ban adopted under the Brüning regime.<sup>65</sup> The decree issued on June 16 allowed the *Länder* to suspend periodicals publishing material damaging to the interests of the state or containing false or distorted facts. The Minister of the Interior of the Reich was empowered to request such action from the *Länder* if he saw fit. Interesting is the discussion in the cabinet session, in which von Schleicher also proposed a clause against political libel (*Staatsverleumdung*), but was opposed by von Gayl who regarded the action as premature. Schleicher, as a consequence, withdrew his proposal.<sup>66</sup> The President accompanied the issuance of the decree unleashing the S.A. and S.S. with a letter favoring it and stating his belief that conditions were now sufficiently calm that political excesses need not be feared from the softening of the regulation in respect to political bands. But he warned that if this proved not to be the case, he would take "every constitutional means against excesses of any sort."<sup>67</sup>

By the time these actions were taken, opposition newspapers were speaking of the "*Papenkreuz*." A little later they added the verse:

" <i>Papen finanziert.</i>	(Papen finances,
<i>Schleicher regiert.</i>	Schleicher rules,
<i>Hitler diktiert."</i>	Hitler dictates.) <sup>68</sup>

From the diary of the future Nazi propaganda minister, Goebbels,

it is clear, however, that the Nazis had no intention of identifying themselves too closely with the Papen government. It was "vacillating and indolent (*saumselig*)."<sup>69</sup> Von Gayl, in particular, was not only a "pure atheist," but also "weak, uncertain, without initiative and without a joy in the assumption of responsibility."<sup>70</sup> These criticisms were, of course, made when the Papen government appeared to be going slowly in effectuating the promise to restore the S.A., but it would appear that from the Nazi side there was never a real disposition toward alliance with Papen's "above-party" government.

Meanwhile, the Papen government had also been much concerned with problems of foreign policy inherited from the Brüning regime. The world disarmament conference had opened at Geneva on February 2. Its sessions were accompanied by extensive conferences in preparation for the other great assembly of that year—the conference on reparations set to open a fortnight after Papen gained office. Shortly before the resignation of his cabinet Brüning had made his famous speech in the Reichstag in which he pleaded that he not be halted "a hundred meters short of the goal" in the field of foreign policy.<sup>71</sup> With these words ringing in the ears of all Germans, there were none, from extreme right all the way to extreme left, inclined to accept any compromise solutions of the question as a victory.

During the last months of his government no one could have exceeded Heinrich Brüning in the intransigence of his opposition to further reparations payments or a continuance of one-sided German disarmament. At the disarmament conference he had set the whole pattern of Germany's position at that conference with his emphasis on the equality of right to arm.<sup>72</sup> The German representative at Geneva, Rudolf Nadolny, suggested that Germany might well have countered the disarmament proposals of others by proposing that they assume the obligations of Versailles.<sup>73</sup> As for reparations, early in the year Brüning had told the British ambassador in Germany that Germany would not be able to meet reparations—then or later.<sup>74</sup> Publication of this comment embarrassed both Germany and Great Britain, but there was a great deal of British sympathy for the German demand for outright cancellation of all reparations.<sup>75</sup>

By his own account, Papen, on the eve of participation in an international conference which held the economic fate of Germany in its hands, did not trouble to study the "*Akten*" of the foreign office which would have given him the background of Brüning's preparation for the conference.<sup>76</sup> This omission left him open to the criticism of his enemies, who found in it another demonstration of his superficiality. The records, however, seem to indicate that Brüning had received a strong pledge of assistance by Great Britain in respect to reparations, but that France and the United States had by no means made such a commitment.<sup>77</sup> And even Great Britain had cautioned Brüning about the exaggerated tone of his speech before the Reichstag and expressed the hope that he would not for the present make additional statements on foreign policy.<sup>78</sup> As for the United States, Secretary of State Stimson on at least two occasions expressed American opposition to an outright cancellation of reparations which would leave the United States completely the loser in respect to war debts. He expressed the strong American desire that Germany at least indicate the intention to pay something sometime.<sup>79</sup> Brüning, himself, on one occasion alluded to the possibility of Germany paying "some further capital charge" as a "face-saving scheme."<sup>80</sup> Since World War II Brüning has stated that the sum agreed upon in principle was less than five billion marks,<sup>81</sup> but in July, 1932, he denied the intention of paying anything, and broad sections of the German populace believed that he would have been able to avoid any payment. Probably this was good politics, but it would seem to substantiate the belief that Brüning did not, in July, 1932, consider Germany on the brink of peril from the National Socialists. Indeed, the later story suggests that until Hitler was actually in power Brüning was seeking to outplay the others who hoped by political alliance to "tame" the Nazis.

Whether von Papen himself should have attended the Lausanne Conference is debatable. Neurath claimed shortly after assuming the Foreign Ministry that Papen had promised him independent responsibility in that area.<sup>82</sup> Papen's attendance at Lausanne would seem to run counter to that promise. Then, too, he occupied the limelight completely. His ill-advised press conferences were strongly criticized by his colleague, Schwerin von Krosigk, who claimed that Papen had very early "let the cat out of the bag" in revealing



Germany's willingness to make a final payment.<sup>83</sup>

The conference at Lausanne has been subject to many misinterpretations and misconstructions in the years that followed it. Basically, the groundwork for the German success there was laid not by Brüning or by any other German statesman but by the existing economic crisis. American observers both then and later believed that the degree of the crisis was exaggerated, that virtually all German officials were engaged in "misery propaganda," designed to emphasize Germany's economic helplessness.<sup>84</sup> Whether this be true or not, there was no ignoring the fact that Germany's existing ability to earn foreign exchange had been drastically reduced. Under these circumstances the transfer of interest, let alone principal payments, on private debts held abroad was seriously imperilled. This consideration had a vital effect upon the position in respect to reparations both of the United States and of Great Britain.<sup>85</sup> Although, as noted above, the diplomatic representatives of the United States were not desirous of seeing Germany completely freed of reparations payments, their suggestion that European representatives go ahead on their own to arrive at a complete solution of the issue and present the results to the United States was to all intents and purposes an invitation to a very radical revision.<sup>86</sup> At Lausanne the dynamics of action lay with the British representatives, who in every stage of the conference provided the motive power toward compromise solutions.

The German delegation, headed by the chancellor, went to Lausanne without instructions or limitations on their freedom of action. Of all the cabinet only von Gayl had ventured the opinion that limitations set in advance might prove valuable during the course of negotiations.<sup>87</sup> In the long run, however, the delegation consulted the remainder of the cabinet at some length, making use of a long distance telephone connected to a loudspeaker arrangement, before accepting the final settlement.<sup>88</sup> Seemingly, although the possibility of a final payment was mentioned in advance, there was no consideration of the possible size of that payment or any specific arrangement of advance strategy in respect to ancillary goals such as the cancellation of the "war guilt clause" of the Treaty of Versailles.

The conference divided naturally into two periods—that of the "preliminaries" lasting until the French premier, Edouard Herriot,

absented himself for the second time for consultations in Paris on July 2 and the period of real action after his return. It was during the period of the "preliminaries" that von Papen made his major effort to gain diplomatic fame by proffering two proposals to the French. The most absurd of these was never completely set forth. Presumably, it involved almost a merger of the general staffs of the French and German armies to be accompanied by rectification of Germany's border in respect to Poland. In this way both states would gain a feeling of security, and the major grievance of German nationalists would be alleviated.<sup>89</sup> A more nebulous scheme presented with airy irreverence out of the blue and accompanied with an air of intrigue—Herriot was asked not to discuss it with the English—could scarcely be imagined. It is little wonder that after this Herriot expressed doubts as to whether von Papen could be taken seriously.<sup>90</sup> The French premier was under no illusions that a government based upon the support of a former field marshal of the kaiser's army and "tolerated" by the most extreme revisionists in Germany, the Nazis, was likely to implement an agreement calling for common general staffs, nor was there any slightest intention on the part of the French government to acquiesce in a process of revision which would deprive France's ally, Poland, of territory in behalf of France's most feared enemy. Seemingly, von Papen believed that his own family connections with French circles and his own fatuous references to "a common western culture" would have meaning in diplomatic relations.<sup>91</sup> The days of such personal foreign policy were, indeed, long past.

The other proposal was more sensible but equally ill-advised at the time it was made. This was that France and Germany cooperate in the economic reconstruction of Central Eastern Europe.<sup>92</sup> The French were mostly impressed by the superficiality of the proposal. What von Papen had dealt with, Herriot said, "were not essential measures or measures of reconciliation. They were minor points, such as help for Austria, fixation [*sic*] of wheat prices, etc."<sup>93</sup> The French saw in Papen's plan no advantages. Damaging to Germany was the implication that Germany, professing herself to be virtually bankrupt, could, if she chose, find funds to help in European reconstruction. Both this gesture and the general German effort to join disarmament questions, then under discussion at a separate conference, to the discussions at Lausanne, tended to give

the French the opportunity to say, "The Germans can pay something if they *want* to."<sup>94</sup>

Beyond these major false steps von Papen was responsible for a number of minor peccadillos. One concerned an interview with a certain M. Lauzanne (a remarkable pun on the name of the conference) of the Paris *Matin*. In this von Papen was said to have alluded prematurely to German willingness to make a final payment.<sup>95</sup> When von Papen referred to the interview during the course of the conference and claimed that he had been misquoted, MacDonald stressed the need to avoid publicity, adding that he had had only one interview since the beginning of the conference and left most of that to the public relations experts.<sup>96</sup> Papen's finance minister, Schwerin von Krosigk, later complained about these interviews. Undoubtedly he exaggerated their significance, but his complaint indicates that von Papen's own delegation was critical of the conduct of its leader.<sup>97</sup>

The Lausanne Conference, therefore, was by no means a monument to the statesmanship of Franz von Papen. It was far more a monument to the ability and forward-looking policies of Ramsay MacDonald, the president of the conference. Clearly the British had come to the conference with the well-defined objective of securing for Germany the largest possible relief from the reparations burden. They would have preferred a complete "stroke of the sponge," which would have meant total cancellation. Total cancellation was, however, impossible in view of the opposition of the United States to such action and the fact that the French prime minister, Herriot, pointed out that his government could not survive such action. Therefore, the British representatives became, as it were, disinterested intermediaries between the French and German delegations, urging the former to reduce their demands as far as possible and the latter to accept a reasonable figure.

The conference record indicates that the French entered the conference asking a final payment of seven billion marks and expecting to be able to hold to a figure of four billion marks.<sup>98</sup> In the end the Germans, after extreme pressure by the British and several lengthy conferences with the portion of the cabinet in Berlin, signed for three billion marks. Having thus reduced their total burden to about three-quarters of a billion dollars, the Germans had really gained a most significant victory. It would be unfair

to deprive the von Papen delegation of all credit for this. The Germans presented their case adequately and held very stubbornly to the lowest possible figure.<sup>99</sup> It may reasonably be doubted that a delegation led by Brüning would have achieved any better financial result.

Moreover, the terms of payment were arranged in such a fashion that Germany's capacity to pay would be considered, and there was the distinct possibility that nothing would have been paid for some time, even if a Hitler government had not arrived on the scene to alter the entire situation. Furthermore, Germany recovered full control of the *Reichsbank* and *Reichsbahn* (government railroads) which had been guarantors of the Young Plan arrangements.<sup>100</sup> Of course, the whole arrangement was made dependent upon the attitude of the United States toward debts owed her by France and Great Britain and this left the status of the situation in doubt until these powers should have reached agreement. This was not, as the German government pretended, proclaimed after the conference was concluded, but was a definite portion of the discussions within the conference itself.<sup>101</sup>

The most serious drawback from the German point of view was that the agreement to pay a final sum was not accompanied by some gesture in the political field which she could have exploited for home consumption. Von Papen tried very hard, but not very skillfully, to obtain one. His best possibility was to obtain some concession in regard to the "War Guilt Clause" of the Treaty of Versailles. According to one version of the conference action, there had been agreement for a time that the French would permit von Papen in his closing comments at the end of the conference to refer obliquely to an end of the conditions that had led to reparations payments.<sup>102</sup> After Papen's ill-advised plan for joining the military staffs of France and Germany, Herriot refused even to consider any concessions in the political sphere other than a vague and completely useless political formula which he submitted himself.<sup>103</sup> Undoubtedly, he feared that von Papen would use any opportunity opened to him for more extravagant phrases than a French government confronted by an uncertain parliament could justify.

Impressive in the German cabinet discussions in advance of the final decision is the strong support for German acceptance by all officials of the government concerned with finance. Both von

Krosigk, the Minister of Finance, and Warmbold, the Minister of Economics, emphasized the necessity of accepting the proffered solution. They were strongly supported by Reichsbank President Luther and, to a lesser degree, by Minister of Labor Schäffer and Minister of Agriculture von Braun. All of these considered the question of political concessions of secondary importance. Von Gayl, von Schleicher, and Meissner were strongly insistent upon a political concession to appease opinion at home.<sup>104</sup> Von Papen returned, of course, to report to his colleagues on July 11th. In an exculpatory and not completely accurate manner he pictured the process which had led to a signature for three billion marks payments without specific political concessions. He recognized that the results were, from the standpoint of internal politics, somewhat "paltry," (*dürftig*), but believed the success of the conference would aid in further political discussions with France as well as in economic improvement. He was strongly backed by Warmbold, who pointed out that even in view of the requirements of the Hoover annuities, due until 1936, the Reich would gain a reduction. And the likelihood was for a delay during which the German advantage would increase the longer the payments were postponed.<sup>105</sup>

Most of the other members of the cabinet found their way to a justification of the conference results. Von Gayl, who continued to speak with authority and decisiveness, announced that he could not entirely agree with the results but that he believed the delegation had accomplished all that was possible. He did not believe von Papen should offer the President the resignation of the cabinet. It was a "fated union" ("*eine Schicksalsgemeinschaft*") which must remain to solve the great problems it faced.<sup>106</sup>

Only von Schleicher was almost unreservedly critical. In spite of the gains in the field of foreign policy and economic problems, he felt that the cabinet had suffered "a severe defeat" by the results of Lausanne. The handling of public relations had been very bad. The German delegation had announced that Germany would not pay because it could not pay. Later it had declared that it was able to pay if political concessions were made by which Germany received freedom of armament and again became a nation honored among nations. These goals were not accomplished, but in spite of this the delegation had agreed to payments. Now it must be

made clear that MacDonald had raised the question of political agreements (he did but on the basis of German guarantees for French security not *vice-versa*) and that Herriot had first favored them and then opposed them on his return from Paris. Von Schleicher pointed out with heavy sarcasm that the only party in the Reichstag which might be won to the support of the settlement was the Social Democrats! He believed von Papen's suggestion of offering to the President the resignation of the cabinet should be carried out, so that the President, if he saw fit, might obtain better support for his objectives by an alteration of cabinet personnel. As for the negotiations underway in Geneva, it would now be necessary for Germany to refuse discussion of any kind of compromise proposal whatever.<sup>107</sup>

Others of the cabinet seconded Schleicher's comments about the problem of public opinion, emphasizing the need for a press campaign to clarify Germany's failure to obtain political concessions (by laying it entirely at the door of French intransigence) and to underscore the very valuable economic advances made.

Although in the official session no minister but Schleicher backed the proposal to offer the resignation of the cabinet to von Hindenburg, von Papen did so when he reported to the President. On July 16th he was able to report to his colleagues that the President not only had declared that resignation was completely out of question, but had commissioned him to express his appreciation to the cabinet for the hard work and the accomplishments at Lausanne.<sup>108</sup>

Historically the Lausanne Conference was of great importance although its basic decisions were neither ratified nor implemented. To all intents and purposes it wrote *finis* to a period of postwar history in which Germany had held an inferior status stigmatized by the payment of considerable sums of money for having been responsible for the First World War. Had Brüning been able to reap the fruits that fell to von Papen, he could undoubtedly have rallied a strong popular support for his position. Very probably he could have obtained the same monetary settlement that Papen got and in addition might have been allowed by the French to make a harmless statement about "the end of an era of disgrace" which he could have used at home to claim a virtual retraction by the allies of the "war guilt clause" of the Treaty of Versailles. But

Brüning was in the opposition at the time of the Lausanne conference and with the aplomb of those who are not in power his followers promptly announced that Brüning would have paid nothing.<sup>109</sup> This was nonsense and if it was meant seriously, which may be doubted, would indicate that Brüning had taken the British comments about cancellation too earnestly. His opposition, backed by the still powerful Center Party, meant that von Papen had no chance to broaden the basis of support for his government without including the National Socialists. His efforts along these lines will be discussed later. But Brüning's opposition to Lausanne was a part of the Center effort both in Reich and Prussia to negotiate an alliance with the Nazis.

One other commentary may be ventured. Von Schleicher's critical handling of Papen's action at Lausanne may well mark the beginning of the rivalry between the two men to be underscored in November. Von Papen's actions had revealed that he thought and acted for himself and was subject to flamboyant gestures and unstudied reversals of position. To Schleicher, the schemer, Papen, the unpredictable adventurer, must have been revealed as dangerous. But Papen emerged victorious, supported by his cabinet, with von Gayl giving evidence of some intention of entering the game of backstage maneuvers. The President had supported Papen fully — although Meissner had been close to Schleicher's position only a week earlier — and Schleicher no longer managed policy alone.<sup>110</sup> These initial doubts increased in the months that followed.

Schleicher, of course, was correct in his belief that Lausanne would be viewed at home as a German defeat. No organized political party defended it.<sup>111</sup> Even the communists used it as a sign that only through rapprochement with Moscow could Germany be freed of her reparations burden.<sup>112</sup> And in spite of cabinet statements about efforts to organize better public relations arrangements, the von Papen government continued to have a hostile press.<sup>113</sup> This, however, seems to have troubled the chancellor very little.

The man born in the nobility, trained as an Uhlán, successively military attaché, front-line commander, and maverick Center Party member had moved into the chancellorship with vigor and enjoyment. He met obstacles like a steeple chaser hurdling the barriers.

He shrugged off public opposition and considered that with von Hindenburg's support there was nothing to be concerned about. Lausanne, a victory for Germany in foreign policy, was a defeat in internal politics. But this need not hinder plans for the future. Von Papen had in mind a change in internal political structure which would render existing political opposition meaningless. The ink was scarcely dry on his signature at Lausanne when von Papen began to chart a course to divert public attention from this half victory, half defeat. Sign and symbol of the old system was the state of Prussia with a Social Democratic Minister President still holding title to its leadership. And against the Prussian government Papen now lowered his lance, closed his visor, and spurred his charger. As he did so, he felt Bismarck and Frederick the Great at his elbow, applauding his efforts to end "the dualism of Reich and Prussia" which good monarchists had regarded as one of the most disastrous consequences of the erection of the Weimar Republic.



## CH. IV. ASSAULT ON PRUSSIA

In the summer of 1932 the state of Prussia was a ship buffeted by many storms; its captain was ill in quarters; its crew exhausted from their struggle with the elements, stood ready to abandon ship; only a few of the braver souls hoped to salvage the once-proud vessel and preserve its mission of service to democratic Germany.

The Prussian crisis was a many-faceted one. The government of the state had long been the target of imprecations and obloquy from the Right. Until the 1930's this criticism had emanated most largely from the German Nationalists and, although disturbing, had not been dangerous. The complaints of the old aristocracy, the "*feine Leute*," as Goebbels later labeled them, gained slight attention from the voters. Few were inclined to pay heed to the Nationalist attacks on "Red Prussia." The coalition government had given little indication of actual "redness" or even of highly progressive governmental policies. Undoubtedly the real cause of the attacks of the German Nationalists was not so much the nature of the government program as the monopolizing of governmental positions by the governing coalition — the Social Democrats, Democrats, and the Centrists.

The strong position of the personnel of these parties within the governmental mechanism was not an unmixed blessing. These officeholders had obtained their posts in incremental fashion. Some of them were old in governmental service and fearful of a return to a private life now unfamiliar to them. Others had obtained their positions more recently but looked upon them as a just reward for faithful party service. The bureaucratic instinct, the tendency "*ans Amt zu kleben*" was strong within the ranks of the democratic parties and added increased concern to their naturally cautious approach to policy. Leading Social Democrats were to complain, in the period that followed, that their party had been "bureaucratized" — it had lost its original will to fight for its beliefs and ideals.<sup>1</sup> It was, indeed, a rather spiritless Social Democratic leadership and a vacillating Centrist leadership which faced their greatest challenge in the summer of 1932.

A second *point d'appui* against the Prussian state derived strength from the excessive concern of Germans for the precise

logic of governmental organization and system. The failure at the Weimar Constitutional Assembly of Hugo Preuss's proposal for the division of Prussia left German political relationships in a most anomalous situation. No one could reconcile with logic the existence within the German republic of a constituent state possessing two-thirds of the nation's territory and three-fifths of the total population. Nor could reasoning minds content themselves with the view of a dual bureaucracy in one *Hauptstadt*, the functions of Reich and Prussian officials often duplicating one another and bringing a clash of jurisdictions. Attacks on the basic nature of the Prussian state were difficult for democrats to counter, for it was they who had first favored a great reduction of Prussian hegemony within the German nation. Pressure of circumstances — the dangers of separation and national disunity followed by the clear advantage of having a stable democratic administration within this large subdivision of the Reich — soft-pedaled the democratic drive for change. But *Reichsreform*, the problem of reorganization of German political divisions, remained, seemingly, an unavoidable issue.

Arnold Brecht has provided a most interesting and useful sketch of this highly complicated subject.<sup>2</sup> One of the leading officials of the Prussian state at the time concerned, he reflects in his discussion the feeling of all sections of the government bureaucracy that the existing system was basically unhealthy. Otto Braun had himself, in 1927, taken his stand for change, although he opposed the division of Prussia unless the other states made similar sacrifice. The state he governed was, he said, a necessary core for the creation of a unitary, democratic state. "Prussia," he asserted, "has always declared that it will relinquish its political independence in favor of a great German unitary state if the other German *Länder* will do the same thing." But, noted Braun, no such willingness had been shown.<sup>3</sup> The efforts of the South German states, on the other hand, particularly of Bavaria, were directed toward an increased federalism. The most stubborn opponent of the move toward the unitary state was Prime Minister Heinrich Held of Bavaria, who played a significant role in the discussions of reform.<sup>4</sup>

The advocates of a unitary state and those favoring a federal one presented their contrasting proposals for change before the sessions of the Governmental Reform Committee (technically known as the "Constitutional Committee of the *Länder* Confer-

ence" — *Verfassungsausschuss der Länderkonferenz*), which came into existence in 1928. This committee was the result of the discussions of a *Länderkonferenz*, a conference of the constituent states of the Weimar Republic, which met in January, 1928. The final recommendation of the Reform Committee was approved in June, 1930. It represented a compromise between the unitarists and the federalists, entitled in somewhat pedantic bureaucratic language "a differentiating total solution" (*differenzierte Gesamtlösung*) of the reform question. This solution proposed a special arrangement for the area of Prussia in contrast to that provided for the South German *Länder*. The constituent provinces of Prussia were to become *Länder*. Undersized states and territorial enclaves were, after a transition period, to be joined to these new states. Only Bavaria, Saxony, Württemberg, and Baden were to remain as they had been. However, the status of these new *Länder* created from the Prussian provinces was not to be equal to that of the existing *Länder*. The constitutions of these "new" *Länder* were to be fixed by a simple law of the Reichstag and general supervision over them was to be exercised by a federal administrative arrangement involving the combination of Reich and Prussian ministries. The position of the "old" *Länder* was "differentiated" from that of the "new" in that the former retained control of their own constitutions and of all administrative fields left them by the Weimar Constitution and had, in respect to these matters, certain advantages over the new units.<sup>5</sup>

The foregoing description barely touches upon the features of the reform plan. Substantially it represented a rather cumbersome solution of problems strongly affected by psychological factors. Although passed by a vote of 15 to 3 in the committee concerned, it evoked no great enthusiasm on the part of the public. Strongest opposition derived from Bavaria, which considered that the plan by extending federal functions further menaced the independent status of the several states. Strangely enough, this opposition to the committee proposal, voiced by Heinrich Held, the Minister President of Bavaria, placed him in the position unusual for a South German of having to advocate the maintenance of the integrity of Prussia!<sup>6</sup>

On the other hand, many of those favoring *Reichsreform* preferred the simple method of combining Reich and Prussian Minis-

tries and naming the Reich President the chief of state of Prussia. This solution appears to have originated with confirmed democrats, but it reached partial fulfillment under confirmed reactionaries.<sup>7</sup>

There were, of course, many shadings and variations of the above plans and proposals. In any federal form of state organization there are bound to be disagreements and difficulties concerning the respective jurisdictions of the central government and of the constituent states. This was particularly true in Germany because its unification had been accompanied both by force and by compromise. As a consequence the republican Reich had inherited from that of Bismarck a system which involved many uncertainly defined limitations of functions on the part of states and of the central government. The republican state was more centralist in nature than the Bismarckian state. However, the bureaucracies of both Reich and *Länder* were eager to retain as broad an area of activity as possible. There were, as a result, a number of vexing disputes between the competing agencies of government. It would be improper for an outsider to render judgment in respect to such intricate and esoteric matters, but it is impossible to avoid the question, whether these disputes were so serious that the only solution lay in a complete overhauling of the government organization.<sup>8</sup> No doubt such a reform would have resulted in great administrative economies.<sup>9</sup> On the other hand, political organizations develop best in an evolutionary rather than a revolutionary process and the continued agitation of this question as though it were a flaming problem of direful urgency lent fuel to the fire of anti-republicans. In the regime of von Papen their own advocacy of Reich reform deprived his opponents of a clear and unequivocal ground for opposition to Papen's actions in regard to Prussia.

As has been seen, the republican government of Prussia had been made a target for criticism by the National Socialists as well as by the Nationalists. The Nazis had particular reason to vent their ire on the Braun government. Their party had been outlawed in Prussia in 1922, and again, in part, in 1927; Hitler had been forbidden to make public speeches there from 1925 to 1928; Prussian civil servants were forbidden to be members of the Nazi party; police action against the Nazis was strong during periods when Reich laws such as the S.A. and S.S. prohibition were in effect. Nazis had joined Communists in the Prussian Landtag in

the submission of numerous *Anträge* requesting investigation of the harshness and alleged injustice of Prussian police action. On one occasion, Nazi deputy Wilhelm Kube claimed that the judicial process against the Nazis in Prussia had been as bad as the Spanish Inquisition!<sup>10</sup> It would appear that one of the most important factors leading the Nazis to accept Schleicher's bid for toleration when the Papen regime was established was the promise that changes would be made in the Prussian government.

Schleicher, on his part, was making no real concession when he promised the Nazis to bring a change in the Prussian political set-up. The Minister of War and other leading figures in the military area were as eager for this result as the Nazis themselves. Only shortly before the resignation of Brüning, General von Hammerstein-Equord had commented that the Prussian and presidential elections clearly indicated that "both governments (Reich and Prussian) must be placed on an equal basis." Schleicher, himself, was one of the most adamant opponents of what was labeled the Reich-Prussian "dualism."<sup>11</sup>

There was little that was really secret about the intentions of the Papen government in respect to Prussia. It was well known that one of its objectives would be the replacement of the Braun-Severing regime in Prussia by an administration more pleasing to the Right. Shadows of coming events could be seen at the first meeting of the Papen cabinet when the State Secretary of the Prussian Ministry of State, who had traditionally attended cabinet sessions, was informed that he could attend these only when matters of particular concern to Prussia were to be discussed.<sup>12</sup> Needless to say, his attendance was not renewed even when such matters were on the agenda. As early as June 4 the Social Democratic organ, *Vorwärts*, alluded to hints of a Reich Commissioner for Prussia, and four days later the more objective but also democratic *Vossische Zeitung* presented a thorough examination of the possibilities involved, arguing that efforts for constitutional reform "*am kalten Wege*" would estop possibilities of legal and proper reform.<sup>13</sup> Both newspapers stated that legal grounds for making use of a Reich Commissioner were lacking. Nazi propagandist Goebbels, however, warned on June 11 that if the approaching votes for the Minister-Presidency in Prussia proved

inconclusive, the new chancellor "would set a Reich Commissioner before the noses of Severing, Hirtsiefer, and their associates."<sup>14</sup>

It will be recalled that the legal situation involved the continuance in office as a "caretaker government" (*geschäftsführende Regierung*) of the cabinet of Braun after its resignation in May, but that Braun himself had taken "leave" for reasons of health, designating Heinrich Hirtsiefer his representative. The newly elected Landtag was unable to name a new Minister President because the old Landtag had changed the order of procedure for the election of that officer in such a way as to require an absolute majority, and the Nazis were not able to muster enough votes to satisfy this requirement. As a consequence, the Braun cabinet remained the legal one, although it no longer commanded the support of the Landtag. Nationalists and National Socialists labeled it unconstitutional for a government to act without the confidence of the Landtag and denied the right of the Braun cabinet to speak for Prussia.<sup>15</sup> This point of view was also underscored on June 6 when von Papen wrote to the Nazi President of the Landtag, Hans Kerrl, requesting him to secure an early session of that body so that a "constitutional" government might be chosen.<sup>16</sup> Both the tone of von Papen's letter and its ignoring of the existing cabinet hinted at the position later taken by the Reich before the Supreme Court that the Braun government was not a legal government of Prussia.

The Reich also endeavored to find a basis for action against Prussia by creating a financial crisis for its government. The Brüning government had engaged in respect to the Prussian budget of 1932 to provide 100 million marks for shares held by Prussia in the German Bank for Rural Settlements (*Deutsche Siedlungsbank*). This promise was now voided by the Papen regime.<sup>17</sup> This left a deficit in that amount in the Prussian budget, a financial crisis which might have been exploited as grounds for federal intervention if the state of Prussia had not taken heroic measures to fill the gap. On June 8, the "caretaker government" by emergency decree (taken under the provisions of an earlier decree of the Reich President) established a tax on the slaughtering of cattle and a reduction of the salaries of civil servants by percentages ranging from 2½ to 5%.<sup>18</sup> In this way it balanced its budget and prevented, for the time being, action of the Reich against Prussia. Shortly afterward the von Papen

government became engaged with the problems of the Lausanne Conference and the question was further postponed. The Nazis, however, kept up a barrage of criticism demanding that the chancellor "get tough" ("*Papen, werde hart!*") with Prussia.<sup>19</sup>

Actually, however, the Papen government was, at this time, meeting more problems from the South German states than from Prussia. It will be recalled that one of its early measures was the lifting of the prohibition of the uniformed Nazi organizations, the S.A. and the S.S. The South German states were strongly opposed to this action and delayed for some time in removing local prohibitions against the use of uniforms. While Papen was at Lausanne, this question was raised in the cabinet and von Gayl noted that, in contrast to Baden and Bavaria, Prussia would "present no difficulties" in regard to these matters. At the same time the Reich Minister of the Interior added an even more curious comment, one destined to play a strange role in the Supreme Court proceedings that came later. He had had, said von Gayl, "a thorough discussion" of Prussian matters with Severing and the latter "had emphasized that the government of the Reich would probably soon be forced to set up Reich Commissioners in Prussia and some of the other *Länder*."<sup>20</sup> That Severing would really express favor for such an action seems incredible, but the manner in which the matter was introduced into cabinet sessions a month before the action lends credibility to the possibility that von Gayl thought he did. After all, Otto Braun had voluntarily left office and other Social Democrats were saying that governmental authority by Rightists might convince the people of the inability of those Rightists to govern. Von Gayl repeated his story a second time four days later, and added that Severing said he had refused to take part "in the campaign of baiting" (*Hetze*) the cabinet. When von Gayl on this occasion complained to Severing that the Prussian police proceeded much more harshly against National Socialists than against Communists, "Prussia had been surprisingly cooperative in the discussion."<sup>21</sup>

All of this indicated, of course, that there was no real ground for Reich intervention in Prussian affairs at the time that action was taken. The very session of the Reich Cabinet during which discussion of a Reich Commissioner was initiated was begun with von Gayl's note that in respect to the emergency decrees of the Reich the situation in Prussia had been satisfactory from the first

(*"In Preussen sei die Situation hinsichtlich der erwähnten Verordnungen von Anfang an gut gewesen"*). This session took place on the same afternoon of Papen's long report of the results of the Lausanne Conference—July 11. Von Gayl acted as a sort of master of ceremonies for the proceedings. For his quite uncritical audience he presented a view of shattered state authority in Prussia. The efforts of the Prussian police to combat the National Socialists, he stated, made it impossible for them to take effective action against the Communists. Prussian finances were in the disorder and the state had to borrow from the Reichsbank to meet current needs. Severing, the Prussian Minister of Interior, had muddied the political waters by an open statement implying criticism of the action of the Reich in prohibiting for a week the appearance of the Social Democratic organ *Vorwärts*. In view of these factors, therefore, Gayl felt that the psychological moment had arrived. The Reich Chancellor should be named Reich Commissioner of Prussia. He could, in turn, name subordinate commissioners. The police president in Berlin must be removed and the Reich Commissioners once named must remain until an administrative reform had been carried through. Von Gayl reckoned with the probability of a complaint before the supreme court, the *Staatsgerichtshof*, by the present state government, but did not believe it would obtain success.<sup>22</sup>

Von Gayl found little disagreement with his statements on the part of other members of the cabinet. Schleicher added on behalf of the plan the testimony of Gustav Noske, once a power among the Social Democrats but now outside the party's inner circle, that the renewed authority of the state was an urgent need. The name of Franz Bracht, mayor of Essen, later to be designated the major representative of the Reich in Prussia, also appeared at this point as a witness to the same need. There was a passing reference by Communications Minister von Eltz-Rübenach to Social Democratic-Communist discussions on the theme of "anti-fascism" but nothing more specific. Of all the ministers only Minister of Labor Schäffer seemed to be both surprised and shocked and to feel that such action was premature. One item of interest was Schleicher's comment that "a National Socialist leader" had urgently requested that no prominent National Socialist be named a Reich Commissioner in Prussia.<sup>23</sup>



Of importance was the clearly uncertain casting about for justification of the contemplated action. Gürtner, the Minister of Justice, suggested the possibility of using the Prussian budgetary deficits as an excuse. No other ground was suggested.<sup>24</sup> Nevertheless, a day later a draft decree for the institution of the Reich Commissioner was read and discussed in cabinet. Von Gayl was by now aware of a meeting which had taken place on June 4th between Wilhelm Abegg, a State Secretary in the Ministry of Interior, and the Communist Landtag deputies Wilhelm Kasper and Ernst Torgler. This information had been carried to him by Rudolf Diels, a lesser official in the same ministry, who began his move toward prominence in the National Socialist regime by reciting a highly colored account of the interview. Diels claimed that Abegg discussed the possibility of Social Democratic-Communist coalition. This was a most unlikely story. Abegg was a member of the Democratic rather than of the Social Democratic party. Of course, those seeking to trump up a case against Prussia could allege that he had acted in behalf of his Social Democratic superior. Even if Diels' story had been true, there would have been nothing improper in Abegg's action, but in the inflamed political situation existing such a charge was equivalent to one of outright treason.<sup>25</sup>

Seemingly the Reich was set to take action on July 12. Von Gayl discounted dangers of a general strike, alluding to emergency military action if needed and the existence of a "technical emergency service" to combat any resistance by way of strike.<sup>26</sup> But on July 13 Severing issued a strong public proclamation calling for moderation and order and the Reich cabinet decided it needed to postpone action. At the cabinet session on that day Meissner also raised a point, to be of great legal significance later, whether it would not be wise to present the Prussian government with a formal complaint about its failure to act effectively against the Communists.<sup>27</sup> Such formal complaints (*Mängelrüge*) had always formed a necessary prelude to the usage of the President's emergency powers against a state, *Reichsexekution*, but none was to be issued on this occasion. By July 16, however, all final doubts had been removed and the way was clear at last for Papen's historic action. In the discussion prior to this final decision the role of the great industrialists appears in documentary form for the first time, with the mention that Krupp, the munitions king, and Brandis (Brandes),

the chairman of the metal works in Stuttgart, favored a proclamation of a state of siege for all Brandenburg.<sup>28</sup>

When Papen summoned the leading ministers of Prussia's caretaker government to meet with him on the morning of July 20, 1932, he was acting in the midst of a situation approaching civil war. Since the repeal by his government of the ban on public display of Nazi uniforms 99 persons had died in political conflict and 1125 had been wounded. Sundays had been particularly important for politics — and for death. On June 26 the toll was 5 dead, 103 wounded; on July 3, 5 dead, 72 wounded; on July 10, 19 dead, 189 wounded; on July 17, 19 dead, 285 wounded.<sup>29</sup> That a situation existed which was not to be tolerated in an orderly state cannot be denied. That this situation concerned itself particularly with the area of Prussia, however, or that the weakness of the Prussian government was a contributory factor are highly debatable. The solution of this terrible problem was by no means simple and uncomplicated. How does a government cope with the existence of huge mass movements on the political extremes, mass movements mutually hostile to one another and equally contemptuous of law and order? Complete prohibition of such movements only drives them underground and makes police surveillance more difficult. Control action by police is bound to be sporadic and uncertain. It is little wonder that many statesmen in Germany decided that the only hope was that one of these movements might learn moderation by government responsibility and government action against its equally dangerous enemies. Nor was it to be wondered at that the National Socialist movement which had at least promised legality of action and professed super patriotism should be chosen in preference to the Communists, who openly proclaimed in the Reichstag and the Landtage their adherence to Moscow leadership. The government of von Papen had chosen this path and its action against the state of Prussia was a part of its plan. But the von Papen government also contemplated a diversion of strength from the Nazis by depriving them of the major bases of their political appeal.

The Papen coup of July 20, 1932, was, in its inception, well organized, simple, and effective. A *coup de théâtre* of great significance, it should, perhaps, be described in dramatic terms, but to do so would be to create a false picture. The essence of the *coup*

was false theater — “ham acting” which failed to convince its audience and left them unstirred by the portents of the plot. The impression created was that of a firm and secure state authority proceeding against *poseurs* who “struck an attitude” but stood weak and confounded by the force of their opponents.

The full powers needed for the action were obtained from the President on July 16.<sup>30</sup> On July 18 Papen extended an invitation to Severing and Braun’s representative, Hirtsiefer, to a “discussion” at the Reich Chancellery. Although the institution of a Reich Commissioner had been discussed for some time, Severing did not expect this action to arrive in such an unpretentious manner. He considered it probable that the discussion would deal with a letter he had sent in the name of the Prussian State Ministry protesting the drastic cuts in unemployment and crisis support by the state. When he sent Ministerial Director Ludwig Nobis to inquire into the nature of the conference, he received the answer that financial and agricultural matters were to be discussed and that Prussian Finance Minister Otto Klepper had also been invited to the conference for this reason. At ten o’clock on the morning of July 20th the three Prussian Ministers were present in the Reich Chancellery to be confronted by the curtly imparted news that the President in view of his concern for security and order in Prussia had made use of paragraphs one and two of Article 48 of the Constitution to establish the Reich Chancellor as Reich Commissioner for Prussia. When Severing and his associates protested, they eventually received the answer that the action was taken in the name of *Staatsraison*.<sup>31</sup> It was, indeed, unfortunate that the Prussian ministers could not have produced the protocols of the Reich cabinet to underscore the hollowness of “the reasons of state” advanced by von Papen.

Various shadings of statesmanship and stagecraft accompanied the conference. Judas-like, Ministerial Director Nobis, who had inquired so unsuccessfully into the nature of the conference, now appeared on the side of Prussia’s adversary. Severing and Hirtsiefer made a strong stand against the charges implied in the action of the Reich that the administration of Prussia had been mismanaged and that conditions within Prussia were worse than those in other parts of the Reich. Papen, still “the gentleman,” assured the Prussian ministers of his respect for their persons and requested

their cooperation in accomplishing an unavoidable action. Severing's answer provided the most dramatic aspect of the interview. It would, he stated, be treasonable for a republican minister to accept as legal such unconstitutional actions — he would "yield only to force."<sup>32</sup>

Force was, indeed, at hand. It required only the issuance of a second presidential decree to proclaim "a state of siege" for Berlin and Brandenburg, with General von Rundstedt, the ranking military commander in the area, as the designated executor of this order. This action was carried out almost before the return of the Prussian ministers to their offices — at eleven o'clock von Rundstedt called Grzesinski, the chief of police in Berlin, to inform the latter of his position and to request him to turn over police powers in an orderly fashion. Grzesinski delayed his answer until he might consult with Severing, but received little satisfaction from his superior. Seemingly, Severing's private reaction to Papen's *coup* was considerably less defiant than his public one. By Grzesinski's account, Severing supported the legality of Papen's actions and counseled the Berlin Chief of Police to surrender his authority to von Rundstedt. Eventually Grzesinski pushed his refusal to yield his office to a point sufficient to secure his own arrest and that of two subordinates — for a sum total of an hour and a half. In this action a ridiculously small contingent of Reichswehr soldiers participated.<sup>33</sup>

Meanwhile, Severing himself received his successor by appointment of Reich Commissioner for Prussia von Papen, the former mayor of Essen, Franz Bracht. Bracht was, the Commission Minister of Interior for Prussia later reported, cordially received by Severing and arrangements were concerted by which Severing was to yield his office at 8 o'clock that evening after a show of force.<sup>34</sup> The latter turned out to be the former police president of Essen, Kurt Melcher, who had meanwhile been named to Grzesinski's place, and two other police officers. With Severing "yielding" to this show of force, the first stage of Papen's *coup* was completed.

As seen from the above, the central events of this story unfolded themselves in a most undramatic fashion. There was little of the blaring of bugles or sound of the drums on the part either of Prussia or of the Reich. A frosty, cynical interview in the offices of the Reich Chancellor, a handful of soldiers, a trio of police had been all that were required to overturn the administration of a great

state. The Reich had not even troubled itself to fulfill the age-long bureaucratic traditions of the Germans by supplying the removed Prussian ministry with a bill of particulars justifying the action. *Salus populi suprema lex esto* — the classical explanation of earlier dictators who had used the welfare of the people as a cloak for their own ambitions — such again was Papen's excuse for an action bearing harshly and unjustly upon honest and devoted public servants. Papen's *coup* was in part legally justifiable, in part unconstitutional, as will be seen. But in its origins and in the methods of its execution it was totally and unmitigatedly immoral. No sanctimonious later-day rationalizations can render it otherwise.

On the other hand, the role played by the Prussian ministers was far from inspiring. Only one member of the Prussian cabinet has claimed that he had laid plans for resistance. Otto Klepper, the Finance Minister, has pictured himself as a stormy petrel of potential resistance. By Klepper's story he had learned of the coming of Bracht to Berlin shortly before the twentieth and had sought to effectuate a plan for resistance which had earlier been discussed in the Prussian cabinet. He, Klepper, was to exchange his post as Finance Minister for that of Severing, the Interior Minister. The Prussian government would convert the Reichsbanner into emergency police and oppose any intrusion of the Reich in Prussia. Hindenburg was to be "discreetly neutralized," the Reich cabinet and the leadership of the Nazi party to be arrested, and the powers of government to be assumed by the Minister Presidents of the five largest *Länder*! This plan, claims Klepper, failed because of the lethargic pusillanimity of Severing.<sup>35</sup> Severing's excoriating denunciation in his memoirs of Klepper's account carries conviction.<sup>36</sup> Many minor aspects of Klepper's story suggest that it belongs among the gray shadows of the memoirs of those men who seek after the event to construct a role of importance they did not fill at the time. On the other hand, it is equally clear that Severing had been in the face of the events of July 20th neither a pillar of cloud by day nor a pillar of fire by night. Nothing became quite so ridiculous in the course of events as Severing's epigrammatic defiance, "I yield only to force." As for Otto Braun, when informed of the events, he considered a return to his office but learned by telephone that the Ministry of State was occupied by Reichswehr troops and that he was forbidden to enter or to make use of his

official car. As a consequence, he took no official action at all until July 22nd.<sup>37</sup>

The correctness of the decision by the Prussian ministers neither to seek to meet force by force nor to endeavor to oppose Papen's action by a general strike has been much discussed. The arguments of cold reason and common sense still throw the weight of their authority on the side of Severing and his colleagues. The use of the Prussian police against the Reichswehr troops who opposed them would have meant, if the police had remained loyal as was probable, a bloody and hopelessly abortive revolution punishable as state treason. To have called to the assistance of the Prussian police the Reichsbanner formations would have broadened the conflict into civil war, with the Reich government possibly countering this by making use of the Nazi para-military organizations. To have sought a new general strike in a time of depression would have involved equal difficulties — besides the rank and file of the Social Democracy seemed to be opposed. Any effort of resistance would have strengthened the hands of the Communists who had been begging for a common effort against fascism and would forge rapidly ahead amidst the scenes of revolution they were seeking. A new general election was less than a fortnight away and convinced democrats could not help believing that the events of July 20th would awaken the electorate to the perils on the right. And there was, last and not least, the resort of the German Supreme Court, the *Staatsgerichtshof*, where Prussian ministers felt confident the unconstitutionality of Papen's actions would be affirmed.

That which opposes the logic of Severing and his cohorts is neither clearly definable nor factually demonstrable. It is a posthumous analysis which says that the body of German democracy was not quite dead when Severing and his associates consigned it to the grave. Built upon the bitter commentary of the younger members of the Social Democracy at the time and of others at a later period this afterthought proclaims that the directorate of the Social Democrats lacked the daring and the drive which had once characterized the party.<sup>38</sup> The man in the streets, runs the story, waited for the call to move against his foes, but waited vainly. Such action might well have found a fumbling Reich government unprepared for opposition. Indeed, five months later Schleicher shied from the possibility of civil war when those opposed were

less organized and more poorly armed than the Prussian police. To have born aloft the torch of democracy by martial defiance of reactionary opponents, to have offered a role of action to replace the helpless passivity imposed upon German democrats during the past fourteen years might possibly have served to recreate for democratic forces a morale which had been virtually destroyed. At the least it would have left a legend of golden deeds and of martyrdom for ideals. It does appear that the leaders of German democracy "played it safe" in July, 1932, when there still remained an outside chance to save democracy from destruction. But that this was to be in the long run the last chance to prevent the demise of democracy or that the consequences of its passing were to be as catastrophic as came to be was by no means clear at that date. The pathway of history lies at most of its junctures forked into numerous alternative patterns, and it is far easier to see the trend of events from the vantage point of later years than from the viewpoint of the contemporary.

Moreover, it must be pointed out that the essence of an orderly democratic society is respect for law. Those who opposed Papen were those who also defended the normative state, the state wherein the roles of the individual and of the government are defined by law. Papen, who believed in *Staatsraison*, in the superiority of authority to narrow concepts of legality, could well proceed to skirt the edges of constitutional limitations. The Prussian ministers opposing his action could use force only at the expense of a relinquishment of their principles and the employment of the same concepts of *Staatsraison* which they condemned. It was, therefore, within the framework of their standards and ideals that the republican ministers met that which they considered unconstitutional action with patience, offering only such resistance as would require their opponents to make an overt display of force, and appealing to the judiciary to pronounce what had occurred an infringement of the legal limits of organized government.

There are several rather curious aspects of the action of the Reich. One of these was the failure to present the Prussian government with a formal list of its deficiencies in the conduct of government (*Mängelrüge*). Presumably this was not done for fear of the organization of concerted resistance to the *coup*. At the same time, Papen and his cohorts did not seem unduly troubled about such

a potentiality and their legal case would have been immensely strengthened if this had been done. Similarly, the nature of the decree imposing a Reich Commissioner upon Prussia was such as to engender unnecessary resentment. Paragraph two of Article 48 of the Weimar Constitution gave the President of the Reich authority to employ dictatorial measures when he considered that existing conditions were such as to imperil public order and security. This paragraph established no other standards for such action than the free judgment of the President himself. Practically all that was done within Prussia itself during the period that followed could have been accomplished under the aegis of this paragraph. But the Papen government joined to this the first paragraph of Article 48 which allowed the President to intervene in the affairs of one of the constituent states when that state failed to fulfill its requisite obligations within the framework of the Reich. The use of paragraph one confronted the Prussian government with an unnecessary charge of moral turpitude which added to the resentment of the Prussian ministers at what they considered a violation of legal principles a sense of outrage at the injustice of charges directed at their persons. The rationale of this action can only indicate that those responsible for the legal preparation for the *coup* were aiming at a higher goal than a temporary sequestration of Prussian governmental authority. That which was being sought was fundamental governmental reform to be accomplished through a quasi-legal process. Such an idea lay beyond the superficialities of a Papen, who, long after the event and in the presence of all the court action surrounding it, merely believes "the juris-consult of my Chancellery certainly thought it wiser to take both for the legal defense."<sup>39</sup> The more devious mind of Schleicher is clearly apparent and with it the ingenious, but also ingenuous, legal sophistry of Carl Schmitt, the apostle of dictatorship.

The career of this fascinating genius of the plausible and the opportune has been etched in venom by his one-time patron, Moritz Bonn.<sup>40</sup> Schmitt, says Bonn, was a *Privatdocent* in Strassburg until the end of World War I. Left in the cold as respects academic employment by the sundering of Alsace-Lorraine from Germany, Schmitt found a position in Greifswald, but the Protestant atmosphere of the institution chilled the bones of the Catholic Westphalian. Bonn, who had become on October 1, 1931, *Rector Mag-*



nificus of the *Berliner Handelshochschule*, brought Schmitt to Berlin to occupy the chair once held by Hugo Preuss, the father of the Weimar Constitution. The Rector recognized the great intellectual gifts of his colleague — he had, he says, failed to conjure with his colleague's boundless laziness, his eagerness for originality, his intellectual stubbornness. As a consequence, Schmitt, who came to Berlin singing paeans of praise for Preuss, fell into relationships with the "*Tatkreis*" and the reactionary circles about von Schleicher. By 1932 he was halfway along the road to the honorary position of *Staatsrat* under Göring. Basically, says Bonn, "Like all weak characters he yearned for the freeing deed; whether good or evil deed was to him in the final outcome one."<sup>41</sup> In the events of July, 1932, and following, Schmitt stands in the background weaving the pieces of a tapestry of legal apology for the replacement of the normative state by the authoritarian one.

Meanwhile, the scope of the action of the Reich rapidly broadened. The original order of the President carried with it a lifting of personal immunities guaranteed by Articles 114, 115, 117, 118, 123, 124, and 153 of the Constitution.<sup>42</sup> It made possible the employment of the death penalty for treason, arson, floodings, sabotage, bombings, etc. The very arrest of Grzesinski on the twentieth was a violation of his parliamentary immunity as a member of the Prussian Landtag.<sup>43</sup> On the following day he was again arrested along with vice-president of the Berlin police, Bernhard Weiss, and Colonel Manfred Heimannsberg, the head of the Berlin "Protective Police" (*Schutzpolizei*) and a trial process against them was set into motion by von Rundstedt.<sup>44</sup> Publication of the Communist *Rote Fahne* was suspended for a week and that of the Berliner *8-Uhr-Abendblatt* for four days for criticism of actions concerned.<sup>45</sup> When Prussian ministers failed to answer a summons to attend a ministerial conference issued, as later explained, by a typing error as though it were to be a meeting of the Prussian State Ministry with von Papen as Minister President, they were removed from office.<sup>46</sup> The concern of the Prussian Ministers for legal form was entirely justified. Papen replaced them with the State Secretaries of the respective ministries and convened the "cabinet" he had created as though it were properly replacing the State Ministry itself. As Reich Commissioner, he occupied the place of the Minister President; Franz Bracht served as Minister of Interior, replacing

Severing; Hans Heinrich Lammers, later Hitler's close confidant, served as Minister of Education. The other posts were held by State Secretary Heinrich Hölscher as Minister of Justice; State Secretary Frank Schleusener as Minister of Finance; and State Secretary Fritz Mussehl as Minister of Agriculture. At its first session the commission "State Ministry" named new representatives to the Reichsrat. It also began a series of personnel changes of staggering proportions. By the twenty-second the list of officials removed included State Secretary Abegg in the Interior Ministry, Ministerial Director Badt in the same ministry, State Secretary Staudinger in the Ministry of Commerce, State Secretary Krüger in the Ministry of Agriculture, the *Oberpräsidenten* of Lower Silesia, Saxony, Schleswig-Holstein, and Hesse Nassau, the *Regierungspräsidenten* of Frankfurt an d. Oder, Liegnitz, Magdeburg, Merseburg, Lüneburg, and Münster, and the police presidents of Königsberg, Kiel, Cologne, Elbing, Hagen i. W., Kassel, Oppeln, and Altona.<sup>47</sup>

But, while it was using the "big stick" in Prussia, the Papen government proceeded rather cautiously elsewhere within the Reich. At a *Länder* conference in Stuttgart on the 23rd Papen declared he had no intention of destroying the federal character of the Reich. There was good reason for him to display caution at this time. South German states at the *Länder* conference voiced their alarm at the *coup* against Prussia and carried a resolution against the procedure.<sup>48</sup> The interim supervisory committee of the Reichstag (*Überwachungsausschuss*) met in spite of Nazi leader Gregor Strasser's efforts to obstruct such action and demanded that all Papen emergency decrees be withdrawn, including those against Prussia.<sup>49</sup> And, on the twenty-third, the *Staatsgerichtshof* or Supreme Court began its consideration of the request of the Prussian government for a temporary injunction estopping the action of the Reich. The latter was, of course, a request with little outlook for success. In spite of able pleading by Ministerial Director Brecht, by the able jurist and expert on the Constitution, Gerhard Anschütz, and the well-known Bavarian legal authority, Hans Nawiasky, the court could scarcely ignore the logic of the representations of the Reich. In behalf of the Reich, Georg Gottheiner of the Interior Ministry pointed out that any temporary injunction would prejudge a difficult and complicated point of law. If the court issued such an

injunction, it would be declaring that no emergency such as had been proclaimed by the President of the Reich actually existed. It would, therefore, be deciding in advance of the pleading of the case in favor of Prussia.<sup>50</sup> The court accepted the logic of this argument and refused to issue the injunction requested by the state of Prussia.

Logically, of course, there was a reverse side to this coin. In the decision of the *Staatsgerichtshof* that it must await the presentation of complete legal briefs and arguments before it could render a decision and that, therefore, no temporary injunction could be issued, was involved a presumption of the legality of the Reich action and a procedure by which the weight of proof of illegality rested on those who opposed that action. Before the actual proceedings in the case had opened, July had passed into August, August into September, and September into October. "The hot summer days between July and August," remarked Julius Leber, the Social Democrat, in his afterthoughts, "dug the grave of the Weimar democracy."<sup>51</sup> Each day's delay in legal preparation did, in fact, provide opportunity for the multiplication of the changes of personnel and of system in which the Commissionial regime in Prussia engaged. These actions on the part of those officials whose role was still subject to pending legal review resulted in a situation where no real possibility of a return to the "*status quo ante Papen*" existed. Meanwhile, the legality of the position of the Commissionial regime became subject to increasing doubt. Before the case actually came to trial, the deposed Prussian government had been joined in its remonstrances by the governments of Baden and Bavaria and the representatives of the Center and Social Democratic parties. That which resulted was, in the description used by one observer for such cases, a "*Monstre prozess*," a legal procedure accompanied by all the drama of the stage, in this case, however, the notes of tragedy predominating.<sup>52</sup>

Von Papen himself held by the terms of the presidential decrees concerned, the title of "Reich Commissioner for Prussia." All Reich officials supervising the government of Prussia acted in his behalf and subject to his authority. His role in this position tended to duplicate that of the pre-war chancellors, who had been both Chancellors of the German Empire and Minister Presidents of Prussia. Papen probably delighted to think of himself sitting in the

chair which Bismarck had occupied and he often pictured his objective as a return to the situation existing prior to World War I in order to indicate that his action was not revolutionary or unitarist in nature and should not occasion great concern.<sup>53</sup> But Papen's appeal to traditionalism lacked the sense of gradualism which had been a part of that tradition. The consequences were that his policies were, indeed, revolutionary in character and opened the door to even more revolutionary after-effects.

Von Papen's major representative in Prussia and the Reich Commissioner for the Prussian Ministry of the Interior was Franz Bracht. He had been chief mayor of Essen since 1924. He was a member of the Center Party. He had received some mention as Brüning's successor in early June. He was well acquainted personally with some of the cabinet members.<sup>54</sup> Beyond these simple facts the details of his character and background are most elusive. As has been noted above, he had come to the attention of Meissner as an advocate of Reich intervention in Prussia before such action was taken.<sup>55</sup> With his assumption of the post mentioned, he began attendance at sessions of the Reich cabinet as well as that of Prussia and took full part in its proceedings.<sup>56</sup> His utterances were directed strongly toward the increase of Reich authority and imply considerable friendship to the Nazi position. It would appear that he was something of a maverick Centrist much of the same character as von Papen. All in all, however, he remains largely a figure of the shadows, serving later as Schleicher's Minister of Interior during the latter's brief term as Chancellor and dying early in the Nazi era.

Bracht's announced purpose followed the oft-used line of "raising the state above parties." Police officials were not to take part in any political functions in uniform. The use of *Hilfspolizei* (auxiliary police) was rejected. All state officials were to be servants of the whole and to think and act above parties — "Now it is necessary again to write large the word state and to set up service to state and nation as the sole objective of all our work," he proclaimed.<sup>57</sup> The first steps in a series of reforms professedly directed to this end antedated the elections of July 31st. By July 25th Bracht was able to report to the Reich cabinet that he had almost completed the reorganization of the police presidency in Berlin.<sup>58</sup> A day later the Prussian civil service officials were notified that they now had the right to belong to the Nazi party.<sup>59</sup> Another day later Bracht by

emergency decree closed "a considerable number" of the offices of the *Landkreise* (counties) and of district courts. The details of this action he refused to publish because, he said, it was too complicated for immediate publication in full and a publication in part would lead to misunderstandings.<sup>60</sup> It was, however, quite clear that Bracht was moving toward an administrative reform of considerable scope. The groundwork for such action had been laid by the Braun-Severing government, but it was not to be anticipated that the end results accomplished under the representative of a reactionary Reich Commissioner would please democratic-minded observers.

The election of July 31 brought little increased support to the Papen regime. The Communists inveighed against reaction in government, and the Social Democrats were outraged at the events in Prussia. Center party leaders still seethed with resentment at the cavalier treatment of Brüning and were also heavily involved in the cause of Prussia. The Nazis had no intention of according von Papen praise for his achievements at Lausanne or his policies at home. From the first the Nazis, who considered themselves part of a great and vital mass movement, sought to hold at arm's length a cabinet which talked in terms of abstract "authority." They recognized the caustic effect of such charges as that of *Vorwärts* on July 29: "The National Socialists want to renew Germany. For this they have opened the door of our country's antiquity and hauled out the dusty figures of the past."

The only favorable reaction to the Papen government was that advanced by the German nationalist leader, Alfred Hugenberg. On July 25th the cabinet received a private letter from that worthy in which he greeted the actions against Prussia with pleasure, noting that the Braun government had not been properly in office.<sup>61</sup> However, Hugenberg added to his praise a warning that the economic decrees of June 14th failed to recognize "the psychological factors in the situation." Hugenberg expressed his hope that the provisions of these decrees would be moderated and suggested government action to assist in the regulation of interest on loans from abroad in private hands. Composed fifty per cent of criticism, fifty per cent of praise, Hugenberg's letter could scarcely be construed as a promise of support for the Papen government. With all the other political leaders strongly hostile to Papen, there was no real way in which public support for the cabinet of barons could have been

expressed if it existed. Certainly a vote for any of the existing parties, with the possible exception of the German Nationalists, would have seemed a mark of disapproval for the regime.

The results of the elections of July 31, 1932, recorded a new high point for National Socialist strength. Almost fourteen million Germans voted for the party of Adolf Hitler. In this outcome was embodied the nemesis of the Papen government. Based on the conception that party politics was harmful to the state and that state "authority" should be above parties, the Papen regime had been forced to conduct its affairs during the first two months of its term in office in the presence of a virulent Reichstag campaign from the results of which there was no conceivable way for it to derive advantage. The voting strength of the National Socialists entitled them by the normal process of parliamentary government to proclaim their right to the chancellorship—as they did. It was, therefore, imperative for the Papen government to do one of two things—share their responsibility with the Nazis in order to gain popular support or void the parliamentary system which Papen's concept of the "New State" had already negated. It proved, however, to be impossible to accomplish either alternative.

Shortly after the elections the Papen government began to retreat from its original policy of relaxing controls over political terrorism. Bracht, in dealing with existing difficulties before the cabinet, still attributed to the Prussian police prejudice against the National Socialists.<sup>62</sup> Soon, however, the solicitude for the National Socialists, which had formed a part of earlier cabinet meetings, began to be conspicuous by its absence. On August 9th von Papen declared that there appeared to be an organized move underway to convince the populace that only through putting Hitler into the chancellorship could political terrorism be ended.<sup>63</sup> The cabinet determined thereupon to issue an emergency decree visiting the death penalty upon those who committed murder in political controversies and severe penitentiary sentences upon those responsible for lesser injuries.<sup>64</sup> It was, of course, clear to the existing cabinet that a clarification of the relationship of the National Socialists to the government must be brought about. The decisive discussions of this problem took place in the cabinet on August 10th.

By the time the cabinet arrived at this vital time for decision its leading members had already indicated the probable results

of the deliberations. Von Papen on the day after the elections informed the Associated Press representative in Berlin that he had no intention of seeking to build a parliamentary coalition. On August 8th he added the comment that he would welcome the participation of "suitable personalities" from the National Socialist party in the cabinet if it could preserve its supra-party position.<sup>65</sup> These comments indicated that the chancellor was not tremendously disturbed by the election results. On the 10th he opened cabinet discussions with a rather optimistic sketching of the situation. The Nazis, he pointed out, had had the fullest opportunity to develop their full voting strength. With all propaganda means possible at their disposal they had been able to gain only thirty-seven and a half per cent of the votes. It now appeared that they were seeking by use of force to rectify the deficit in numbers. The National Socialist press was openly proclaiming that only through a Hitler cabinet could public order be restored. This situation, von Papen admitted, was a dangerous one for the cabinet. The Right must be brought to an accounting. It must, he felt, seek to find a middle road between the retention of a presidential cabinet and the pressure of the National Socialists for a partisan government. But von Papen felt that the major tasks of the government — the constitutional regulation of the relationship of Reich and Prussia, the reform of voting rights, the creation of a "first chamber," and administrative reform in Reich and *Länder* — would be greatly hampered if Hitler became chancellor.

After von Papen, the other cabinet members presented their views. Perhaps von Schleicher presented the alternatives most clearly when he pointed out that the cabinet must now choose between seeking to continue in unaltered form and bringing National Socialists into its ranks. If the former alternative were followed, he indicated, the cabinet must seek by positive action to gain popular support. He was not, he said, overly fearful of the prospect of continuing for a time with only minority support (that of the Nationalists). He believed, he said, that police and army would execute the orders of the government loyally. But he did fear the possibility that a National Socialist-Center Party coalition might be negotiated. Creation of such a coalition would add to the present political crisis a presidential crisis since von Hindenburg was unwilling to accept such a coalition government. By far and

away the best solution, felt Schleicher, would be participation of the National Socialists in the present government, but it would probably be difficult to achieve this, especially in respect to Hitler, who would insist upon a position of leadership.

The most interesting aspect of the cabinet discussions was the strong sentiment displayed against any very extensive participation of the National Socialists in the government. Von Gayl, Neurath, Schäffer, Warmbold, Krosigk, and Gürtner seemed less than lukewarm about the prospect. Von Gayl, for his part, was ready to see the suspension of the newly elected Reichstag, an *oktrojiert* election law raising the voting age, and a rather indefinite postponement of new elections. This, of course, would be a "revolution from above" but von Gayl seemed prepared to take the risks involved. So also did most of the others mentioned. Warmbold and Krosigk both indicated that economic prospects were favorable and that greater public support might be anticipated as a consequence. It would appear, therefore, that the historic negotiations between the von Papen government and Hitler in respect to the latter entering the cabinet were undertaken with a majority of the cabinet members fully prepared for the failure of the negotiations and anticipating that this would be followed by extra-constitutional alterations in government carried through by action of the Reich President. It is also to be noted that the disposition of affairs in Prussia formed a vital part of the discussions, with a number of cabinet members feeling that National Socialist entry into the cabinet might halt the reforms that had been initiated. Strangely enough, however, Papen's representative in Prussia, Bracht, believed that the situation there could not be regulated successfully without Nazi participation. Perhaps his attitude was influenced by National Socialist mention of his name as an acceptable candidate for the Prussian Minister-Presidency! It might be noted that Bracht was consistently pro-Nazi in his position.<sup>66</sup>

The negotiations between Hitler, Göring, and Ernst Röhm on one side and Papen, Schleicher, and von Hindenburg on the other took place between August 10th and 13th. They were heavily covered by the press at the time and the dramatic final scene in which von Hindenburg received and dealt with Hitler as though he were a subaltern reporting to his superior was detailed on the front pages throughout the nation. As Papen later reported to the cabinet, it



had been clear by the close of his own discussions with Hitler that the latter would not enter into the existing cabinet. The Nazi leader had berated von Papen for the weakness of his actions against the Marxist parties and declared that they could only be rooted out "by fire and sword." Neither he nor any of his followers wished a part in a Papen government, even though von Papen, on his own authority, had offered Hitler the vice-chancellorship and indicated that he would step aside when the Nazi leader proved his ability to take over the top position. Hitler had not wished, said von Papen, to see von Hindenburg, but von Papen had insisted in order that Hitler might obtain the decision from the President's own mouth.<sup>67</sup> It was, therefore, von Papen who was responsible for the painful scene in which Hitler confronted the aged Reich President to be treated in almost cavalier fashion and reproached for his refusal to accept a subordinate role in the Papen government. Von Hindenburg alleged that the Nazis had promised toleration of the Papen regime and were now acting in bad faith in opposing it. He told Hitler he could not reconcile with his conscience turning over to the leader of one party the full powers of the state to be used in a one-sided fashion. He threatened the use of extreme measures against any effort to alter the situation by means of force.<sup>68</sup> All in all, the interview constituted one of the most humiliating experiences of Hitler's political career. It made him extremely cautious during the process of negotiations later in the year.

The Papen cabinet greeted the news of the outcome of negotiations with Hitler with composure and even satisfaction.<sup>69</sup> Von Gayl, who had been inclined from the first toward independent action, made use of the occasion of the festival for the constitution, which came in the midst of the conferences with Hitler, to expatiate on the government's proposals for constitutional reform. Here, on the day traditionally set aside for the celebration of the drafting of the Weimar Constitution, von Gayl set forth the plans for an alteration of the voting arrangements, the creation of a "first chamber," and a rectification of the relationships between Prussia and Reich.<sup>70</sup> The entire circumstances surrounding the Hitler-Papen negotiations of August 10-13th indicated that Hitler was not actually being offered even a fifty-fifty share in governmental decisions but merely the opportunity to take a meaningless role in governmental policies already "*fix und fertig*" — to lend the weight of his electoral

prestige to the plans of those who professed to ignore election results.<sup>71</sup> It is little wonder that the National Socialists rapidly shifted ground after August 13th and became virulent opponents of the Papen government. This opposition found its strongest outlet in the criticism of the Reich Commissioner's position in Prussia.

Meanwhile, on August 3rd, the upper house of the German legislature, the Reichsrat, met under the chairmanship of Minister of Interior von Gayl. The meeting was preceded by unavailing efforts of representatives of the Commission regime in Prussia to obtain admission to Reichsrat standing committees.<sup>72</sup> Representatives of Bavaria, Württemberg, Baden, Hesse, Hamburg, Lippe-Schaumburg, and most of the Prussian provinces presented their objections to the effort to introduce representatives of the Reich Commissioner into the sessions of the Reichsrat and announced that they were taking part in the existing session only because the chair of Prussia remained vacant and that only urgent and necessary business should be undertaken until the decision of the Supreme Court became known.<sup>73</sup>

The Bracht regime continued to seek Rightist favor by a strong campaign against the Communists. On August 12th it engaged in a series of house searches in all the large cities of Prussia.<sup>74</sup> A week later it made the first of a series of gestures in the area of morality regulations by a decree against exhibitionism in public swimming pools, theaters, etc., including a prohibition of beauty contests.<sup>75</sup> Presumably this was meant to appeal to Catholic sentiments although it seemed to have little effect in that regard. But lack of public support did not prevent the Bracht regime from setting forth at the end of August what Bracht called his "little administrative reform" ("*kleine Verwaltungsreform*") by which seventy judicial positions (*Amtsgerichte*) and fifty-eight county governments (*Landkreise*) were eliminated.<sup>76</sup> It was, of course, soon broadly noised about that these reforms had been in finished form awaiting only effectuation before the Braun-Severing regime had been displaced. This circumstance added fuel to the Nazi fire of criticism.

Goebbels' personal declaration of war against the Papen regime was announced in his diary on August 28th. "We must set ourselves for a sharp and bitter struggle with the Reaction," he noted. It intends "to live by the fruits of our work."<sup>77</sup> The first signs of this opposition were found in the sessions of the Prussian Landtag which

opened on August 30th. There the Nazi deputies joined with Center, Social Democratic, and Communist representatives in a series of resolutions condemning the establishment of a Reich Commissioner in Prussia and virtually directing the Prussian civil servants not to feel themselves bound by the directives of these unconstitutionally interposed authorities.<sup>78</sup> Naturally, these resolutions reflected only an agreement upon criticism of the Papen regime and not common and coordinated action in any positive sphere. The tone of Nazi speakers was similar to that of the bitter tirades launched by Goebbels in *Der Angriff* after September 6th against "the fine folk" (*Die feine Leute*) now ruling Germany. For fourteen years, said Goebbels, these "high class" people had sat in their club houses and society homes and talked themselves blue in the face and now they sought to reap the rewards of those who had done the fighting against the Weimar system. He accompanied this general attack with specific assaults on Bracht's "impossible administrative reforms" dreamed up by idealists at their work tables and on Papen's economic program of early September.<sup>79</sup>

Bracher has called the situation existing in early September of 1932 one of the "isolation" of the Papen regime and one of a "power vacuum."<sup>80</sup> This analysis is not an entirely convincing one. The Papen regime had been from the first, one built not upon any positive popular or legislative support but rather upon the personal authority of the Reich President. That authority had not been shattered by the events of August, 1932, but rather reenforced. The humiliation forced upon Hitler and its acceptance with tones of helpless indignation had evoked a considerable relaxation of the situation. The strong moves of the Papen regime against political excesses during the month of August had begun to obtain some support even from originally hostile onlookers.<sup>81</sup> Late in August the Papen government was presented with its golden opportunity for achievement. On August 9th, an hour and a half after the emergency decree against political terrorism mentioned above had become effective, an armed band of Nazi S.A. terrorists forcibly entered the home of a Communist worker in Potempa, a tiny Upper Silesian village, and beat him to death before the eyes of his mother.<sup>82</sup> Five of these terrorists were condemned to death by a specially constituted court which deliberated in Beuthen from August 19th to 22nd. For almost two weeks the Papen government

held fast to a firm stand for the execution of the judgment. As late as August 28th Papen made a speech in Munich in which he vehemently denounced the "lack of self-control" (*zügellosigkeit*) of Hitler and declared in strident tones, "When I today advocate in opposition to Hitler the state of law, the community of the people, and order in the leadership of the state, it is I and not he who pursues the goals of millions of his followers in the struggle against party domination, arbitrary government, and injustice." And, proclaimed Papen, "I am firmly determined to trample out the smouldering flame of civil war and to end the condition of political unrest and political deeds of violence . . ." <sup>83</sup> Five days later the Commission government in Prussia announced the commutation of the death penalties of the convicted murderers to life imprisonment. Of this action Papen now states that it was a "grave political error." <sup>84</sup> Julius Leber, the Social Democrat, stated it better when he wrote that the failure to execute the Nazis meant the execution of the government instead. <sup>85</sup>

It is characteristic of Papen that he makes no mention in his memoirs of von Hindenburg's influence upon this decision. But it appears that it was the aged marshal's personal suggestion of clemency that turned the tide. <sup>86</sup> The Reich President had at the close of the historic conference of August 13th extended the hand of soldierly comradeship to Hitler after his lecture on patriotism and good conduct. <sup>87</sup> Now in the face of a deed of unspeakable sadism von Hindenburg still found just cause for amnesty. The Nazis who had committed murder could not have known that the Reich cabinet had only an hour and a half before the deed established a death penalty for such actions! In respect to the Beuthen affair von Hindenburg had once again proved to be a reed not a rod.

Von Hindenburg did, however, as early as the end of August indicate that he would be willing to dissolve the Reichstag and postpone new elections beyond the constitutionally established limit of sixty days. He also agreed with Papen that if federal control over Prussia were threatened, the Reich Minister of the Interior should be empowered to take over all police forces in the country. For both of these steps he promised to give von Papen a blanket authorization. <sup>88</sup>

There remained, therefore, after September 2, 1932, a thin chance for the success of the Papen regime. This was that it should

be able to generate a perceptible economic recovery and that it should be able to accomplish at least a partial reform of the constitutional basis of government. In the first of these it made some progress. In the second it failed completely. In this failure the weakness and indecision of von Hindenburg, the schemes and intrigues of von Schleicher, and the indignant and partially successful legal defense of its rights by the deposed Prussian government played approximately equal parts.



## CH. V. PREUSSEN CONTRA REICH

“Confusion, worse confounded” — only thus can be described the political situation existing in Germany in early September, 1932. The Reichstag elections of July 31st had resulted in an anti-parliamentary majority. The “revolutionary parties,” the Communists and National Socialists, held over half of the seats in the Reichstag. The existing government had the narrowest kind of parliamentary support. It had been created as a frank rejection of the significance of parties and election votes. But Schleicher, the author of this expression of authoritarianism, was now avidly seeking a popular basis for a regime loudly proclaiming its right to ignore the popular will. Papen, the chancellor, von Gayl, his strongest aide, and others of the cabinet longingly eyed a more comprehensive *Staatsstreich* than that which they had undertaken in July against Prussia. They were now beginning their three months’ quest for presidential support for measures transitional in nature designed to prepare for a constitutional monarchy.

The man from whom Papen and his associates sought support was thoroughly a monarchist. Neither affection for nor a sense of loyalty to parliamentary institutions or the “state of law” bound him from carrying out the measures suggested. Exactly why von Hindenburg hesitated is difficult to say. Perhaps sometime later the Hindenburg family archives will yield answers to this and other troublesome questions.<sup>1</sup> Meantime, the guess can only be hazarded that a doddering, befuddled octogenarian, made cautious by his recognition of his own mental obscurity, picked his way gingerly through these troubled days. Personal feelings now weighed far more heavily with him than an analysis of political factors or legal considerations. Papen, his beloved “Fränzchen,” he clung to, although by instinct he still sensed that Schleicher was the stronger man. But his footsteps could not be led firmly down the path toward monarchical restoration. To him the time seemed not yet right. He was much troubled by the Nazi threats of bringing action to impeach him before the Supreme Court.<sup>2</sup> Very probably there also remained a serious question as respects the choice of a ruler. The longevity of the former Kaiser (he did not die until 1941) did not serve well the interests of his dynasty. To return him to his throne was impossible. To choose his son in his place was abhorrent to

the Field Marshal, who had already had cause to regret the halfway support he had given in 1918 to the Kaiser's enforced abdication. Then, too, the Crown Prince had considered campaigning against von Hindenburg at the polls in February and continued his attachment to the banner of the Nazis. Beyond this, he was considered too self-willed and meddlesome to make an acceptable candidate for the throne. The seriousness of rumored plans for his assumption of the throne in the fall of 1932 still appears dubious.<sup>3</sup> The government of von Papen was, therefore, in September, 1932, an authoritarian government without a sense of true authority, a monarchist-minded regime without a king to hear its wishes, an anti-parliamentary government forced still to tread the path and go through the motions of a parliamentary regime.

The month of September, 1932, brought significant developments in both the national and Prussian arenas. On September 4th, the Papen cabinet issued the decree designed to spur economic revival and thus demonstrate "the positive accomplishments" which the cabinet had talked about so much. The nature and consequences of this "work-creation program" are both subject to some debate.<sup>4</sup> The measures taken were unusual and difficult to assess. Those businesses and individuals who paid in advance taxes of certain types due in the period from October 1, 1932, to September 30, 1933, were to receive tax certificates counting as a reduction of the tax concerned. Thus, forty per cent of the turnover tax (*Umsatzsteuer*), the trade tax (*Gewerbesteuer*), and the land and building tax (*Grundsteuer*) and one hundred per cent of the transportation tax (*Beförderungssteuer*) then in existence were to be subject to this reduction. This, however, was a tax reduction whose benefits were not to be immediately realizable. The tax certificates concerned could, after 1934, be employed to pay taxes then falling due with the additional advantage of a four per cent interest credit per annum for the period during which the certificates were held. One fifth of the total value of the certificates was realizable for tax purposes during 1934 and each succeeding year. The interest sum involved (*Agio* would be more properly used because it was a premium collected on the basis of the total original capital sum) had to be collected during 1934 and each year following during the five year period concerned or it would be lost.



The incongruities involved in the plan even within the foregoing description are astounding. One got tax reduction only by paying taxes promptly. The Reich reduced taxes but hoped and expected to have more rather than less money available to spend, since the actual reduction of revenue was postponed until 1934 when the tax certificates would become redeemable. The whole scheme was a device designed to give a jog to business by a reduction of taxes and, at the same time, not make it necessary for the government budget to go into the red in the midst of depression conditions. The tax reductions given were accompanied by moral pressure to use these advantages for the expansion of business and additional employment needed to assist recovery. If this were successful, the tax reductions would, in the long run, not cost the government revenue but rather increase tax returns!

Although the tax certificates could not be converted directly into cash, they could be discounted at the rate of 75% at the Reichsbank and, therefore, tended to acquire the character of legal tender. This made it possible for those who acquired them to obtain credit for purposes of business expansion, if they did what the government wished, or to pay off old debts, if they did what the government did not wish. There was no specific control device set up to make sure that the credit obtained really contributed to the expansion of business.

It will be noted that the benefits of this portion of the Papen economic program were clearly directed toward larger scale businesses and enterprises. Tax certificates were not issued in denominations smaller than 10 R.M. with this provision purposefully included to prevent small farmers and businessmen from "cluttering up the works" in respect to the tax reduction process.

There was a second aspect of the Papen program which was not to remain in effect long but seriously influenced its public reception. This was a procedure by which businesses adding men to their payrolls received a bonus. Enterprises which could prove that in the period from October 1, 1932, to September 30, 1933, they had employed more men than in the quarter of the year from June to August, 1932, were to receive for each extra man so employed a subsidy of 400 R.M. This direct governmental aid to the creation of work would not, however, actually cost the government money, since it had to provide for each unemployed man a normal support

payment of 500 R.M. Closely associated with this was a provision allowing those companies which hired more workers to reduce wages below the official, legal wages of the day.

The last aspect of the Papen economic program was a move toward a quota tariff system for agricultural products, designed to supplement the features of the program already described, because the major benefits of the other portions of the program would be felt by the industrial sector of the economy.

The whole plan, of course, gave evidence of the academic mentality of Papen's Economic Minister, Professor Hermann Warmbold, its chief author. There was little to appeal to the general public in its procedures. To the unemployed in town or country there was offered only the vague hope that businesses and agricultural estates might find it possible to increase employment. The reaction of the business world itself was, however, favorable. There was a rise in the stock market. Papen began to gain some very ardent support among the great industrialists.<sup>5</sup> It is ironic that the remaining events of the Weimar period took place in the presence of gradually improving economic conditions but that this improvement did not really become perceptible to the public at large until, amidst vigorous and energetic programs of public works and relief, the Nazis were able to capture credit for what had been well begun before they assumed power. As for the Papen economic program, the extent of assistance which it offered to recovery is quite debatable. The tax certificate scheme anticipated a number of features of the system of Mefo Certificates created later by Schacht to finance the beginning of Germany's rearmament.<sup>6</sup> Both mortgaged future prosperity for the sake of more immediate economic goals. Both were schemes for moderate and controlled inflation after a period of severe deflation. Both sought to veil this process from the public because of the past history of inflation in Germany, which might trigger hysterical reactions. Undoubtedly Papen's tax certificates added some momentum to the improvement of economic conditions which had begun after Lausanne. But their effect was quite gradual and they were not designed to cope with one of the most serious aspects of the business cycle — the psychology of the public. The Papen program seemed a strong demonstration of the truth of Social Democratic charges that the government was hostile to the worker and unconcerned with the welfare of the man-on-the-street.

That businesses received bonuses while workers faced the threat of further salary cuts seemed to link barons and tycoons in an unholy alliance.

Nor did the Papen government gain stature by the *opéra bouffe* attending the opening of the Reichstag. Papen had discussed his economic program with the President at his estate in Neudeck on August 29th. At that time the President had not only approved the program but had given Papen the necessary authority for the dissolution of the Reichstag.<sup>7</sup> The President's action was taken in the face of the clearly apparent fact that the von Papen government would not be able to acquire a majority support. His decision ignored the negotiations being carried on between the Center Party and the National Socialist Party for a parliamentary coalition, although both parties professed optimism as respects the outcome of the consultations. Both National Socialists and Centrists sought during the period immediately prior to the opening of the Reichstag to stave off a dissolution decree. Their efforts had no effect upon the President. He had decided long before this that he would not accept any kind of coalition government which sought to base itself upon the support of the Reichstag rather than that of the Presidency. What the Papen government anticipated, therefore, was a brief session of the Reichstag during which the initial formalities would be completed; the government would present its report of past achievements and plans for future accomplishments, and then dissolve the Reichstag if it failed, as anticipated, to receive support. Papen even had some hopes, undoubtedly unjustified, that the Reichstag might be prevailed upon to adjourn itself for a six months' political truce.<sup>8</sup>

The Reichstag had its organizational meeting on August 30th. The two hundred thirty Nazi deputies stood out from their party's opponents by virtue of their youth as well as their uniforms. They listened with disciplined attention while the opening speech, traditionally given by the oldest member of the Reichstag, was read by Communist Klara Zetkin, who had flown back from a visit to Moscow to gain this honor. Her monotonous *clichés* were interrupted only by the gentle *Zwischenrufe* of the Nazis, "Das kommt nur einmal" ("That comes only once" — parodying a song popular at the time). Then Hermann Goering, soon to replace Gregor Strasser as the Nazi second-in-command, was elected President of

the Reichstag and business got underway. The various resolutions were presented — among these, as was usual on such occasions, several affirming lack of confidence in the government. Goering expressed his trust that the Reich President would not, as rumor had it, break his oath on the Constitution by shutting the Reichstag out of governmental affairs. Recess was then taken for two weeks.<sup>9</sup>

Formalities out of the way, the Reichstag proceeded quickly to business on September 12th. During the consideration of the order-of-business there came suddenly, and quite evidently by pre-arrangement, a Communist proposal for an immediate vote upon their own resolution of lack of confidence in the government. A single objection in the Reichstag could have prevented the proposal from being accepted. Goering, however, allowed no time for such an objection. Quickly announcing that in the absence of objection the Communist proposal was accepted, Goering then entertained a motion for a half-hour adjournment of the session.<sup>10</sup>

The cabinet had been caught flat-footed by the procedure. Von Papen had not brought with him to this session the decree of dissolution already signed by the President. In anger and in haste he dispatched a messenger to bring it. When the Reichstag reassembled, he had the famous red portfolio in which such decrees of dissolution were customarily conveyed to the Reichstag. But Goering refused his request to be heard, announcing that the vote on the Communist proposal had already begun and that discussion was, therefore, out of order. Papen marched to the rostrum and placed the decree of dissolution before Goering. The latter ignored it and allowed the voting to continue. State Secretary Planck of the office of the Reich Chancellor came forward and shoved the decree clearly into Goering's view. The latter continued to pretend not to see it. White with rage, Papen and the cabinet as a whole left the Reichstag. The voting was continued. By a vote of 512 to 42 the Communist resolution of lack of confidence was adopted. Upon this Goering picked up the decree of dissolution, read it, and announced that it was of no effect since the cabinet which had countersigned it was no longer a legal one.<sup>11</sup>

Goering maintained only a short time his pretense that the Reichstag had not actually been dissolved. Although he had found Center and Social Democratic deputies willing to participate in the vote against the Papen regime, he did not find them prepared

to back Nazi leadership denying the validity of the President's decree. By the following day Goering accepted the legality of dissolution on the argument that even a cabinet which had fallen by a parliamentary vote could legally countersign such a decree of dissolution. Under Social Democratic leadership the defense of the position of the Reichstag was shifted from the Council of Elders, whose session would have meant that the Reichstag had not been dissolved, to the Committee for the Defense of the Rights of Parliament, which was an interim committee unaffected by the dissolution order.<sup>12</sup> Had Goering continued with his efforts to renew the full session of the Reichstag, the Prussian police stood ready, under the authority of Reich Commissioner Bracht, to prevent the assembly.<sup>13</sup> Perhaps it was knowledge of the readiness of the government to take direct action which prevented Goering from pushing further the fiction that the decree of dissolution was invalid.

These developments were by no means unrelated to the story of affairs in Prussia. They underscored the fact that the Papen government had, by early September, 1932, forfeited all real hope of obtaining popular support for its position. There was nothing within the complex phrases of Papen's work-creation plan likely to bring a tidal wave of pro-Papen votes at some future Reichstag election. The nonsensical scene accompanying the dissolution of the Reichstag emphasized the deep rift between the "barons" and the Nazis. The vote of lack of confidence indicated that eleven-twelfths of the country's elected delegates were hostile to the government. Even the pre-war Hohenzollerns would have hesitated to support such an unpopular chancellor. Nevertheless, the Papen cabinet continued to press for constitutional revision and Prussia stood in the center of its proposals.

On the evening of the dissolution of the Reichstag, Papen made on the radio the speech he had intended to present within the legislative halls. His remarks punctuated by sharp thrusts at the actions of the Nazis in the Reichstag and their continued failure to think "above party," Papen indicated that the cabinet still expected to bring into being a new era of German history. The Papen cabinet proposed first and foremost to end the "Reich-Prussian dualism" still existing. This would be followed by the steps necessary to close the "liberal" era of politics and move to one of greater security and stability for the state.<sup>14</sup>

Exactly how this was to be done Papen did not say. Crossed out of the original draft of his speech was a statement promising that only constitutional methods would be employed. Undoubtedly the Papen regime had intended to use the *coup* against Prussia as a springboard by which to "pack" the Reichsrat, the "upper house" of the parliamentary establishment, with the delegates named by the Commissionial regime in Prussia. In this way Papen and his cohorts had hoped to gain support of the Reichsrat for constitutional reform. Even so, any action by the cabinet would still have had to obtain the adherence of the Reichstag to be constitutional, but the Papen cabinet evidently expected that the meeting of the latter body could be indefinitely postponed and that public sentiment might alter during this period of delay. Any such prospects of effecting constitutional revision by a quasi-legal process died stillborn with the violent opposition of the South German states in the Reichsrat. There now remained two possible methods by which the Papen cabinet might still achieve its objectives. If the Supreme Court in the pending legal review of the federal action against Prussia completely upheld the position of the Reich, then the Prussian Reichsrat plenipotentiaries would be clearly and legally under the direction of the Reich Commissioner. In this case it might be possible to overcome South German objections to consideration of constitutional reform by the Reichsrat. If this proved impossible, the only alternative was to prevail upon the Reich President to violate the Constitution by proroguing the Reichstag and carrying constitutional reform into effect by his decree power. The process of dissolution of the Reichstag in which the President had just taken part augured well for this possibility. Von Hindenburg's decree of dissolution specified as the reason for its employment, that there was "danger that the Reichstag might demand the withdrawal of my emergency decree of September 4th."<sup>15</sup> Yet, the Constitution had specifically provided that if the Reichstag disapproved the decrees issued by the President under the aegis of Article 48, they should be immediately revoked. In effect, therefore, Hindenburg's action was a direct repudiation of the only constitutional check upon his authority. By this action he had, as it were, erected Article 48 into a separate constitution fully equal to the Weimar Constitution itself. In so doing he was effectuating the view of that article to be set forth by Carl Schmitt in the trial

before the Supreme Court in October. Furthermore, von Hindenburg in his dealings with the representatives of the Reichstag, particularly with Goering, both before and after the dissolution, indicated his complete rejection of the parliamentary system. Somehow, however, the narrow-minded and obstinate old man could not quite follow his actions through to the logical conclusion of an open breach with the process of partisan elections.

In Prussia, however, the puppet regime of Bracht moved ahead toward constitutional revision "*am kalten Wege*" — by emergency decrees which ignored legal limitations of authority. Early in September a decree for "administrative reform" recast the function of the officials heading administrative subdivisions — the *Oberpräsidenten*, *Regierungspräsidenten*, and *Landräte*. The general trend was toward increasing the authority of these subordinate officials at the same time that they were tied more closely to the central government of Prussia. Thus, they were freed to a considerable degree from requirements for consultation with elected assemblies and obtained increased supervisory powers. The *Oberpräsident* became, as it were, the direct representative of the state government within his province, having the right to supervise the activity of all subordinate officials and the right and obligation to bring to their attention the general policy of the state. In case of need he had extensive powers of intervention. The *Regierungspräsidenten*, who administered the next larger area of local government, were also given increased authority. The officials supervising churches, schools, direct taxes, domains and forests now became subordinates of the *Regierungspräsident* and he could coordinate their actions. Administrative supervision of the lower schools was his prerogative; administration of the higher schools (*Gymnasia*, *Realgymnasia*, *Oberrealschule*, etc.), was the prerogative of the *Oberpräsident*. Similarly, in the area of county government, the *Landrat* now acted as the political officer of the state government and the supervisor of the county's administration. County school boards, medical doctors, and agricultural boards now had to report to the *Landrat* and follow all his general directions.<sup>16</sup>

The consequence of this act was, of course, to reduce the burden of minutiae which had rested upon the shoulders of the Prussian Ministers. Aspects of the plan reflected preliminary work done as early as 1926-7, but the scheme had been moldering in the

desks of the old government until revived by Bracht. There was, of course, the contemporary rumor that it had recently received renewed attention and support by Wilhelm Abegg, the State Secretary in the Prussian Ministry of Interior, whose supposed negotiations with the Communists formed part of the Reich justification for its July *coup*! That which had been planned by democratic ministers, however, took on a different color when sponsored by the Papen-Bracht regime. Critics now noted that the new arrangements comported well with the idea of a constitutional reform in which Prussia would become a "*Reichsland*." In such a case the Prussian ministries would be administered by their Reich counterparts and the reduction of their work as respects Prussia would be a vital necessity. This needed reduction had been achieved by the increase in the authority of the *Oberpräsidenten*.<sup>17</sup>

Late in September Bracht brought pressure to bear seeking to effect a similar administrative reform in Berlin itself. Again, there had been lengthy and detailed discussion of the recasting of the subdivisions of the giant *Hauptstadt*. Dr. Heinrich Sahn, the chief burgomaster, and the members of the *Magistrat* which advised him were already engrossed in the preparation of a plan for reform when Bracht acted. On September 20th, the Reich Commissioner's representative announced that if Berlin itself did not by October 15th deal with the problem of a new administrative division of the city and a change in the character of government of these districts, he would do so by emergency decree.<sup>18</sup> Sahn's group, by their claim without reference to Bracht's "ultimatum," reported their plan for administrative reform of Berlin a week later. The number of districts was to be reduced from twenty to nine and separate district assemblies were to be eliminated. The usage of unpaid city "councilmen" was also to be eliminated.<sup>19</sup> This plan was carried to the city parliament (*Stadtverordnetenversammlung*), which sent it to committee three times before it died its final death late in November.<sup>20</sup>

Meanwhile, Bracht continued his process of "*Säuberung*," the "cleansing" of the Prussian bureaucracy, removing numerous officials from office and placing others in a status of "forced leave." Before his actions finally arrived at the pending legal review, ninety-four civil servants had felt the ax of the Reich Commissioner.<sup>21</sup> Many of these served in ministries far removed from the task of preserving



peace and order — the Welfare Ministry, for example. Needless to say, the major criterion for dismissal was not inefficiency but rather connection with the parties which had formed the previous governing coalition.

Bracht's flair for the moral tone also continued. Criticism of his "Bathing Suit Decrees" of late August did not disturb him. Early in October he corroborated and extended his regulations by issuing his ridiculous *Badezwickelerlass*. This required that all bathing suits worn in public, whether by men or women, must be provided with a "Zwickel," a triangular piece for reenforcement and modesty at the appropriate point! Women's suits were required to cover completely the front portion of the body, must be cut close under the arms, could not dip below the shoulder blades in the rear, and must have "attached legs." Men's suits must not only be provided with the all-important "Zwickel" but also had to have "attached legs."<sup>22</sup> While Communists expatiated on the rights, privileges, and advantages of proletarian nudity, all other parties pegged pebbles of varying size at the narrow-minded sanctimoniousness of the Commissionial regime.<sup>23</sup>

Newspaper prohibitions also continued, although they were not pressed too severely with the exception of those against the Communists. *Vorwärts*, the Social Democratic journal, for example, lost three days for asserting that the actions of the Reich government were unconstitutional, but bounced back with stringent criticism of its own prohibition. Other dailies felt the sting of the Commissionial regime. A Communist source later noted that 397 newspaper prohibitions had been issued by Bracht, of which two-thirds were directed against Communist newspapers. Nevertheless, the Bracht regime did not exercise a censorship as severe as that later employed by the Nazis, and open criticism of its action appeared in most of the newspapers of the Center and Left.<sup>24</sup>

Meanwhile, a great deal of attention focussed on the actions of the Prussian Landtag. The Papen government had avoided the venom of party criticism in the Reichstag by dissolution, but it could find no legal way to rid itself of the Prussian Landtag. And there avid criticism of the functions of the Reich Commissioner continued, although the Nazis made a remarkable change of position. It will be recalled that Nazi Landtag President Hans Kerrl had, ever since gaining his office in May, assumed a role of spokes-

man not only for the Landtag but also for the state of Prussia, on the grounds that the Braun-Severing regime remained in office illegally. Kerrl's pretensions comported well with the objectives of the Papen government, which defended their removal of Braun and Severing in July on the grounds, among other things, that they were unconstitutionally in office. Kerrl's request for the provision of a Reich Commissioner for Prussia had, of course, proved embarrassing for the Nazis as they moved in August into opposition to the Papen cabinet. Such things, however, never seriously troubled the Nazis, who differed from the older political parties in their complete unconcern for consistency or rationality. The Nazis had been prime movers in the condemnation of the Commissionial regime which passed the Landtag in late August. This resolution carried with it a directive to the Prussian civil servants freeing them from the requirement of obedience to the Reich Commissioner. On September 19th, Kerrl, in company with Papen, was permitted to visit von Hindenburg at Neudeck to inform him of the action of the Landtag. The results were devastating. Von Hindenburg and Papen warned of drastic steps if the Landtag resolution were not revised.<sup>25</sup> Kerrl returned to bring the Nazi delegation into the Landtag for a flat reversal of their action. The Prussian civil servants were now told they must obey all "constitutional" directives of the Reich Commissioner.<sup>26</sup>

At the same time not all was gloom in the camp of the Prussian Nazis. They had some hopes of electing a Reich Chancellor by the vote of the Prussian Landtag! The Nazis were in an even more serious process of negotiation for a coalition with the Center Party in Prussia than in the Reich. If they succeeded and a National Socialist were elected Prussian Minister President by a legal vote of the Landtag, then it would be possible for them to proclaim that he should also be Reich Chancellor, so that there would be no recurrence of Reich-Prussian dualism. In effect the Nazis would be reversing the direction of the July *coup* under the Papen government.<sup>27</sup> This scheme continued to be bruited about until late in December, during the Schleicher regime.

On October 10th, the long-heralded legal process before the German Supreme Court, the *Staatsgerichtshof*, opened in Leipzig. The courtroom was small and filled to overflowing. Students of law rubbed shoulders with the greatest names in German jurisprudence.

The learned judges sometimes admonished impassioned pleaders against "grandstand" performances. But all present seemed to realize that a new chapter in German legal history was being written. The great state of Prussia, its traditions older than those of Germany itself, had called into question the legality of the actions of the Reich. The complaints against the Reich bore by implication not only upon the actions of the cabinet but also those of the President. Joining Prussia in her complaints were the states of Baden and Bavaria, the Prussian Landtag delegations of the Center and Social Democratic parties, and a number of the displaced Prussian Ministers pleading as individuals. The arguments on both sides were presented with skill and eloquence. Yet, somehow, the drama lacked substance and vitality. A great state was in its death throes and could find no solace in its struggles but the stodgy, over-ornate walls of this courtroom and the cold countenances of the judges visibly appalled at the enormity of their task. These were the settings of the most famous legal case in the history of German jurisprudence, a case which may be said to have been the German equivalent — in some respects — of *Marbury vs. Madison* or, perhaps, *McCullough vs. Maryland* in the history of our supreme court.

The German Supreme Court or *Staatsgerichtshof* was established by Article 108 of the Weimar Constitution. Determination of its composition and procedure, however, rested not with the Constitution but with the process of ordinary law. It was not a fixed court with permanent personnel as is our Supreme Court, but basically, an *ad hoc* establishment consisting of the president of the highest regularly constituted court, the *Reichsgericht*, the three counsels of that court (*Reichsgerichtsräte*), and representatives of the highest courts in Prussia, Bavaria, and Saxony.<sup>28</sup> It met in Leipzig in the courtroom of the *Reichsgericht*, a "Schmuck" piece of the nineteenth century ornamented with the coats-of-arms of German cities and the portraits of princes. In the celebrated case of *Preussen contra Reich* the presiding judge was Erwin Bumke, the *Reichsgerichtsräte* were Triebel, Schmitz and Schwalb, and the three additional judges were von Müller of Berlin, Gumbel of Munich, and Striegler of Dresden.

The legal advocates pleading before this court were of a stature that in itself raised the proceedings to the peak of judicial accomplishment. Representing the Reich was a strange and able company.

The presumptive head of the team was the facile, undaunted Ministerial Director Georg Gottheiner of the Interior Department, who had single-handedly thwarted the issuance of a temporary ruling by the court in July. A critic remarked that Gottheiner's life must have been spent in developing the calculated coldness of his tones, the chill of which at times even reached the judges themselves!<sup>29</sup> No less a figure, however, was the mainspring of the Reich's legal defense, Professor Carl Schmitt, whose career has already been noted. Only a short time before the trial he had published his diffuse but much cited work, *Legalität und Legitimität*, in which he sought to assert that the "legitimacy" of the legislative powers of the Reich Presidency held precedence over the mere "legality" of those of the Reichstag.<sup>30</sup> At Leipzig his pleadings were ably seconded by two apostles, Professors Erwin Jakobi and Karl Bilfinger. After the process was underway and at the direction of the court, they were joined by a specially designated representative of the Reich Commissioner, Ministerial Director Schütze.

Opposing this team were equally able advocates. For Prussia Ministerial Director Arnold Brecht brought an "*Ethos und Pathos*" lacking in most of the others.<sup>31</sup> He was seconded by Ministerial Director Hermann Badt and supported by the famous professors of constitutional law, Gerhard Anschütz and Friedrich Giese. For Bavaria the team consisted of Professor Hans Nawiasky, and the tall and personable Staatsrat Heinrich von Jan; for Baden, Ministerial Director Hermann Fecht; for the Center Party, Professor Hans Peters; and for the Social Democrats, the temperamental and irascible Professor Hermann Heller.

This great array of talent indicated, as became later a source of at least some justifiable complaint, that the case tried at Leipzig in October, 1932, was basically not one unified legal process but a number of legal actions artificially tied into one bundle. There was, first and foremost, the complaint of the deposed members of the Prussian Ministry of State (in the name of the Ministry itself) alleging that the presidential orders which were the basis for the *coup* of July 20, 1932, were unconstitutional and should, therefore, be declared void. Closely related to this, but often taking courtroom discussion far afield, were the pleas of Baden and Bavaria, which sought not only an answer friendly to Prussia in this case but a court ruling on their conception that the federal character of the

Reich did not allow intrusions into the internal affairs of the states of such a character that the continued existence of the separate states should be imperiled. The representatives of the Center and Social Democratic parties presented their pleas as friendly agents for the civil servants within their ranks who were being displaced by the Commission government in Prussia, thereby threatening their legal (*wohl-erworbene*) rights to their jobs. A critic later complained that there were in all twelve different legal processes involved and twelve different decisions.<sup>33</sup>

To the foreign observer the strangest aspect of *Preussen contra Reich* is that the court failed to make its initial concern the definition of its own jurisdiction, the determination of the competency of the parties to the suits to appear before it, and the establishment of regulations for procedure. This was somewhat unusual for a German court, although not so much at variance with tradition as would be such action by our supreme court! Undoubtedly it was well intended.<sup>34</sup> The importance of the questions raised indicated the value of obtaining as broad scale a discussion as possible of the legal issues concerned. Nevertheless, the general effect was to convert a good deal of the proceedings into philosophical discussions rather than specifically legal arguments and to place the court in the rather undesirable position of finding it necessary in its decision to exclude from its considerations the statements of the majority of the parties to the suit against the Reich. This artificial broadening of the scope of court action also encouraged the introduction into the proceedings of extensive materials of a political nature and gave grounds to allegations that the court was meddling in politics. In fact, however, the court hewed very close to the line of strict legal considerations during the proceedings and even closer in its ultimate decision.

Some aspects of the detailed procedures of the court are of vital concern to the chain of events leading to the legal demise of the state of Prussia. Although the case itself and the decision of the court find a place in the pages of all standard histories, the storehouse of information embodied in the pleadings has barely been tapped.<sup>35</sup>

The case may best be considered under four major headings: 1. the debate on the nature of the Reich; 2. the debate on the nature of the emergency powers of the President; 3. the consideration of

the specific issues involved in the Papen *coup*; and 4. the significance of the case in respect to the theory and practice of judicial review.

The debate in respect to the nature of the Reich, although ancillary to the main proceedings of the case and not completely dealt with in the court's ultimate decision, occupied a considerable amount of the court's time and had significant influence upon the court's decision and upon later politics. The representatives of Baden and of Bavaria maintained that the existence of the *Länder* preceded that of the Reich and that the *Länder* retained rights of sovereignty which could not be infringed by the federal government. The right of intervention by the Reich into the internal affairs of a *Land* under Article 48, #1 (Reich Execution) could not extend to actions which tended to impair the separate existence of the *Land*. The Reich Commissioner set up by the decree of the President, therefore, had no legal right to claim the sovereign functions of a *Land* government or to claim to *be* the *Land* government. He could not, maintained the South German states, represent the *Land* in the Reichsrat, before the Reichstag or in official relations with other *Länder*. Baden and Bavaria asked the court to state the validity of their pleadings as a warning against efforts on the part of the Reich to repeat the action it had taken in respect to Prussia.<sup>36</sup>

The second problem, the debate over the emergency powers of the President, claimed the major portion of the court's time and concern. Both the arguments on the side of the Reich and those in behalf of Prussia were significant and challenging. For the Reich, Professors Carl Schmitt and Karl Bilfinger collaborated in the presentation of a shocking piece of legal sophistry which anticipated the pseudo-legal rationalizations of the era of the Third Reich. Article 48 of the Weimar Constitution contained five paragraphs. The first two entrusted to the President of the Reich two classes of emergency powers held over from the pre-World War I. period. Paragraph one gave the President the so-called power of "Execution" by which he might require a *Land*, if it did not live up to the obligations imposed upon it by the Constitution or national laws, to fulfill these obligations. The paragraph specifically stated that this might be accomplished by force of arms if needed. Paragraph two gave the President the so-called power of "Dictatorship" by which he might, if conditions were such that law and order were

imperiled, take "the necessary measures to restore public safety and order, and, if necessary intervene by force of arms." The succeeding paragraphs provided for the power of the Reichstag to abrogate such action if it deemed it desirable and to pass laws regulating the usage of these powers, a provision of which no use had been made. Schmitt and Bilfinger maintained that the first two paragraphs had been meant to be complementary aspects of a single purpose and action. Each paragraph was inextricably intertwined with the provisions and purposes of the other. Their general intent and outcome was to create for the President a "power position" designed to fill a vacuum of authority in time of crisis. If a *Land* government failed to maintain order and security within the limits of the state which it governed, it was creating the conditions not only for the use of paragraph two, but also of paragraph one, since one of the legal obligations of the state was to maintain order and security. Furthermore, there was an obligation for the *Länder* governments to align themselves with the policy of the Reich ("*Einordnungspflicht*"). Divergencies might well lead to a nullification of the aims and interests of the Reich; hence for a *Land* government to fail to conform its policies to those of the Reich constituted a breach of the requirement that the *Land* government loyally execute the laws of the Reich. Unlike the situation in the United States, pointed out Schmitt, there was in Germany, "an awesome intermingling of the powers of Reich and of *Länder*" ("*ein furchtbares Durcheinander von Reichs- und Landeskompetenzen*").

As a consequence of the above considerations, Schmitt believed that the powers of the President over against the *Länder* were most extensive. He could make laws which the *Länder* executed, issue special instructions to the *Länder*, take full control of the executive powers of a *Land*, exercising them in the name of the *Land* concerned, create a special dictatorial organization to effectuate his will, and could even free *Länder* governments from the requirements of their own constitutions. In this latter statement Schmitt was referring to the so-called Dietramszeller Decree issued by the President on August 24, 1931, by which he empowered *Länder* governments temporarily to take certain emergency actions prohibited by their own constitutions. The general acceptance of this decree and its usage by the various *Länder*, including Prussia, had

been one step in the forward movement of the concept of an authoritarian Presidency.<sup>37</sup>

The arguments of Schmitt and Bilfinger represented the culmination of a trend of legal opinion for which the former was in large measure responsible. This was the tendency to assign to the drafters of the Weimar Constitution motives and purposes in respect to Article 48 which had never played a part in the thoughts of the constitution-makers themselves.<sup>38</sup> There had been some intent on the part of the delegates at Weimar to create in the office of the presidency an "*Ersatzkaiser*," as had been noted above. But there had been no thought of entrusting him with the powers of a dictator for more than the briefest periods of time or to create a possibility for him legally to overturn parliamentary government. The usage of Presidential decrees under the "Presidential cabinet" of Brüning had often exceeded what would seem clear constitutional justification. Perhaps the strongest case of "stretching" the Constitution was the issuance of the Dietramszeller Decree referred to above. Under Papen the tendency to expand still further the conception of the President's decree power was shown both in the *coup* against Prussia and the language of the decree dissolving the Reichstag in September. Schmitt and Bilfinger were now at Leipzig defining Article 48 in such a way that it became to all intents and purposes a separate constitution entrusting total powers to the President in a time of crisis or of failure of parliamentary government. In their statements was involved the conception later embodied in Nazi jurisprudence that there could be no legal review of the actions of the President under Article 48. In them also were the seeds of the conception of the "National State of Law" ("*Nationale Rechtsstaat*"), a legal fiction used by the Third Reich to justify shelving all normal limitations on the authority of the state on the grounds that these had no place in the face of national necessities.<sup>39</sup>

Like night and day was the contrast between the rationalized position of Schmitt and Bilfinger and the coldly factual view of Article 48 presented by the great expert on jurisprudence, Gerhard Anschütz. Anschütz strongly opposed Schmitt's effort to bind together the processes of "Execution" and "Dictatorship." These had, he noted, derived from different parts of the former constitution of the Reich and remained separate. The process of "Dictatorship"



carried with it the privilege not attached to that of "Execution" of suspending certain constitutional guarantees of the rights of individuals. Anschütz also denied the accuracy of Schmitt's view that the President could interpret Article 48 according to the situation existing ("*situationsgemäss*"). In his view, and that of Friedrich Giese, the other titan of German jurisprudence participating in the procedure, there were four direct limitations of the President's authority under Article 48:

1. It must be directly bound to the purpose sought (*zweckgebundenheit*). If it were possible to prove that the President's use of Article 48 was designed to serve a different purpose from that set out by the provisions of the article, this, in Anschütz's opinion, was a subject for legal review, not a political question.

2. The President's action must be measured by the actual needs of the situation he sought to meet (*Verhältnismässigkeit*). If the President took actions beyond those which were necessary, he then became guilty of exceeding his authority (*Ermessensüberschreitung*) and this also could be reviewed.

3. The President's action must aim at the most moderate possible solution of the problem (*Subsidiarität*). First should come a warning, then milder means before the employment of extreme measures.

4. The President's action must be directed only toward temporary outcomes (*Vorläufigkeit*). Permanent measures might not be taken under Article 48. Indeed, there were certain areas which were absolutely proof against the employment of Article 48 (*Diktaturfest*). These, in particular, were the areas of action within which functioned the constitution-maker rather than the law-maker. Most specifically, the authority granted the President under Article 48 did not entitle him to alter the division of competencies between Reich and *Länder*. He did not have the power to infringe upon the sovereignty of a *Land* or to designate the government of the Reich Commissioner a *Land* government.<sup>40</sup>

Anschütz's discussion in some respects exceeded the usually accepted standards of judicial review in Germany. He admitted in his arguments that he had been increasingly concerned with the employment of Article 48 in the immediate past and that he felt the need of greater safeguards.<sup>41</sup> The court was, in the long run,

to pass by some of the initial aspects of his presentation but to be strongly influenced by its general nature and substance.

These more general considerations were closely tied in with the particular events surrounding the *coup* against Prussia. Here the nature of the process became exceedingly complex. Many trivial items received as much attention as those of major importance. The Reich's advocates pointed out, first and foremost, that there was a situation in which peace and order were highly disturbed. There existed virtually a state of war between National Socialists and Communists at the time of the *coup*. In this situation the federal government had adopted policies strongly directed against the Communists. The Reich maintained that Prussia had displayed "an inner lack of independence" in its relations with the Communists, citing as evidence of this fact the supposed negotiations between Ministerial Director Wilhelm Abegg in the Prussian Interior Ministry and Ernst Torgler and Wilhelm Kasper of the Communist delegation in the Landtag; the greeting expressed by Severing on the reappearance of *Vorwärts* after a period of prohibition — which seemed to express disapproval of the action of the Reich; and an election speech by Severing in which he had invited his auditors to "chase out" the Reich government. The Reich also maintained that the Prussian government because of its past record of severe action against the National Socialists was unable to adjust to the policies of the Papen government, which sought friendship with all "national" movements. And, in addition, the representatives of the Reich repeatedly claimed that the Prussian government as a "caretaker" (*Geschäftsführende*) government was not even a fully legal one. It held office only because the previous Landtag had in its final session improperly altered the arrangements for the election of a Minister President. This "caretaker" government did not have the confidence of the Prussian Landtag and did not, therefore, have a right to speak for Prussia in such a case as this. The Reich, said its defenders, had a right to feel that the circumstances surrounding the continuance in office of the Braun-Hirtsiefer-Severing government were sufficiently questionable to prevent it from displaying the authority needed in these times of crisis and adequately dealing with the maintenance of law and order. To fail to maintain law and order in the state was in itself a violation of the obligations of the state as over against the federal government and, therefore, justified

the use of paragraph one of Article 48 (Execution) as well as paragraph two (Dictatorship).<sup>42</sup>

Beyond these major aspects of the Reich case were a number of minor issues — whether Severing had or had not suggested the appointment of a Reich Commissioner; whether Otto Braun had or had not sought information about the continued payment of his salary after his removal; whether Berlin police chief Grzesinski had or had not directed his police to avoid action in the Communist quarters of the city; and other similar questions sometimes germane to the case but often picayunish in character. The Reich's presentation of the factual background of the *coup* was so much a tissue of improvised allegations as to have been humorous if the dispute had not been so serious.

Prussian representatives countered the various charges carefully and substantively. The negotiations between Abegg and the Communists had not been secret ones designed for political coalition but public ones seeking Communist moderation. Severing's greeting to the *Vorwärts* and his election speech against the government of the Reich were part of the normal process of party politics. The "caretaker" government in Prussia held office in perfectly legal fashion — the newly-elected Landtag had voted down a proposal to revert to the old order of procedure for the election of the Minister President. Severing's discussion of the sending in of a Reich Commissioner had opposed such an action — von Gayl, with whom he had talked, must have misunderstood. The comment of Grzesinski in respect to the Communists referred to an election speech held not in Berlin but in Magdeburg, in which he had said the Communists and Social Democrats could have formed a "unity front" long ago if the Communists had been willing to accept principles of law and order. Beyond all this, the difficulties in the preservation of law and order were largely the result of the actions of the Reich. The lifting of the prohibition against the use of uniforms and against the S.A. and S.S. was chiefly responsible for the disturbed situation existing. The government of Prussia had an unimpeachable record of action against the Communists and had been as recently as the *Länder* Conference of June 27th publicly thanked by the Reich government for its cooperation. Conditions in Prussia were no more disturbed than within other sections of the Reich.<sup>43</sup>

It is, of course, impossible to summarize within a few pages a five-hundred-page court transcript. *Preussen contra Reich* presented to German legal thought a monumental exposition of the two contrasting tendencies in the area of jurisprudence then contending with one another for dominance. The Supreme Court was confronted with a decision in which the wisdom of a Solomon would have been required to escape criticism from both sides. And its decision has been labeled a "Solomon decision" since it involved a proposal about as catastrophic in its consequences as the sundering of the disputed infant proposed by that ancient Hebrew king.<sup>44</sup> But to pass by the decision with the comment that it was to be executed only with great difficulty is to do injustice to the deep wisdom of the judges who made it. The court set a standard of honesty of judgment and sincerity of purpose which has undoubtedly assisted in the post-war growth of the principle of judicial review in Germany.

The court decision rendered on October 25th began by defining the limitations of its action and the competency of the parties to the suit.<sup>45</sup> The court declared that it could not comply with the request of Baden and Bavaria and prescribe limitations for indefinite action in future on the part of the Reich. In other words it rejected the issuance of what would substantially have been an advisory opinion interpreting the Constitution in advance of a specific legal process dealing with specific actions and facts. Undoubtedly, it would have been more proper for the court to have indicated at the outset that it would not issue such an advisory opinion but the discussions of the nature of the Reich before the court had been valuable ones and had presented materials bearing closely upon the case being considered.

The court also rejected the competency of the Social Democratic and Center Party delegations of the Landtag to plead before the court. Within the province of the *Staatsgerichtshof* lay only disputes between the Reich and *Länder*, and the Landtag party delegations were not competent to represent Prussia itself. Likewise, complaints presented by the individual ministers removed were also rejected as beyond the jurisdiction of the court, since these were disputes within a *Land*. It is in this area of the court's decision that most serious criticism can be presented. It would seem far better for

these extraneous matters to have been removed from the process at the outset.

In the main case at issue the court's decision was clear, logical, and courageous. It strongly asserted its right to review the actions of the President under Article 48. It rejected the Reich's view that the President's use of its provisions was subject only to his own discretion. The court considered and rejected as faulty the whole line of specious reasoning set up by the Reich for the employment of paragraph one of Article 48 (Execution) against Prussia. It found no reason given sufficient to justify a charge that Prussia had failed to live up to its obligations with respect to the Reich.

By implication but far less clearly and definitely the court also questioned the complete accuracy of the Reich's reasoning in respect to the usage of paragraph two (Dictatorship). Here, however, it found itself confronted by the clear and evident fact of a considerable disturbance of public order and security in Germany on July 20, 1932. And here it found also no strong limitations expressed in regard to the President's discretion. Indeed, the objective critic can scarcely avoid the judgment that for the court to have declared the President's action invalid would have been a decision based on politics not law. As the court itself expressed it, even if the Reich were itself partially responsible for the difficult situation existing, and the court was at certain points quite critical, it would not be proper for the *Staatsgerichtshof* to weigh in judgment the decisions taken by the government so long as they were covered by the language of the Constitution. The Supreme Court believed that the realm of action provided the President by the language of paragraph two of Article 48 was very extensive. He was not restricted to actions purely of a police nature. If he felt that the situation with which he was dealing required the removal of the Prussian government as a whole, this was perfectly in order. The only restrictions upon his actions were, first, that they must be temporary in effect rather than permanent; and, second, that they could not extend into the area which affected constitutional relationships of Reich and *Länder*. As a consequence, the court ruled specifically that the actions of the Reich during the early days of the *coup* were invalid insofar as they implied the permanency of the removal of Prussian officials. All actions relating to removals or retirements of civil servants must be labeled temporary in nature. Furthermore, the

Prussian State Ministry could not be removed even temporarily from some of its functions. Specifically, it retained the rights of sovereignty involved in the representation of Prussia in the Reichsrat, the Prussian Landtag, and in relationships with the other *Länder*. All efforts of the Reich to intrude into these areas were declared invalid.

From the analysis above it may be seen how far Papen deviates from the truth when he says in his memoirs that the Supreme Court found the *coup* of July 20th perfectly legal.<sup>46</sup> Nazi legal apologists were later to fulminate at the court's "political justice."<sup>47</sup> The court itself recognized that its decision entailed serious political problems. It expressed the pious hope doomed to remain unfulfilled that Reich and Prussia would cooperate in solving the problems resulting from the division of functions it suggested. The critics, however, claimed that in the place of the previous dualism there now existed a "trialism" in Berlin of the government of the Reich, the government of the Reich Commissioner for Prussia, and the so-called "sovereign government" (*Hoheitsregierung*—usually used slightly) of Prussia!<sup>48</sup> This situation was, of course, a virtually impossible one. But it is scarcely possible to suggest how the Supreme Court following a logical interpretation of the legal situation confronting it could have come to a different answer. If the results were undesirable, the fault lay with the framers of the Constitution and with the nature of governmental actions rather than with the court.<sup>49</sup>

Perhaps the verdict of the Supreme Court justified the decision of the Prussian government not to offer armed resistance to the July *coup*. With it the defenders of legality came full circle in their efforts to counter arbitrary action. They had had their day in court and had not emerged empty-handed. The highest court of the land specifically upheld their continued right to use the title of sovereign government of Prussia and to represent the state in its exterior relations. The court also specifically stated that all actions of the Reich Commissioner must be temporary in nature. These were not empty statements and should not have been so interpreted. The court had actually given the government of the Reich and the Reich President himself a most emphatic reproof. If there had remained a spark of respect for the proper order of things within the circle of those in authority, the Supreme Court decision might well have kindled a candle in the darkness. But no such spark

remained — the Reich government and the Reich President himself recognized no restraints upon their actions save those imposed by considerations of expediency. As a consequence, the proceedings before the *Staatsgerichtshof* remained merely a milestone on the road to disaster. The last barriers to dictatorship which it sought to raise were soon hurdled. The demise of democracy which resulted was inseparably intertwined with the fate of the republic of Prussia.





## CH. VI. NIEDERGANG DES RECHTSSTAATES

The Leipzig decision in the case of *Preussen contra Reich* was one of the fundamental factors in the downfall of the Papen regime. To be sure, the chancellor and his colleagues greeted it as though it provided complete support for the *coup* in Prussia. They could not, however, evade the clearly-affirmed right of the deposed Prussian Ministry of State to reconstitute itself and continue its existence, even though that existence might be labeled a "shadow" one. In its ultimate consequences the Leipzig decision forced Papen to actions patently illegal in nature, but the logical final step to authoritarianism evaded him. Under Papen the old *Rechtsstaat*, the state of fixed law and constitutional limitations, breathed its last, scarcely lamented by its one-time defenders. But the new state of "national necessities" and arbitrary law still waited restlessly in the wings while a second "*Zwischenlösung*" was attempted — the interim regime of von Schleicher.

Both Reich and Prussian cabinets in their public pronouncements greeted the decision of the Supreme Court as a justification of their positions in the controversy. In the secrecy of the Reich cabinet, however, Papen pointed out to his colleagues that "it was urgently necessary that something occur to weaken the disturbing influences on public opinion" which were involved.<sup>1</sup> Papen's private reaction justified, therefore, the public proclamation of the Braun cabinet that the Supreme Court had upheld the honor of the Prussian government and placed in question many aspects of the actions of the Reich. Otto Braun, Carl Severing, and the other members of the deposed Ministry of State in Prussia had, of course, taken advantage of the Leipzig decision by holding official sessions and issuing press releases.<sup>2</sup> Although the press releases exploited to the full the embarrassment of the Reich government involved in the verdict of the Supreme Court, the attitude of Braun and his Prussian colleagues was basically mild and temperate in nature. Now that the court had repudiated the portion of the *coup* which alleged the failure of Prussia to meet its proper obligations, the Braun cabinet prepared to assume in conciliatory fashion the very restricted role marked out for it by the Leipzig tribunal — the representation of Prussia in the Reichsrat, Reichstag, Landtag, Staatsrat, and *Länder* conferences. They continued to protest against actions of the Commis-

sional regime lacking the temporary character required by the Supreme Court, but gave no evidence of an intention to challenge further the existence or effective power of the Bracht regime.<sup>3</sup> Had the Reich been willing, there is little doubt that the Prussian question might have been temporarily shelved in favor of more pressing matters.

The Reich was not willing. It considered the elimination of "Reich-Prussian dualism" the cornerstone of its policies for governmental reform. There was little left for the Papen cabinet to hope for if they failed to effectuate constitutional revision. The "barons" had gained little ground by their economic policies. The bridge to the Nazis was irreparably destroyed. In the offing lay a parliamentary election from which the cabinet could at best derive only indirect advantage — there was no party friendly to it save the German Nationalists and no stretch of imagination could conceive of a Nationalist tidal wave at the polls. As a consequence, the only path open to the cabinet was a continuance of its drive for a fundamental alteration of the governmental system. In the same session of the cabinet mentioned above, in which Papen had criticized the lack of "creative thinking" on the part of the Supreme Court, he proceeded to indicate that he intended to place the Prussian Ministry of Welfare building at the disposal of the "caretaker ministry of state" of Braun, but that he had told his representative, Dr. Bracht, to decide "from case to case" how far he should go in providing the deposed ministers with the orientation in respect to the conduct of current affairs in Prussia which they would need in order to represent the state in the Reichsrat. Furthermore, decree action to put aside remnants of Reich-Prussian dualism must follow within a day or so. As for the press, he would inform them that the court decision had had no influence on the government's reform plans.<sup>4</sup>

On the evening following this cabinet session, Freiherr von Gayl, the Minister of the Interior restated the position of the cabinet at the annual banquet of the Berlin press. His speech was an able one. Artfully, Gayl again stressed the "federalist" position of the cabinet. It had in mind, he stated, no alteration of the German *Länder*. It did not even plan to eliminate the tiny enclaves of territory scattered about the German map like pieces of a patchwork quilt. The intent of the Reich was solely to coordinate the

policies of the Reich and of Prussia. The action begun on July 20th he declared, had been justified by the decision of the Supreme Court as a temporary solution of the problem of a unified policy in Reich and Prussia. The Reich intended, continued Gayl, to proceed with its plans. It had, however, no thought of imposing upon the German people hasty solutions conceived by a "paper-thin ruling class" (*hauchdünner Herrenchicht*) or to ignore the wishes of the German proletariat. It did stand against a return to the parliamentary system of constantly shifting coalitions and proposed to alter the Reichsrat or join it to an upper chamber representing occupations in such a way as to restrain parliamentary excesses. It did propose to raise the voting age and give an extra vote to the heads of families and to war veterans. These steps would, however, be taken only by instructions (*Vorschriften*) conceived on the basis of careful evaluation (*sorgfältig Erwägungen*). Gayl also promised a careful administrative reform with respect to Reich civil services, noting that plans were already in motion for such action in respect to the Finance and Postal ministries.<sup>5</sup>

In spite of Gayl's efforts to calm alarms about hasty action, his speech paid little heed to the normal requirements for constitutional revision. On the Right, however, the government faced criticism for hesitancy and delay. Reichsbank President Hans Luther proclaimed, "The specter of the counter-regime of Braun must be removed, and at once."<sup>6</sup> Nationalist newspapers called for drastic action. The Nazis, on their part, mocked the Papen government for the "bold line" which the court decision had drawn across its accounts, castigated the Braun government for building "golden bridges" to the *Herrenklub*, and lampooned Papen for his "godly order of things" which had resulted only in confusion.<sup>7</sup>

The answer of the cabinet was a new emergency decree which virtually ignored the Leipzig decision. Partially released to the press a day before its official proclamation on October 29th, the new decree extensively revised the Prussian administrative set-up. The decree was issued in the name of the Commissionial government itself and was based on the Dietramszeller Decree of the President of August 24, 1931. This had empowered *Länder* governments to balance their budgets by extraordinary means, if necessary — they were even freed from the restrictions of their own *Länder* constitutions. The Commissionial government of Prussia, which had been

prohibited by the Supreme Court from labeling itself a *Land* government, now used this authority to abolish the Prussian Ministry of Welfare, assigning its duties to the Ministries of Agriculture, Economics, Finance, Education, and Interior. The roles of the other Ministries were also greatly altered. Thus, the supervision of commercial and technical schools previously under the control of the Ministry of Commerce and Labor was transferred to the Ministry of Education; the jurisdiction in respect to expropriation of property formerly in the hands of the Ministries of Education, Justice, and Finance was now transferred to the Ministry of Economics; the right to make official changes of names was transferred from the Ministry of Justice to the Ministry of the Interior; and the Ministry of Commerce and Labor took over from the Ministry of Finance the representation of the state of Prussia on the board of the German Central Cooperative Credit Bank (*Deutsche Zentralgenossenschaftskasse*).<sup>8</sup>

On October 29th, before these changes were made, but not before their intended scope had been leaked to the press, Otto Braun, accompanied by von Papen and in the presence of the President's private secretary, Otto Meissner, met with von Hindenburg at Neudeck. The President's words provided Braun with a rude shock! As he listened, he must have asked himself how von Hindenburg could, in the light of the newspaper reports of the day, maintain that the Reich expected to stand "in every respect on the basis of the decision" of the Supreme Court and request "a loyal effort" on both sides for cooperation between the Braun government in Prussia and that of the Reich Commissioner? As has been seen, Braun had on earlier occasions spoken frankly to the President. This time also he emphasized that the necessary loyalty to the decision would have to be found on *both* sides. In plain words he also told von Hindenburg that the Supreme Court had found the original decree unconstitutional so far as it involved the usage of the Reich Executive and that this should be withdrawn. But Braun was shocked by the fumbling manner of the man clearly in his dotage. He was convinced that the President was completely under the thumb of his advisers.<sup>9</sup> He was right. His visit made no impression on the President. Papen still spoke the language von Hindenburg understood. Seemingly, Papen was still able to convince the President as well as himself that he was not really breaching the constitution!

When Bavaria submitted formal protest against the pending changes in Prussia, Papen replied that nothing was being done which did not comport with the Leipzig decision.<sup>10</sup> Von Hindenburg, on his part, seems to have felt no concern about constitutional aberrations until Papen confronted him later in the month with a project requiring a clear and unmistakable breach of his oath to support the Weimar regime. Whether all of this was willful self-deception, outright hypocrisy, or simply fuzzy thinking, it is not possible to say.

At any rate Braun's discussion with von Hindenburg achieved no sign of respect for the Supreme Court's pronouncements. A day later the reconstitution of the Commissioned government in Prussia was completed. Johannes Popitz, who had been Secretary of State in the Reich Finance Ministry from 1925 to 1929, joined Bracht as a special representative of the Chancellor in his capacity as Reich Commissioner for Prussia. He also became, as did Bracht, a Reich Minister-without-Portfolio. Reich Minister for Agriculture Freiherr von Braun assumed direction of the corresponding ministry in Prussia. Professor Wilhelm Kähler, a German Nationalist professor of the University of Greifswald, became one of the first of the German scholarly profession to lead in reinstating authoritarian controls over education as he assumed commissioned supervision of that area in Prussia. State Secretary Friedrich Ernst, until then commissioned supervisor of bank matters, assumed control of the combined ministries of economics and labor, and State Secretary Heinrich Hölscher headed the Ministry of Justice in Prussia.<sup>11</sup>

Technically, the language of the decree which resulted in these changes was semi-constitutional. All of the above officials acted as personal representatives of Papen in his capacity as Reich commissioner for Prussia — which included all the ministries, of course. However, the decree broke down the functions of government into ministries with the designated appointees acting as Prussian Ministers in all but name — and in the representation of Prussia before the various internal and external government organs which the authoritarian administration would prefer to ignore anyway. For these actions the Reich had found a new if precarious pinion of legal support — the commentary of the Supreme Court that it was proper for the Reich to seek coordination of Reich and Prussian policies. An official observer for the American embassy commented, however, that these new decrees “flagrantly” violated “the spirit,

if not the letter, of the Supreme Court's decision" and were probably deliberately provocative. "In fact," he continued, "the suspicion is somehow inescapable that von Papen and the political groups behind him would welcome some rash retaliatory action by the Prussian Ministers which might offer a pretext for the invocation of Paragraph 1 of Article 48 of the Constitution . . . as this would give the Reich Commissioner still wider powers and even make possible the actual removal of the Prussian ministers from office."<sup>12</sup>

No such "rash action" followed! Otto Braun, indeed, noted before the Berlin press representatives that there were those who wished him to pound his fist on the table. Such action, he commented, was all right on the beer table if the steins were heavy enough to resist damage, "but I am not accustomed to the politics of the fist!"<sup>13</sup> Braun contented himself with the sending of a bitter letter to von Hindenburg in which he again underscored the unconstitutionality of the new measures in Prussia. The latter answered the complaint by referring Braun's letter to Chancellor Papen!<sup>14</sup>

Meanwhile, the complex problems of the Papen cabinet acquired added intricacy. On November 3rd, the transportation system of Berlin was paralyzed by a strike of the Berlin Transport Workers Union (*Berliner Verkehrsgesellschaft*). Opposed by the Social Democratic and Free Labor Unions (*Allgemeiner Deutscher Gewerkschaftsbund*), the strike based itself on the unnatural alliance of Communist and National Socialist union members. While the propagandists of each of the two extremist groups constructed artful rationalizations of the strange state of affairs, the "reds" and the "browns" stood shoulder to shoulder on the Berlin streets chanting their requests for contributions to their respective strike funds!<sup>15</sup> For the Nazis, of course, this was a period during which they were emphasizing "socialist" aspects of their program in contrast to the "reactionary" regime in control of the government.

The cabinet also heard that the Nazis were stepping up their drive to acquire control in Prussia. Landtag President Kerrl had not only called the Landtag to meet on the seventh, but had also threatened the use of force if necessary. Members of the Reich cabinet, however, were assured by Colonel Bredow, Schleicher's representative at the session, that the army was ready for any eventuality — there need be no fear of revolution.<sup>16</sup>

The scheduled Reichstag elections took place quietly on Novem-

ber 6th. A million and a half of the Germans who had crowded the polls on July 31st stayed home. The Nazis lost two million of the huge volume of votes they had registered three months earlier. Papen's supporters, the German Nationalists, gained 900,000 votes. But his most virulent enemies, the Communists, also gained 700,000 votes.

The elections of November 6th should have marked a turning point in the history of the Weimar Republic. In the words of Karl Dietrich Bracher, "A possible turning point of political development announced itself; the myth of the irrepressibility of the National Socialist upward movement had suffered a severe defeat." Bracher also points out that the Nazi setback was country-wide and particularly accentuated in the larger cities.<sup>17</sup> Its meaning was not, however, entirely clear then or now. The groups wedded to the parliamentary system could, for the first time in four years, breathe a little more easily. Although there had been additional losses for them, they had been relatively small. On the other hand, the Communist vote began, for the first time, to loom as portentous. The parties associated with monarchism or "conservative authoritarianism," those basically friendly to Papen, had gained notably, but had also undoubtedly reached their ultimate top level as they were then constituted.<sup>18</sup> The National Socialists, in spite of decline, still held a commanding position in the Reichstag. There remained a non-democratic majority which prevented the normal functioning of parliamentary government.

There were, basically, three possible courses of action now open to the government. One was to march ahead along the path already marked out — the path to constitutional reform. If this were done, the cabinet could hope that the Nazis, chastened by defeat, would decide to accept a secondary position in the government for fear they would receive nothing. However, this action would, in the long run, necessitate an open breach of the constitution and a temporary rule by emergency measures supported by military force. A second course of action involved the possibility that the National Socialists, joined together by the emotionalism of the upsurge, might be led to division in the cold light of politics and job-getting. If this could be achieved, the section of the party which had backed vague ideas of "action," "deeds," and "authority" might be willing for the sake of patronage to accept the authoritarianism of a presi-

dential cabinet rather than that of party dictatorship. The third course open to the government was to reverse its field, repeal at least a portion of its emergency decrees, and seek a share along with the Center in projected parliamentary coalitions with the Nazis.

Of these three possible courses only the last offered some promise of preserving parliamentary democracy in Germany. Still more — in the long run it was the move which would have been most likely to have avoided the Hitler dictatorship.<sup>19</sup> But it was not even seriously considered by the cabinet. In fact, the major fear of Papen and his colleagues was that a parliamentary coalition of Centrists and National Socialists might be created and the President confronted with the choice of returning to the old system of shifting coalitions, of flaunting the wishes of the majority, or of resigning. This was, by virtue of the election results, no longer such a dangerous possibility as it had been. The Center and Nazi party representation in the Reichstag no longer added up to a clear majority. Support of other smaller groups, however, would probably not have been difficult to obtain if “Black” and “Brown” had been able to combine. Through the period of “negotiations” with the party leaders that followed, the dominating factor was the recognition that with Papen all search for support contemplated a one-way road — not compromise and partnership but rather acceptance and furtherance of policies already determined upon and initiated.

Papen’s choice had been and remained a completion of reform projects regardless of public opposition. In this his strongest supporter was von Gayl, who had been the mainspring of plans for constitutional revision. During the first cabinet meeting after the elections Gayl came out flat-footedly against proposals that the cabinet resign. The chancellor should, he said, announce on the next possible public occasion that the cabinet had absolutely no intention of giving way to any other government and thus providing opportunity for the jangle of party politics (*Parteiklüngel*) to reappear. Nor did he agree with Papen’s public statements that his own person should not be an obstacle to a “national concentration.” Gayl wanted Papen to stand fast. If the parties would not agree to a toleration of the cabinet, then the Reichstag should be dissolved and the government should go ahead on the basis of an emergency political status (*einen staatsrechtlichen Notstandes*) — a temporary dictatorship.<sup>20</sup>



Von Braun, von Neurath and Gürtner were close to von Gayl in their opinions, but Schleicher advised caution. He agreed that it was probable that a majority coalition could not be obtained. On the other hand, he believed it important that this be made clear to the public. The chancellor should be commissioned by the President to deal with the party leaders to see whether broader support for the government could be found. Fundamentally, he added, this was a question of the attitude of Hitler — none of his subordinates was likely at this point to separate himself from the *Führer's* leadership and only through Nazi support or toleration could the political position of the cabinet be materially strengthened. Schleicher's views were strongly backed by von Krosigk, the Finance Minister, and by the newly created Reich Ministers-without-Portfolio, Bracht and Popitz, the leaders of the Commissionial regime in Prussia.<sup>21</sup>

There was in this same cabinet session the expression of the view that Schleicher might be able to consult more readily with the Nazis than Papen, and the ultimate agreement reached by the cabinet provided that he should be Papen's particular consultant in the process. These negotiations got underway on November 13th.

The partial success of the Papen regime at the polls had not, however, reduced the antipathy it encountered from all parties save the Nationalists. Journals of every shading of political complexion hurled their shafts at the "barons' regime." This criticism was undoubtedly intensified by the fear that constitutional reform was about to be effectuated by force. The Reichsrat opened its sessions on November 10th and promptly became the focus of strong censure of the course of events in Prussia. Prussia's constitutional representatives had been restored their proper place and Dr. Brecht used the occasion to denounce the Reich government for its failure to abide by the Leipzig decision. The Commissionial government in Prussia, he charged, still designated itself as a substitute for the official government; it still issued instructions under the letter heads of the various ministries concerned; and it denied the legal Prussian State Ministry the right to reoccupy its offices. These actions, added Brecht, were justified by the Reich on the ground that they were preliminary to constitutional reform, but this was a poor preparation. Such reform could not be effectuated upon the basis of paragraph two of Article 48 of the Constitution. It required the advice and consent of the Reichsrat.<sup>22</sup>

Von Gayl endeavored to answer Brecht and to divert discussion of the problem of Prussia from the forum of the Reichsrat to the privacy of personal negotiation but had little success.<sup>23</sup> Prussia was joined in its pleas for a loyal execution of the Supreme Court decision by Bavaria, Saxony, Württemberg, Hesse, Hamburg, and the separately represented Rhine Province. The question was then turned over to the Reichsrat committee for constitutional questions for investigation and report. This procedure was accompanied by strong warnings against illegal constitutional revision.<sup>24</sup>

Nevertheless, the Papen-Brecht regime continued its ruthless slashing at the civil service personnel in Prussia. On November 11th, the Welfare Ministry was liquidated and in an administrative "economy" move 140 bureau posts abolished. Sixty-eight additional civil servants were retired or placed on forced leave. These included one under-secretary of state, nine assistant secretaries, thirty ministerial councillors, and twenty-six other high ministerial officials. The purge was strongly directed against school officials. It marked the beginning of extensive intrusions of the commissarial regime into that area. It also marked a severe stroke against Social Democratic officials—most of those remaining in the upper ranks were eliminated. Details of the purge laid bare the hypocrisy of its justification on the grounds of "economy." Thus, Dr. Hans Hirschfeld, who had been a popular and completely satisfactory press representative in the Interior Ministry, was placed on leave at the same time that a new press post was created in the same ministry and filled with an inexperienced man.<sup>25</sup>

Papen began his negotiations with the parties on November 13th. The Social Democrats, strangely enough, were among those receiving an invitation to meet with Papen. As he later explained, the Center had criticized on previous occasions the complete exclusion of the Social Democrats from the search for a "national concentration."<sup>26</sup> His invitation was rudely rejected. Although a small minority opposed the decision of the party directorate, the Social Democracy as a whole could find no pathway to Papen in the face of the Prussian *coup* and the aftermath of the Leipzig decision in which Papen had showed no sign of concession, compromise, or repentance.<sup>27</sup> From this time on, the situation in Prussia stood as an insuperable barrier to cooperation between the Social Democrats and both the Papen and Schleicher cabinets.

Papen's negotiations with the other parties was almost equally fruitless. The Center rejected any "national concentration" based on the existing cabinet and declared that if the Chancellor of a new cabinet were to be a Nazi, than the dualism of Reich and Prussia should be restored — in other words, they would not agree to Nazi leadership of a cabinet having direct control both of the central government and of Prussia.<sup>28</sup> With the German Nationalists, the German People's Party, and the Bavarian People's Party, the Chancellor had some success. They agreed to the idea of a national coalition and approved the continuance of the chancellorship of von Papen.<sup>29</sup> But their favorable reaction meant little. All hinged on Hitler and he flatly rejected coalition. Even worse, shying away from a repetition of the embarrassment he had suffered in August, the Nazi leader refused to negotiate personally with Papen and carried on his dealings only in written form. The results were devastating!

Papen's initial letter inviting Hitler to personal discussions was phrased in such a way as to appear conciliatory but in fact substantially to repeat the conference basis set up in August. Many lines were designed to put Hitler in a bad light before the public. Quite evidently Papen intended to publish the correspondence he was initiating. Thus, reviewing the course of events in August, von Papen said, "You know how much I sought in many conferences to find the solution best for our country." But, following this, he recalled the refusal *by the Reich President* to give Hitler the chancellorship. Then he added that a new political situation had been created by the November elections and stated that the President had commissioned him to see how much support he could obtain for "the effectuation of the economic and political program which the Reich cabinet has initiated." Although, said Papen, Hitler's newspapers continued to demand their leader's chancellorship, he, Papen, "being for the moment the responsible statesman at the head of the government," felt that the leader of a great national movement would not refuse to discuss the situation with him.<sup>30</sup>

Hitler's response bears the mark of Goebbels' propagandist talent. From beginning to close it slashed at Papen with irony and venom. The effectiveness of the language used was indicated by the failure of Papen to publish the correspondence, which appeared only in the Nazi press at the outset. The repetition of Papen's

phrase in which the Chancellor had described himself as a statesman, accompanied by quotation marks, was followed by the assertion that a discussion of political cooperation was only possible if favorable results were to be anticipated. Furthermore, added Hitler, certain conditions must be met. Negotiations must be in written form. Only thus could Hitler protect himself from the misconstructions of oral conferences set forth in "official reports" by press and radio. Papen must agree not to hide behind the coat-tails of the President as he had in August. Hitler must be assured that the chancellor was really the "responsible leader" of the government. Furthermore, Hitler felt it necessary to state that if negotiations were to be limited to the question of support for policies already initiated, further discussion was useless. The policies of the Papen cabinet he considered "*in part as inadequate, in part as poorly thought out, in part as completely useless and even dangerous.*" The elections had revealed that the government had been able only to increase the Communist vote and that of the splinter parties who had no real value. Hitler criticized strongly Papen's invitation to the Social Democrats to negotiate, and added that a coalition with the Center was not feasible. Hitler pointed out that the best friend of the Papen cabinet, Hugenberg, the leader of the German Nationalists, had before the election pictured such a combination as national treason. In conclusion, said Hitler, picking up another of Papen's phrases, he felt no bitterness at the outcome of the elections. Bitterness he derived only from the spectacle of Papen's constant mismanagement of the country's government, a mismanagement which day by day deprived the German people of their wealth and hopes for the future.<sup>31</sup>

Hitler's letter was received on November 16th. On the following day the cabinet officially discussed the situation. This time the sentiment for the resignation of the cabinet was much stronger. It was agreed that the President should undertake the task of negotiating with the parties and that his hands should be completely freed by a clear indication that the existing cabinet would not be an obstacle.<sup>32</sup> On the same day the cabinet resignation was offered and accepted. Probably Hindenburg regarded this as only a temporary maneuver. His final parting with Papen came later in the month accompanied by considerable bathos. The press, however, from one side of the political spectrum to the other poured out their jubilation,

their notes of joy restrained only by the fear that Papen might yet return.

Now it was the Papen regime which was a "caretaker government" until the creation of a new cabinet. Ironical was the comment of Minister of Justice Gürtner that "the constitution recognizes no limitation on the powers of a caretaker government."<sup>33</sup> The words sat ill in the mouths of those who had used such a status as a justification for removing the Prussian cabinet in July. That Gürtner's words were taken literally by his colleagues became clear on the following day when an emergency decree of the Reich President was issued definitively regulating the respective jurisdictions of the Prussian Commission and "*Hoheits*" regimes.

The President's decree appeared on the surface a sincere effort to solve a difficult problem. The representatives of the Reich in Prussia were to sign all orders with the words, "the Commissioner of the Reich." The Braun ministry was officially given the usage of the Welfare Ministry building. The deposed ministers were officially recognized as having the right to represent Prussia in the Reichsrat, Reichstag, Landtag, Staatsrat, etc. They were, however, excluded from all the actual functions of the government. They were excluded from the buildings of the ministries which they had formerly directed. They were to be informed by the proper State Secretaries of the Commission government of such current operations of the government as they would need to know for purposes of fulfilling their task of "representing" the state. Particularly questionable was the transfer to the Commission government of the right of amnesty, which was usually considered among the "sovereign" rights of a state.<sup>34</sup>

There remained at the time of the President's decree a considerable residuum of the antipathy to Reich-Prussian "dualism" which had given the July *coup* its earlier support. The mid-November issue of the *Juristen-Zeitung* contained a critique of the Leipzig decision by the jurist Dr. Poetzsch-Heffter, who concluded that the decision left the problem unsolved and that Prussia must yield to the Reich.<sup>35</sup> But the tide of politics had begun to change and philosophical and legal concepts of "dualism" no longer bore so heavy a weight as earlier. The President's decree evoked almost universal criticism.

On the same day on which the President's decree was issued, the Reichsrat accepted the report of its committee on constitutional questions, which strongly criticized the measures of administrative reform taken by the Reich in Prussia on October 29th and 30th. These actions, declared the committee, went "far beyond the measures which were taken by the emergency decree of 20 July 1932." Without on this occasion touching further on the question of the legal grounds of this decree," the Reichsrat declared that such measures fundamentally altered the relationship between Reich and constituent *Länder* and set forth its expectation that the Reich would take the necessary measures to restore the proper equilibrium. A second portion of the same resolution cautioned the Reich against "precipitate" reform measures and pleaded for its own inclusion in the process of planning. In behalf of the Braun government, Arnold Brecht also added a special stricture of the injustice of the Reich's shabby treatment of Prussia in these past weeks. The Reich completely ignored the legal Prussian government in planning constitutional reform, although the Braun government had always been willing in the past to take part in planning such reform arrangements. The decree of July 20th remained unchanged, Brecht noted, in spite of the decision of the Supreme Court. The President's new decree was, he added, "according to the viewpoint of the Prussian State government not in accord with the decision of the Staatsgerichtshof and creates further difficulties in the situation."<sup>36</sup>

Brecht's criticism was echoed on the following day by Minister President Braun in an official session of the Prussian cabinet. He indicated that the President's decree would be made a matter of special consideration before the Landtag, due to open its sessions during the following week. At the same time, as noted above, the written report of the Supreme Court on its October decision also appeared, containing in its fuller exposition of the "grounds" for the decision a number of more far-reaching criticisms of the actions of the Reich than those found in the original oral report.<sup>37</sup>

Protest against the President's decree also arose in the Prussian Staatsrat, the legislative council which served as a quasi-upper house for the state. There it was declared that the President's decree intruded so far into the authority of the state that its independent position within the Reich was no longer guaranteed. The constitutional committee of the Staatsrat set in motion a new complaint

before the Supreme Court, with the proceedings in the hands of the Staatsrat President, Konrad Adenauer.<sup>38</sup>

Then, on the 24th, the Prussian Landtag renewed its sessions. Dr. Hirtsiefer, Braun's representative and former head of the Welfare Ministry abolished by the Commissionnal regime, reported on the decision of the Supreme Court and again proclaimed the obligation of the Reich to rescind those portions of the decree of July 20th which had been declared unconstitutional.<sup>39</sup> The substance of Hirtsiefer's criticism but not the language was also supported by the Communists, who labeled the *coup* "the Fascist action of July 20th." But the Communists had no kind words for Braun, "the sick man on the Bosphorus," or the existing "conflict for offices and rest rooms." They spent far more words in criticism of the "heroic resolutions" of the Socialists for new cases before the Supreme Court and of Braun's "office-boy letter" ("*Dienstboten Brief*") to Papen than they did in criticism of the Commissionnal government.<sup>40</sup> Before the Landtag arrived at a decision on the resolutions associated with these debates, however, the Papen government had been replaced by that of Schleicher. This did not occur, however, until Germany had witnessed an event unusual even for those troublous times. Dr. Schwalb, a member of the original Supreme Court, retired at the end of November. The respected jurist made use of his new found freedom from the restraints of his position to castigate in sharp words the course of events since the Leipzig decision. If there were a "trialism" in government existing in Berlin, he declared, this did not emanate from the court's decision but rather from the improper action of the Reich, which had completely failed to honor the substance of the court's pronouncements.<sup>41</sup> Indeed, the end of the Papen regime was accompanied by a chorus of condemnation of its policies in Prussia in which joined almost every political party and all of the functioning legislative bodies in Reich and Prussia. Seemingly, however, Papen and his colleagues were impervious to criticism on this score.

After the unfavorable outcome of the Hitler-Papen negotiations noted above, and after the formal resignation of the Papen cabinet, a two-week interval followed during which the President took into his own hands the negotiations with Hitler. The course of these negotiations is so well known as to require little attention here. Hitler wished the creation of a presidential cabinet headed by

himself with the President's emergency powers at his disposal. The President's letters, presumably the work of Meissner, contain many of the same characteristics as those which Papen sent earlier in the month. The President sought to exploit Hitler's boast of the strength of his party with the challenge that he form a cabinet of a parliamentary majority. The President's letters repeatedly noted that the leader of a presidential cabinet must be a person in his special confidence, with the clear implication that Hitler was not. The President set forth five major conditions to be satisfied by a Hitler government even if the Nazi leader achieved a majority, including not only the right to approve the personnel of the cabinet but the right to name his own candidates for the Ministries of War and Foreign Affairs, the requirement that the new cabinet should immediately announce an economic program, the preliminary agreement that Reich-Prussian dualism should not be restored, and the guarantee of the retention of the full powers of the President under Article 48. Again, it was crystal clear that the President preferred things as they were and sought only the necessary "political foundation" ("*Untermuerung*," as it had been labeled in the cabinet) for the existing regime. Eventually, von Hindenburg again repulsed Hitler's demands with a second denunciation of the Nazi request for "exclusive" rights and a declaration that Nazi partisan rule would only exacerbate the bitterness of existing political tensions.<sup>42</sup>

Indeed, it appears certain that von Hindenburg had launched the series of negotiations with the Nazis not with the intent of a compromise with Hitler and the creation of a Hitler cabinet but with the sole purpose of once again presenting the public with clear evidence that a parliamentary solution of the governmental crisis was impossible.<sup>43</sup> Under these circumstances it would then be possible with far less danger of serious public reaction to carry out the plans for constitutional reform set forth by Papen and Gayl.

The caretaker Reich cabinet met on November 25th to consider the course of the negotiations. In the light of later events some aspects of its deliberations are astounding! After Schleicher's report on the negotiations with Hitler and a comment or so on the negotiations then taking place with Center Party leader Monsignor Kaas, Papen's close friend, the Minister of Transportation, Eltz-Rübenach, stated his "firm conviction that the Reich Chancellor with his idealism and his dynamism must be retained . . . at the head of the



Reich cabinet." Schleicher, similarly, commented that only the gain of a man like Hitler, who still had the support of one-third of the German voters, would be a real gain for a presidential cabinet. "If any other personality, perhaps one of neutral character, assumed the leadership of the Reich Cabinet," said Schleicher, "this personality would perhaps at first find public support." But, added Schleicher, "the support would nevertheless soon cease."<sup>44</sup>

The cabinet was greatly concerned about possibilities of a general strike or an armed Nazi uprising. Von Schleicher, however, provided calming words: "In the Reichswehr there is no longer enthusiasm for Hitler. All the questions which concern exceptional military measures will be carefully considered again in the Ministry of Defense today, the 25th of November, and again tomorrow. One needs have no concern that anything will be found wanting here. A strengthening of the Reichswehr, perhaps with the inclusion of formations like the S.A., would in no way improve the apparatus, but rather increase the difficulties."<sup>45</sup>

These words stand in vivid contradiction to the report which Schleicher brought to Papen a week later. The investigation of the military situation to which Schleicher had alluded on the 25th took place as scheduled. Lieutenant Colonel Eugen Ott, a staff officer in the War Ministry close in the personal confidence of Schleicher, led the inquiry, which was designated rather strangely as a "*Kriegs-spiel*" or "war game." This took the form of a colloquy among the seven leaders of the major divisions of the Reichswehr, navy commanders, and representatives of the Prussian government (undoubtedly the Commissioned one), of the Prussian state police, and of the "Technical Emergency Service" (*Technische Nothilfe*) designed to provide functions interrupted by a general strike. The outcome of the deliberations of the conference was a denial of the ability of the armed forces to cope with civil war involving the Nazis and the Communists, particularly in view of the possibility of Polish intervention in the area of East Prussia. Nazi strength among large sections of the younger officers of the army, doubts of the loyalty of Prussian police in case of action against Communists in the Rhine area, and lack of sufficient equipment on the part of the "Technical Emergency Service" played a strong role in the unfavorable report.<sup>46</sup> The report stood in direct opposition to the calming words of Schleicher on the 25th. Either it did not represent

a completely objective view of the situation or the Minister of Defense had been amazingly ignorant of the existing status of the armed forces under his command! Also somewhat questionable was the assumption that Nazis and Communists would act together in the event of civil war. It was true that the two parties had cooperated in the Berlin Transport Workers' strike, joining not only in the pleas for strike funds but also in some of the violence concerned. To assume, however, that in the event of civil disturbance resulting from a projected *oktrojiert* constitutional revision, Nazis and Communists would join hands in disciplined resistance to the government seems quite illogical.<sup>47</sup> It is not possible for a non-specialist to render judgment on the ability of the existing forces to control popular revolt. It is, on the other hand, easy to understand Papen's feelings. When Schleicher said on November 25th that there was no need to worry about the army's ability to cope with civil war and then completely reversed himself on December 2nd, the process did, indeed, appear a "double cross!"

Papen's plans in November for constitutional revision seem to have been substantially the same as those originally conceived and repeatedly alluded to by Minister of Interior von Gayl. There would be a proroguing of the Reichstag, a temporary dictatorship based on force, and constitutional revision by way of decree to raise the voting age, establish a second house to offset the Reichstag, and "increase the authority of the government." At the time it was also indicated that Papen intended to dissolve all political parties and their auxiliaries. Since the war Papen has avoided reference to this item.<sup>48</sup> The end goal toward which he intended to steer also remains uncertain. He has frankly admitted his monarchism and his intentions to work in its behalf. In November, however, the Papen cabinet, which had often referred to this goal, was strangely silent in regard to it.

Papen has himself on numerous occasions told the story of his last days in office. The story has never quite rung true. By his account he met with von Hindenburg on December 1st and set forth his plan to effectuate constitutional reform by emergency decree. Schleicher presented the alternative plan of bringing about a schism in the Nazi party and obtaining the support of the section behind Gregor Strasser, until then Hitler's second-in-command. The President responded that he did not believe Schleicher's plan had

much chance for success and declared in favor of Papen's project. Papen, as a consequence, left the President with a full authorization to proceed with his plans. After the conference he sought to re-establish good relations with von Schleicher but encountered undisguised hostility. On conferring with Minister of Justice Gürtner and Minister of Transportation Eltz-Rübenach, Papen discovered that Schleicher had already talked with some of his colleagues during the past several weeks and had alluded to the danger of civil war in the event that constitutional reform should be put into effect by decree. In a hastily-called cabinet session Schleicher set forth the inadequacy of the army in such an event, and Lieutenant Colonel Ott then reported the results of the *Kriegsspiel* mentioned above. None of this material found its way into the official protocols of the cabinet session and there is, as a consequence, not even a vague reflection of the cabinet division in regard to the issue. It is, indeed, clear that the session must have been quite heated and that the full details were considered of too serious an import for even the "*Protokoll-führer*," the usually respected and discreet official stenographers, to be present! Eventually Papen left the cabinet session to seek renewed audience with Hindenburg and, on failing to get Hindenburg to name a new Minister of War and proceed regardless of risks, to request that the President entrust Schleicher himself with the formation of a new government.<sup>49</sup>

In the events surrounding the final demise of the Papen regime the fate of Prussia played a not unimportant role. The President's instructions for negotiation for possible support had stressed the necessity of preserving the measures which had marked the end of the Reich-Prussian dualism. Von Gayl, the major architect of constitutional reform, had considered the Prussian intervention the cornerstone of the reform moves.<sup>50</sup> Yet in the ultimate downfall of the Papen regime and the resultant departure of the chancellor and von Gayl himself, it was Bracht and Popitz, the two major representatives in Prussia, who brought strongest support to the hostile position of von Schleicher.<sup>51</sup> Both had reason to be concerned with respect to the Nazi and Communist menaces — the dangers from both sides were probably more intense in Prussia than in other parts of the Reich. Both had given evidence of some sympathy for the Nazi position. Popitz was later to serve the Third Reich for a time — Bracht to be prevented from doing so by his premature death.

Moreover, the major opposition to the cabinet had also centered in Prussia and around Prussian questions. Thus, there had been the implacable opposition of the Social Democrats, who rejected pleas by Wilhelm Keil to move to a "toleration" of the Papen regime. There was the determined opposition of the Communists who had suffered most from the police regulations of the Commissionnal government. And Nazi strength, once far stronger in the South than in Prussia, had now increased in Northern Germany. The Papen cabinet sessions frequently recorded notes of possible rapprochement with the South German states even when these were publicly strong in opposition. Affairs in Prussia appeared far less favorable, although the Reich was in a better position there for extra-constitutional action.

It is scarcely too much to say that the Papen regime was wrecked by its Prussian policies. In its efforts for constitutional reform the Papen regime had brought the downfall of the state of law and of respect for constitutional limitations and court decisions. It had also thrust its sword deep into the heart of the Prussian state. As Papen returned to private life, the state of Prussia lay moribund. He who took Papen's place was no physician possessed of a magic elixir to restore its energy and vigor. Throughout the Schleicher regime the state of Prussia, though mortally wounded, emitted flickering signs of life. From Hitler it received the ultimate *coup de grâce*.

## CH. VII. PRUSSIA: KEY TO HITLER

Kurt von Schleicher was a man of the shadows. The aura of mystery which lay about him has not been fully dispelled by post-war memoirs or documentary disclosures. To the contrary, there has been a tendency to cover uncertainties of evaluation by stereotyped portraits of this strange figure. Both Schleicher and his major confidant, General Kurt von Bredow, met death on the "night of the long knives," June 30, 1934, when Hitler purged those who menaced his position of power. As a consequence, Schleicher has been outlived by those who had reason to hate him — Papen, whom he made and unmade as chancellor; Meissner, who seeks a scapegoat upon whom to load all guilt for the intrigue in which he, himself, undoubtedly played a significant role; and the vast corps of republican enemies to whom Schleicher stood as the symbol for a conspiracy which sabotaged all chance for a return to parliamentary government. In spite of all, however, one cannot help feeling that Schleicher, had he remained alive into the postwar period, might well have presented a more convincing defense of his own actions than is found in many of the plethora of exculpatory memoirs which have overburdened the presses of recent years.<sup>1</sup>

This is not to deny that Schleicher was the joyful intriguer, the German "Cardinal Richelieu," the "political general," the "creeper" hiding behind webs of conspiracy, as he has been pictured. His role in the fall of Gröner and the subsequent resignation of the Brüning cabinet, as discussed above, indicate his Machiavellism and his lack of personal loyalty. The circumstances surrounding the fall of Papen also smack of Byzantinism — the repeated assurances of the reliability of the Reichswehr followed by the abrupt reversal of this judgment after a *Kriegsspiel* led by the same officer who had in May, 1932, produced the "documentary" evidence of the danger of the Reichsbanner. No, it is clear that Schleicher's mind worked in devious fashions and that new evidence is likely only to add to the knowledge of the methods by which he gained information and used that knowledge to move figures on the chess board of politics.

There remains, however, the question whether the work of the German "cardinal" might not have, under slightly altered circumstances, left his name surrounded by the atmosphere of success

which would have tempered the harshness of the judgments of his critics. What motives moved this strange personality? Was it a lust for power? But he preferred the power of the king-maker to the prestige and responsibility of the king himself. Was it personal profit? Of this there is no evidence. Was it jealousy or hatred? It would appear, to the contrary, that Schleicher was removed from the influence of petty emotions. This was a man who moved under the impulse of a coldly logical assessment of the existing situation. His goal would seem to have been two-fold: the creation of political stability and the advancement of the interests of the regular army to which he had devoted his life. These were not unworthy objectives. Their accomplishment lay in the long run only a little beyond his reach. Those most responsible for his failure now lay upon him the burden of their own responsibilities. In his lifetime, however, he was a far stronger man than most of his posthumous critics.

Whether a third objective — the reestablishment of the monarchy — should be added to the two mentioned above is a debatable question. Schleicher was on the best of personal terms with the Crown Prince. The latter greeted Schleicher cordially when he assumed the chancellorship and provided him with bits of political gossip supplied by his informants.<sup>2</sup> In the long run, however, Schleicher moved toward this objective so slowly and hesitantly as to raise doubt of his sincerity.

“A hunter of men” — so ran the critical description of von Schleicher in one of the few biographies of this dark figure. The description is inappropriate. The bold jaw, the stiff moustache, the direct and piercing glance did, indeed, give evidence of a firm and implacable will. But the suggestion that Schleicher sought out his fellows only to destroy them builds too much upon the testimony of his critics. Schleicher was possessed of an easy manner, a sense of conviviality, an ability to meet friends and enemies alike with apparent frankness and candor.<sup>3</sup> The shiny bald head surmounting a visage usually marked by a half-smile of irony was high and broad. “*Berlinisch*” in his manner of speech and the wry humor of his expression, von Schleicher reflected his long residence in the German capital with its worldly wisdom, its cynicism, its familiarity with the kaleidoscopic pattern of politics.<sup>4</sup> Well might the British ambassador comment shortly after Schleicher’s assumption of the

chancellorship, "The spectacle of a man of intelligence dealing with such an intricate problem as the present political situation in Germany, cannot fail to be stimulating."<sup>5</sup>

Perhaps a moment's recapitulation of Schleicher's role prior to his chancellorship may serve to bolster the question mark which this account would seek to attach to the stereotyped versions of Schleicher's career. Schleicher's rise to a leadership of the "political division" of the Reichswehr lies beyond the purview of this study.<sup>6</sup> Suffice it to note that Schleicher's meteoric ascent to dominant influence in the Reichswehr after World War I constituted one of the most amazing chapters of Germany's postwar history. By favorable circumstances of friendship—most notably with Oskar von Hindenburg and with General Wilhelm Gröner, by the ability to be on the scene at the right time with logical answers for difficult questions, and by the keen ability to analyze existing political forces and tensions, Schleicher had become, by the Brüning era, the prime mover behind Reichswehr policy. Essentially he was a shrewd politician encased by accident in the field-gray uniform of a general. The German army after World War I had found itself in a new and unaccustomed position—one requiring it to cope with parliamentary politics. Life and death for the Reichswehr lay with the Reichstag. Schleicher had established himself as the major expert for this problem.

Schleicher's real heyday of political influence came with the Brüning era. He is commonly considered to have been the author of the Brüning government and of the whole conception of a presidential cabinet which it embodied. By no means did he determine the day-to-day policy carried out by Brüning. This had not been his purpose. He did, however, provide undergirding and support for Brüning's efforts to secure revision of the armaments and reparations provisions of the Treaty of Versailles. He also sought to move Brüning to policy adjustments designed to conciliate rightist opposition. Basically, Schleicher conceived of a government of semi-authoritarian character, but one which would have relatively broad popular support. By early 1932 the Brüning government had revealed its inability to satisfy these requirements.<sup>7</sup> Brüning himself lacked the flair for popular appeal Schleicher was seeking. On one occasion Schleicher had suggested that what Brüning really needed to do was to go to his office every day in a carriage drawn by four

white chargers!<sup>8</sup> Brüning had only the passive support of any groups to the left of Center. Groups to the right of Center were, as has been seen, alienated by the prohibition of the S.A. in April, 1932, and the rumors in May, 1932, of curtailment of government assistance to heavily indebted East Elbian landowners. Regardless of the wisdom or desirability of these actions, the simple fact remains that in Schleicher's mind Brüning had forfeited his *raison d'être*. The Reichswehr leader still sought the adherence to the government of all groups professing nationalism, and Brüning's final months of office had greatly imperiled support of a presidential cabinet by both Nationalists and National Socialists.

The consequence was the creation of the Papen government. With this act Schleicher sought to mollify the Nationalists, obtain the support of the National Socialists, and stabilize the relationships between cabinet and presidency. Undoubtedly, he also purposefully sought a weak man for the chancellorship, conceiving that in this way he could secure his own control of policy. Schleicher had great confidence in himself — he publicly described himself as a "strong man."<sup>9</sup> He felt certain that he could obtain Nazi support by conciliation. Whether in June, 1932, he envisaged the possibility of an ultimate Nazi government is uncertain.

Papen disappointed Schleicher. There was far less personal appeal attached to Papen than to Brüning. The gains at Lausanne were deprived of all political value by inept handling of publicity. The early actions of the cabinet — lifting of the S.A. prohibition, the Prussian *coup*, slashing of unemployment payments — found approval on the Right. But the July elections increased the urgency, in Schleicher's view, of finding a ground for compromise with the Nazis, and the course of the August negotiations between Hitler and Papen shut off all possibilities in this direction. It would appear that Schleicher may well have been unaware of plans for the obviously "staged" conference between Hitler and von Hindenburg, which took place on August 13th. Werner von Rheinbaben describes a scene on the evening of that conference which can only be explained on the basis of overwhelming anger on Schleicher's part.<sup>10</sup> If the anger were not directed at Hitler, and later events would seem to indicate this probability, the logical explanation is that Schleicher was almost apoplectic at Papen's effort to "kill off" the Nazis by directing von Hindenburg's prestige against them. Then, too, von



Gayl had emerged as a person of force in the Papen cabinet – in its later period Papen was obviously leaning harder on his Minister of Interior than on his Minister of Defense. Aside from these personal considerations, however, there was obviously no possibility for a Papen cabinet to achieve its program save by a regime based on force. Such an effort in December, 1932, would have undoubtedly resulted in desultory if not in concerted and general civil war, would have sabotaged the negotiations already underway toward lifting the disarmament prohibition in Germany, would have rested the authority of the government entirely upon the shoulders of a feeble octogenarian, and would have undoubtedly strengthened the cause of communism, already on the ascendancy. All of the logic of the situation lay with Schleicher, who sought the fall of von Papen and hoped still to gain the support of a part of the National Socialist movement at the expense of Hitler.

It was under these circumstances that Schleicher emerged from “behind the curtains,” ascended the center of the stage, and stood for his brief moment in history under the glaring light of publicity. This transition was by no means a complete one. The cabinet protocols became for his regime bare and meaningless – obviously little real policy was being formulated by the cabinet as a whole. Schleicher proceeded on the basis of personal negotiations, shying away from witnesses and formal records.<sup>11</sup> Significant problems were referred to special committees – the important question of colonization in East Prussia was under the purview of a committee appointed for that question.<sup>12</sup> Seemingly, Schleicher set up most lines of policy himself. In January of the following year he completely ignored his cabinet when he brought Strasser before the President.<sup>13</sup> The impression is created, as a consequence, that the Schleicher regime was far more a one-man government than had been that of von Papen.

Schleicher retained most of the members of the Papen cabinet. Franz Bracht moved in from the Prussian sphere to become Reich Minister of Interior. Friedrich Syrup, who had been Reich Commissioner for the Voluntary Labor Service inaugurated under Brüning, became Labor Minister, and Günther Gereke became Reich Commissioner for Work Creation without assuming a cabinet post. The personnel of the cabinet did not commend it strongly to the public. Of the “barons,” who had found universal obloquy, all

remained save Gayl and Schäffer. The appointments of Syrup and Gereke seemed to promise a policy more considerate of the needs of labor and of the unemployed. Although Syrup's work as Reich Commissioner for the Voluntary Labor Service had not accomplished much, he had no disturbing background such as had his predecessor, Hugo Schäffer, who had once served the Krupp enterprises and was, therefore, always suspect in the eyes of labor.<sup>14</sup> Gereke, formally associated with a minority group, the Christian Nationalist Farmers and Country People's Party, had been the originator of plans for expanding labor opportunities by extensive government expenditures.<sup>15</sup> But neither Gereke nor Syrup had any real following and the retention of the majority of the old cabinet seriously impaired Schleicher's hopes of obtaining some left-wing support.

Actually Schleicher was in a most difficult predicament. The process of negotiations with Hitler during the Papen period had revealed that the Nazi leader was not to be won as a subordinate partner in any government. Yet this would appear to have been Schleicher's hope throughout the months from June to December, 1932. On the eve of his assumption of office the War Minister had conceived an alternative plan. This proposed the division of the Nazi Party by an attack on two points of weakness: 1. the job hunger of the rank-and-file, now accentuated by the misgivings attached to the November election losses, and 2. the inherent division within party ranks between those who emphasized the "nationalist" and those who emphasized the "socialist" aspects of the party program. Schleicher's target was Gregor Strasser, who had an unofficial designation as Hitler's chief lieutenant. Strasser's position and personality rendered him particularly the focus of the two weaknesses suggested above. As the major leader of the party's organizational arrangements, a kind of "party secretary," he was sensitive to the flood of depression sweeping through the ranks of the "little people" of the party. As the principal and most eloquent exponent of the vague socialist concepts attached to the party program, Strasser looked askance at the approaches to the representatives of heavy industry, which had filled the party coffers in time of need during the spring and summer of 1932, but had robbed the party of its hope for winning over industrial labor. By early December the contributions of industry had run their course. Party

coffers were again empty — indeed, a debt of at least twelve million marks worried the party leaders. This must be supplied either by industry, which would expect further conciliations in the way of policy statements, or by the state through patronage and unofficial “slush funds.” Strasser preferred the latter path and that path led through Schleicher.<sup>16</sup>

Schleicher, therefore, was confronted with a real opportunity to accomplish his objectives. On the other hand, however, to do so he would have to turn the course of government policy if not ninety degrees at least forty-five. And this was not easy to accomplish. He still held power as the head of a “presidential cabinet.” He had obtained that post not because the President was dissatisfied with von Papen’s policies, but because he, Schleicher, had proved that these policies threatened civil war. The President’s trust still rested more heavily upon the “Uhlan” than upon the intriguing staff officer who had replaced him. Schleicher, therefore, had to move cautiously in his efforts to divest himself of the mantle of opprobrium with which organized labor had invested the Papen government, of which he himself had been a member. He could not suddenly “change the guard” and move with vigor toward his objective. He confronted, as a consequence, the dilemma of convincing Hindenburg that the “gains” of the Papen government were to be preserved at the same time that he sought to convince the public that the new regime was no longer “reactionary.” This he might have accomplished in due time if due time had been available. But the sands of the hour glass were to run their course before the process of readjustment was well underway.<sup>17</sup>

In the midst of Schleicher’s plans Prussia occupied two mutually contradictory roles — on the one side, it offered the most logical source of patronage with which to satisfy the job hunger of the Strasser Nazis if Schleicher succeeded in gaining their support; on the other hand, the continuance of the Commissionary regime there would deprive Schleicher of any real hope of reconciliation with industrial labor because of the hostility of the Social Democrats. The Prussian dilemma thrust itself forward within the early days of the Schleicher regime and remained of significance until its demise. In the long run Prussia proved the “key” by which Hitler unlocked the gates to supreme power.

The Schleicher government began its work amidst guarded comments of approval. Even the Nazis were slow to attack. As late as October Göring had written in a syndicated article, "There is only one man in the (Papen) government who has proved he possesses capabilities justifying his high office. That man is Gen. Kurt von Schleicher, Minister of National Defense."<sup>18</sup> So the Nazi waited. So also did most other political groups. Perhaps the attitude of the democratic forces was best summarized by the journalist, Carl Misch, who noted that under Schleicher democracy cooled its heels "in the waiting room," but added, after reviewing Schleicher's career, "It is remarkable that this man at the present, after such open failures and such incomprehensible reversals, now appears to the overwhelming portion of the public a more reliable guarantor of a peaceful development."<sup>19</sup> And the Social Democrats, although officially repudiating toleration, left the columns of *Vorwärts* remarkably free of anti-Schleicher criticisms.<sup>20</sup>

On December 6th the Reichstag opened. All proceeded in order except for the now almost customary Nazi-Communist fracas on the second day. The most important issue discussed was a Nazi proposal to alter the Constitution by making the President of the *Reichsgericht* the Reich President's representative in the event of his incapacity or his being forced to surrender the office prior to the close of his term. The failure of the Nazis to provide "grounds" for their proposal lent credence to the explanation suggested by the Socialists. The latter alleged that the resolution was designed to remove one source of von Hindenburg's concern at the possibility of a Nazi chancellor — that he might also in the event of the President's sudden death take over that post. For different motives, the clearly apparent need of providing precise regulation of the quite possible contingency of an eighty-five year old president being forced by illness to surrender his post, the Social Democrats and most other groups voted the regulation into effect. Opposed were only the Communists, who did not propose to follow the Nazis' lead in this case, and the Nationalists, who objected to the designation of Bumke as the President's representative after what they considered the unfavorable verdict accorded in the case of *Preussen contra Reich*.<sup>21</sup>

The Reichstag also voted to demand the revocation of the "social" portions of the emergency decree of September 4th, but

refused to accept Social Democratic and Communist sponsored resolutions requiring the withdrawal of all of that decree as well as the decrees of June 14th and September 5th. Following this relatively brief period of action, the Reichstag adjourned *sine die* subject to recall by the Council of Elders which was its steering committee. The indefinite adjournment was a victory for the Schleicher regime. At the time it was believed that the Nazis might be moving toward toleration of the Schleicher government, since they sponsored this action.<sup>22</sup> Undoubtedly, however, a more serious factor in the Nazi decision was their fear that if elections were held too soon, the results might be unfavorable. Schleicher carried out the wishes of the Reichstag, not only acceding to the formally passed resolution for the withdrawal of those parts of the decree of September 4th which affected the social security arrangements, but also revoking the entire decree of September 5th, which had permitted employers to go below minimum wage requirements if they added new employees.<sup>23</sup> As regards relief arrangements, Schleicher permitted the Center to begin planning a new "Winter Help" program.<sup>24</sup> The early days of the Schleicher regime certainly seemed to signal a return to common sense in respect to social and economic policies.

Meanwhile, a political volcano had erupted in Germany. Schleicher had heard the rumblings long before. It was in expectation of a Nazi division that he had assumed the chancellorship in preference to supporting Papen's plans for authoritarian rule. On December 8th, it seemed that his hopes were to be realized. Gregor Strasser, announced the official Nazi news service, had taken a three weeks "sick leave." All rumors giving a different explanation were categorically denied. However, the official news release was given the direct lie by Strasser's letter of resignation, which followed shortly. In the letter he returned to Hitler all party offices — he had been "Party Organization Leader" — and his Reichstag mandate. He had encountered, the letter further stated, hindrances in his work emanating from the top echelon of the party; these hindrances, he added, were of such a nature that he could not reconcile them with the party's political viewpoint.<sup>25</sup> Thus, Schleicher had his desired crisis in the Nazi Party. His slogan of cooperation with National Socialism without Hitler assumed clear significance.<sup>26</sup> Strasser's defection from the party hierarchy was followed shortly by that of Gottfried Feder, once the leading economist and political theorist

of the party, but now no longer a leader of great moment. Although the latter breach was soon repaired, the consequences of the Strasser break could not be easily predicted.<sup>27</sup> Opposition papers seized on the reports with an exultation they had not been able to muster for years. "*Der hohe Osaf*," *Vorwärts* said, using the mocking nickname it had invented for Hitler, repaid faithful party service with contumely and ingratitude.<sup>28</sup>

It is not possible to determine whether Schleicher had a direct hand in Strasser's defection. But he was quick to seek advantage from it. The government was optimistic about the prospects. The division in the Nazi party, reported Meissner, was one "of serious proportions."<sup>29</sup> Schleicher's plans were a well-publicized "secret." He outlined them frankly to Otto Braun on December 8th when the head of Prussia's "sovereign" but powerless State Ministry called on him to discuss the future of the complicated "Prussian question." Strasser was, said Schleicher, to be chosen Prussian Minister President and to enter the cabinet as Vice Chancellor. This was, of course, the "bait" which had lured Strasser into folding his tents and departing from the Hitler camp. Prussia was, in December, the key to a hoped-for toleration of the Schleicher regime by a portion of the Nazis, as it had been, in June, the key to toleration of the Papen government. Naturally, Braun departed from Schleicher's presence devoid of any hope that the political general intended to restore constitutional government in Prussia. At the same time it must be added that Braun, by his own record, made little show of indignation or resentment — his conversation was that of the battle-weary and disillusioned leader who most fervently desired his own release from an uncomfortable, even ridiculous position.<sup>30</sup> As for *Vorwärts*, it relegated mention of Braun's visit to an obscure note hidden in a tiny corner of a page.<sup>31</sup>

Braun had, however, before departing from Schleicher, warned him of the shortcomings of the course he planned. The weight of political influence in a party, he asserted, lay not in the bearers of idealism and character but in the hands of those who controlled party organization, newspapers, and treasury. These would, he added, remain with Hitler. Braun's trenchant observations were borne out in the days that followed.

It would appear that Schleicher's schemes might well have succeeded had he moved rapidly to achieve them. In retrospect

it is possible to suggest that he had three weeks time within which success was possible. By the end of the year a rip tide of unexpected strength had developed in the troubled waters of German politics. But three weeks was not enough for Schleicher's plans. He had not yet so much as set forth the official program of his government when the Strasser break occurred. He well knew that he would need not only Strasser's wing of the Nazi party, but support also from the Center and, if possible, a portion of the Social Democrats. His hopes of obtaining these were not entirely illusory. But for this he needed time and time he was not to have.

Moreover, Schleicher does not seem to have been fully committed to a pro-Strasser course. On December 12th, while the ramifications of the Nazi division were still uncertain, Schleicher received Nazi Reichstag President Göring and Nazi Prussian Landtag President Kerrl and warned them that the election of a Prussian Minister President would not lead to the suspension of the Commissionial regime in Prussia unless the successful candidate also became a member of the Reich cabinet.<sup>32</sup> A little later he put it acridly before the Reichswehr generals when he told them he could not prevent the election of Göring as Minister President in Prussia if the Center supported him. But, he added, "I can assure you that if Göring becomes Minister President, he will sit on the little stool where Braun now sits."<sup>33</sup> Probably Schleicher had some thoughts that even yet the Hitler-Göring wing of the party might be forced to a more conciliatory attitude.

Meanwhile, Schleicher had obtained a partial success in the field of foreign policy. On December 11, 1932, Foreign Minister von Neurath signed in behalf of Germany an armaments formula which allowed Germany to return to the World Disarmament Conference which it had boycotted since July. In basic form the agreement did recognize Germany's equality of the right to arm. If there was, unstated in the agreement, the understanding that Germany would not make use of this concession to rearm for at least five years, this did not prevent the government from claiming with justice a diplomatic victory and another step away from the restrictions of the Versailles Treaty.<sup>34</sup>

The mid-month days of December were filled with Schleicher's efforts to distance himself from the policies of the Papen regime. The revocations of the emergency decrees of September 4th (in

part) and September 5th came on December 14th and 17th respectively. On December 14th, Schleicher also sponsored in cabinet a move to request the Braun government in Prussia to accede to previously made arrangements affecting the *Preussenkasse*. He saw no objection to requesting the assistance of the "Sovereign government" of Braun in this matter — he was not trying, he said, to wage "prestige politics."<sup>35</sup> On the same day the Communist *Rote Fahne*, publication of which had been suspended since November 26th, reappeared two days prior to the scheduled lifting of the prohibition. It repaid the courtesy by declaring "war on the Schleicher dictatorship."<sup>36</sup> At the same time Schleicher initiated formal approaches to the Social Democratic leaders through a middle man, General von Bredow.<sup>37</sup>

But between Schleicher and the Social Democrats still lay the Prussian question. It was not merely that Schleicher had participated in the planning and execution of the rape of the Social Democratic stronghold. The straws-in-the-wind indicated the likelihood of an intensification of the drive of the Commisisonal regime to extend its "cleaning" process into the area of education. Prussian Commisisonal Minister of Education Kähler was stubbornly defending his policy of requiring that religious instruction in the schools be "properly" supervised, and the reaction of liberal-minded teachers forbode the likelihood of a "purge" in that area.<sup>38</sup>

The sessions of the Prussian Landtag reopened on December 14th. The resolutions lying over from the previous session were voted upon first. Among those passed was a resolution brought by the Committee of the Whole instructing the Reich Commissioner to cease the appointment and promotion of officials; another by which the Landtag questioned the financing of the Commisisonal government and requested a report on the budgetary aspects of commisisonal appointments; another by which the Landtag objected to the promotion to the Police Presidency of Bielefeld of Regierungsrat von Werder, who had been responsible for a night search of the Reichstag not authorized by the Reichstag President; another directing the Prussian State Ministry to oppose all efforts to reform the organization of the Reich at the expense of Prussia; and a general protest against the dictatorial regime in Prussia instituted by von Papen. The Nazis even abstained from voting in order to permit a Social Democratic resolution to pass directing that the



Braun Ministry be restored all of its rights needed to carry out the will of the people of Prussia as represented in its Landtag. In addition to adopting resolutions, the Landtag established committees to investigate the background of the original appointment of the Reich Commissioner in Prussia and to investigate in how far the personal policies of von Papen were being carried out in Prussia.<sup>39</sup>

With sanctimonious reverence for the sacredness of constitutional provisions, the Landtag Nazis lashed sharply at von Schleicher. Prussia was not, declared Landtag deputy Kube, to be treated differently from the other states. "We must rather demand," he proclaimed, "that the most sharply individualized personification of German history is not to be treated like dirt (*en canaille*), as it has been for the last six months by Herr von Papen and Herr von Schleicher." Schleicher, said Kube, denies that he will allow the return of dualism, but, Kube added, addressing Hindenburg, "The man, whom you have named, Mr. Reich President, is not the tsar of all the Russians in Germany, but rather the highest official of the German Republic, who is bound to a respect for the constitution every bit as much as every other official of the German Republic."<sup>40</sup> Clearly, even the Hitler-loyal Nazis were beginning to thirst for tangible returns, but privately Goebbels admitted, "if we had Prussia, we would probably not know what we should begin to do with it."<sup>41</sup>

The Prussian question also occupied a prominent role in the sessions of the Reichsrat, which opened on December 15th. Arnold Brecht, the Reichsrat plenipotentiary of the "sovereign" government, which controlled Prussia's external relations, had the unpleasant task of "welcoming" the new Reich Minister of Interior. This was none other than Franz Bracht, who had led the Commissionial regime prior to the Schleicher government! Bracht had followed in his opening address the same line used by von Gayl, his predecessor, in stating his desire to preserve the "individuality" of the German *Länder*. Brecht answered that, putting aside the past unpleasantness of Bracht's role in Prussia, he sincerely hoped that Bracht's term in office as Minister of Interior would see the methods of government emerging from those of "the time of need, in which Article 48 of the Reich Constitution rules the hour" to "normal paths of government."<sup>42</sup>

It was in the midst of these acrimonious agitations of the Prussian question that Schleicher set forth in a radio address on the evening of December 15th the program of his government. His address was, by and large, an artful one.<sup>43</sup> His regime would take, said Schleicher, the creation of labor as its motif. Schleicher sought at one and the same time to reassure businessmen and landowners that he would not abandon the protective policies of von Papen and to convince labor and the unemployed that his government would care for their needs. One might guess that Schleicher's words were addressed almost as much to President von Hindenburg as to the radio audience in general. There was a strong defense of the President against the calumnious attack of Nazi general Litzmann, who had made the opening speech at the Reichstag. There was a warning that no regime could base itself permanently upon bayonets. References to the desirability of internal colonization in eastern Germany were cushioned by comparison with the policies of Frederick the Great. There were many allusions to the comradely sense of mutual obligation which derived from military service. There was justifiable pride in the accomplishments of the regime in respect to disarmament. All of these were designed to appeal to the heart of the Field Marshal.

Probably it was, at least in part, also, the opinion of von Hindenburg which determined Schleicher's statement of his Prussian policy:

A word in respect to the Prussian question. I know quite well that the final legal removal of Reich-Prussian dualism is not to be arrived at today. But I know just as well that the dangerous situation which made necessary the institution of a Reich Commissioner in Prussia is still at hand for a long time to come.

A removal of the Reich Commissionial regime can, accordingly, only be considered when this dangerous situation no longer exists or when, in place of the Reich Commissioner, other sufficient guarantees may be created for a coordinated political leadership in Reich and Prussia.<sup>44</sup>

Everything "schleichert," proclaimed *Vorwärts* the day after Schleicher's speech.<sup>45</sup> Indeed, Schleicher began to get favorable reception from circles other than the Strasser wing of the Nazis. His most significant gain was the friendly attitude of Theodor Leipart, the leader of the so-called "Free Labor Unions" (A.D.G.B.), which were separate from although much influenced by the Social Democratic Party. In his organ, *Alarm*, Leipart announced on De-

cember 23rd that he would not fight Schleicher—he preferred to wait to see “Whether the deeds of the government correspond to its words.”<sup>46</sup> The Social Democratic directorate itself, however, rejected agreements with Schleicher. This stand of the Social Democrats, much criticized in the post-war period, did, indeed, reveal their lack of comprehension of the forces existing at the time, but it should not be ignored that they were not the only group to harbor the feeling that Schleicher was, at the moment, a stronger menace to freedom than the Nazis.<sup>47</sup>

Meanwhile, the *Staatsgerichtshof* was busily occupied with legal complaints emanating from Prussia. On December 20th the *Reichsgerichtspräsident*, Bumke, dispatched two of them. From both of his decisions the Nazis drank bitter dregs. On the one side a Social Democratic complaint against Nazis Landtag President Kerrl for refusing to call the Landtag when the Social Democratic deputation had requested it was upheld. The verbal spanking involved was accompanied by a rebuff to Nazi efforts to call into question the change in the Landtag order of business which had required an absolute majority for the election of the Prussian Minister Presidency.<sup>48</sup> Bumke was also, at this time, in touch with Schleicher in respect to possible emergency action to deal with the existing crisis.<sup>49</sup> His role in general would seem to provide one large stroke on the credit side of the ledger for the German Judiciary.

Economic conditions were also improving. Beyond the lessening of unemployment in the year-end period were such factors as decrease of insolvencies, a rise in production, an increased liquidity of finances. In the words of the American Consul General in Berlin, “. . . it is possible, from all the above factors and still other developments, to arrive at the conclusion that the crisis had definitely come to an end in Germany, that the bottom had been reached, and that the combination of objective economic influences is gradually gathering strength for an ultimate movement in an upward direction . . .”<sup>50</sup> A report from the same office, written in retrospect several months later, was to say, “There is a general impression that this betterment in the industrial and general economic situation came as a direct result of the Schleicher Government which seemed to bring promise of stability. There was a feeling that threatening forces, whether from the right or the left, would be curbed under

this Government and that the opportunity for an approach to political stability was offered.”<sup>51</sup>

Christmas of 1932, therefore, found the Schleicher government seemingly on the road to achieving its goal. The Nazi split had occurred — there had even been an instance in which, to the glee of opponents, eighty thousand copies of the Munich *Illustrierter Beobachter* had had to be picked up after printing because of a flattering, profusely illustrated tribute to Gregor Strasser.<sup>52</sup> Schleicher's initial approach to labor leaders had born some fruit, although the disciplined Social Democrats still resisted his overtures. Economic conditions were getting better. A victory had been won in the field of foreign policy. But the general of the bayonets kindled little personal following. Like Papen, he could find no way of developing support for his policies save through the mediation of the old parties and these were inflexible in their viewpoints.

And, on December 19th, a “nightingale” sang.<sup>53</sup> Von Papen, speaking before the *Herrenklub* which had symbolized his regime, outlined in his usual cavalier style the policies he had followed and the continuing need for governmental reform. All was supposedly in tribute to Schleicher, who professed to be continuing Papen's policies. Neutral observers, however, found in Papen's references to his efforts for a coalition with the Nazis an oblique invitation to the Hitler wing to take up the discussion of possibilities not with Schleicher but with himself. Unimportant, said State Secretary Planck of Papen's speech at the time — he's just a “busybody” (*Wichtigtuere*). No one takes him seriously.<sup>54</sup> One person takes him seriously, answered a more prescient critic. The “old one” listens.<sup>55</sup> The “old one” did indeed listen and the “busybody” was soon to sound the death knell for a regime which had begun so favorably.

Two days after Christmas the Commission regime in Prussia began its heralded “*Schulputsch*” (coup against the schools). On December 27th, the head of the Berlin school administration, Christoph König, a Social Democrat, and twelve other high school officials were fired. By Social Democratic reckoning this brought to seventy-five the total of able school administrators known for their Social Democratic loyalty who had been dismissed, and all of this in spite of Schleicher's appeals for Social Democratic support.<sup>56</sup> Little wonder that the Social Democrats looked askance at Leipart's

indications that he would not oppose Schleicher.<sup>57</sup> Action against the schools was followed by rumors of a general administrative reform.<sup>58</sup> On January 4, 1933, the Berlin "Physical Exercise School of Adolf Koch" (*Körperkulturschule*) was closed largely on morality grounds continuing the atmosphere begun by Bracht's famous *Zwickelerlass*.<sup>59</sup>

It is difficult to understand why Schleicher should have allowed this renewed drive in Prussia to come at such an unfortunate time. He was, in the early days of January, in the midst of his most serious stage of negotiation with Gregor Strasser. He had even been able to secure for Strasser an interview with von Hindenburg.<sup>60</sup> The diary of Hitler's propaganda expert, Goebbels, reflects the intense fear which lay within the ranks of the Hitlerite Nazis in respect to these negotiations.<sup>61</sup> It would have been a relatively small concession to the Social Democrats to halt the school reform movement in Prussia. It might have swung the balance in his favor for some left-wing support. Perhaps he intended to use a promise of such a move for bargaining purposes.

If so, Schleicher did not have the opportunity. On January 4, 1933, Papen met Hitler for the famous conference at the home of Baron Kurt von Schröder. Von Schröder had returned from military service in World War I to become a prominent banker in Cologne, the honorary president of the stock exchange there. Widely acquainted in the circles of the Rhenish-Westphalian industrial area, Schröder was also the leader of the "*Herrenklub*" of his home city. He is alleged to have left the People's Party in 1932 and to have drawn close to Nazi circles around Robert Ley. Schröder had heard the "nightingale sing" at the pre-Christmas meeting of the *Herrenklub* in Berlin and almost immediately set into motion the arrangements by which the embittered former chancellor met the Nazi leader, who, chastened by defeat at the polls, was now somewhat more willing to compromise than he had been in August.<sup>62</sup>

The course of this famous conference is still a subject of debate. Baron von Schröder, who heard part but not all of the conversations between Hitler and Papen, alleges that Papen proposed a joint government and that Hitler avoided direct comment on this, but declared that if he became chancellor, the supporters of Papen could become ministers. However, Hitler added that his plans contemplated elimination from public office of all Social Democrats, Com-

munists, and Jews and a reordering of the state to secure stability.<sup>63</sup> How far agreement was reached at this meeting cannot be firmly stated. Nor can it be definitely established the extent to which von Papen was in contact with von Hindenburg after the meeting. Papen maintained that he had not had a part in coalition discussions between January 5th and 22nd. Göring, who claimed to be in charge of these negotiations on the Nazi side, supported Papen's statement at the Nuremberg trial.<sup>64</sup> On the other hand, Papen in his pre-trial interrogations did admit that he was in friendly contact with von Hindenburg in the interim period, and that he had seen the President to inform him that he was not intriguing against Schleicher.<sup>65</sup> The conclusion remains unavoidable, despite the post World War II protests of the Papens, *Père et fils*, that Papen set into motion on January 4th a cross current designed to overturn the Schleicher regime.<sup>66</sup>

At the time, however, the meeting was not taken seriously. Schleicher continued, quite leisurely it appears, his contacts with party leaders — with Eduard Dingeldey of the German People's Party on the 11th, with Alfred Hugenberg of the Nationalists on the 13th, with Monsignor Kaas of the Center on the 16th. He did not come off too well in these conferences. Hugenberg rejected him out of hand — the others dealt with his proposals very cautiously.<sup>67</sup>

Meanwhile, Schleicher lost ground in an area where he might well have made some progress. On January 6th, Otto Braun had a new interview with the chancellor, Braun found the chancellor no longer so secure in his self-esteem as he had been. He was not happy in the Reich Chancellery, he told Braun. In the spring he would move back to the Bendlerstrasse — the Defense Ministry. "It won't take you that long," Braun had replied, if you keep on "stirring up all the dogs against you." Braun confronted him with a practical way out — Schleicher should revoke the emergency decree concerning the Prussian Reich Commissioner. He, Braun, would take up his job with a firm hand. They would dissolve the Reichstag, dissolve the Landtag, postpone elections until spring, and carry through unified action against the Nazi demands for power. By spring the Nazis would have lost all their drive, the economic crisis would have been mastered, and normal relations would have returned.<sup>68</sup> Braun's suggestion was a good one, but it required one

thing that could not have been found — the support of the President. Of course, Schleicher himself had no desire to permit the return of a situation in which the Rightist groups, traditionally defenders of the role of the military in Germany, would charge him with a restoration of the old Reich-Prussian "dualism." Braun got no concessions from the chancellor.

And, on the same day, Schleicher's rapprochement with labor groups slipped a notch backward as Social Democratic leader Rudolf Breitscheid talked Leipart out of further moves toward support for the government.<sup>69</sup> This setback was followed a few days later by an even more serious *contretemps* surrounding the agricultural policy of the government.

On the morning of January 11th the directorate of the *Reichslandbund*, an organization of the great landowners, formulated a sharply polemical attack on the cabinet's agricultural policy. Most significant in the complaint were references to a need for the extension of quota arrangements, begun under Papen, and for further protection against foreclosure of mortgages. These complaints were accompanied by propagandist phrases reflecting the league's drift to the Nazi party, as, for example, the statement that the government had been responsible for the "exploitation of agriculture in favor of the all powerful money interests of international export industry and its adherents." The director of the league, Graf Eberhard von Kalckreuth, carried the complaints "of agriculture" to the Reich President. He was accompanied by a friend of von Hindenburg, Hans Joachim von Rohr-Demmin, and the league's major economic specialist, Heinrich von Sybel, a late convert to Nazism. Details of the resultant conference vary. Certain it is that von Hindenburg insisted on a careful hearing of the complaints of the league and that von Schleicher, von Braun, the agricultural minister, and Warmbold, the economics minister, came to deal with the matter in the presence of von Hindenburg. Von Sybel related afterward that von Hindenburg not only furthered the demands of the league, but also struck his fist on the table and addressed von Schleicher in strong terms. "I request from you, Herr Reich Chancellor von Schleicher, and as an old soldier you know that a request is only the polite form of a command, that you call together the cabinet this very night, draw up laws in the sense suggested [by the Landbund] and present them to me tomorrow morning for

my signature." The protocol of the President's office does not reflect such a severe ultimatum and, in actual fact, during the late evening hours, after von Schleicher learned of the harsh form which the league's directorate had taken for public criticism of his government, the cabinet broke off relations with the league's directorate with a sharp rebuke of its bad faith.<sup>70</sup>

Nor do the events of the days immediately following reflect the pessimism which would have been attendant upon such sharp action by the President. The capital was rife with rumors of Strasser's entrance into the cabinet on the 13th. On the 16th Schleicher told his colleagues that Strasser was indeed ready to come but that he doubted whether he would bring much support. He still had hopes of the entry of Hugenberg and believed a Center Party representative would come, although Monsignor Kaas himself had indicated he did not wish to do so.<sup>71</sup> Bracht, the Minister of the Interior, was still concerned about Prussian questions. He believed it important for von Hindenburg to assume the duties of a Prussian State President and for the Landtag to be dissolved. Bracht, for his part, was ready to put off new elections until the following October or November.<sup>72</sup> One item of interest in the protocol of this session is a series of different forms for the dissolution of the Reichstag. Clearly the question of drafting a dissolution decree which would avoid complaints of unconstitutionality was becoming quite serious.<sup>73</sup>

Meanwhile, the Nazis by intense efforts had made a somewhat more favorable showing in the elections in the little state of Lippe. They could not, however, take much heart from these results. Efforts to portray a renewal of the rapid rise of the party were not very convincing.<sup>74</sup>

The last two weeks of January are full of mystery despite all efforts to fill the void. With every step of the path beset by booby traps laid by those seeking exculpation and self-justification, the historian moves uncertainly through many misty events. Schleicher's project for colonization in eastern Prussia moved into the stage of serious discussions on the sixteenth. These discussions were, however, not carried on by the full cabinet but by a special committee for that purpose.<sup>75</sup> That the government contemplated anything really earth-shattering in this area is doubtful. There had developed in 1932 a trend toward resettlement of agricultural lands in eastern



Prussia by experienced farmers and on the basis of larger individual farms than those that were contemplated by labor leaders who hoped to place large numbers of unemployed in that area. This trend continued in 1933.<sup>76</sup>

Meanwhile, the public, if still interested in politics in the midst of the disillusioning cross-currents, watched the battle of the pedagogues in Prussia. The sessions of the Landtag saw one deputy after another stand before the rostrum to denounce the cultural policies of the Commission regime.<sup>77</sup> Most of these deputies were former school teachers or administrators. Strongest, of course, were the complaints of the Social Democrats, who had been most affected by the purge in the educational system. In some respects they were justified. School teachers were being judged by their ability to mouth exaggerated expressions of nationalism. Superficial rightists were replacing sober teachers suspected of leftist sentiments. These measures heralded in many respects the cultural *niveau* of the Third Reich. This was underscored in the strictures of Professor Wilhelm Erik Nolting of Frankfurt a.M.<sup>78</sup> The constant use of the word "German" to shut out all foreign and, particularly, all Jewish influence was resulting in catastrophe, said Nolting. "In the wild ravages of the barbarians much lies today trampled on the ground." The Volksschulen, which the Social Democrats had built and filled with light and air and happy children were worth, proclaimed Nolting, a thousand *Zwickel* decrees.<sup>79</sup> Bad scholarship now claimed extraordinary rewards. A teacher who copied an article written in 1904 and used it as his own gained rapid promotion.<sup>80</sup> And Professor Carl Schmitt with his famous "theory of the emergency powers of the State" (*Staatsnotrechtstheorie*) "falls up the stairs," although this is nothing but "a juggler's act of the reactionaries."<sup>81</sup> But, warned Nolting, we shall come again, and when we do, you shall not expect to find us "more convenient coalition partners" as the result of your lessons.<sup>82</sup>

The note of realism here was significant of a growing tendency within Social Democratic ranks toward sterner resistance measures. But, as Nolting himself added, the Social Democrats still found themselves in a war on two fronts — against fascism and against "a feudal-reactionary wing." Against fascism the Social Democrats continued to fight. But they were no longer so concerned. The Nazis had still emerged from the Lippe elections with a "black

eye." "Indeed," stated Nolting, "we shall see to it that your movement continues to move, but that it goes downhill. . . . Your power of fascination is gone. You charm today neither the little bourgeoisie nor the political power complex [in control of the state]. Your days of disenchantment have begun. You are in the fall of your year." On the other hand, proclaimed Nolting, "Between Herr Schleicher and us lies July 20, 1932. Across this chasm can be built no bridge of understanding and unity. . . . By the *coup* against Prussia an unalterable hostility has been set between us and him. . . . We are not concerned with the individual ruling measures of Herr Schleicher. They do not interest us much, whether they be sensible or not. Herr Schleicher personifies for us a system, and against the representatives of this system there is nothing on our part but hostility."<sup>83</sup>

These were brave words but of little practical significance. The Landtag adjourned itself on January 19th until February 15th. During the events which followed the Social Democrats were more largely observers than participants. In only one narrow area did they have another chance to express their concern over the course of events on the eve of Hitler. In Berlin the controversy over reorganization of the city's administrative divisions was revived. On January 25th, the city magistracy turned over to the Ministry of Interior, at long last, a completed plan for this purpose. This was to no avail. Despite Social Democratic protests in the *Stadterordnetenversammlung*, the city parliament, Minister of the Interior Bracht rejected the plan, and a regirding of the city's administrative form awaited the coming to power of the Nazis.<sup>84</sup>

Nevertheless, the Commissionial government of Prussia was far from feeling completely secure in its position. The question as to whether the right of amnesty rested with the Commissionial regime or with the official Prussian State Ministry (Braun government) caused much concern. Closely joined to this was the more technical issue of the proclamation of laws passed by the Landtag. Members of the Commissionial government were rather dubious in respect to their right to proclaim such laws, but were also fearful that the Braun government would exploit this function, if allowed to do so, to the embarrassment of their Reich-sponsored rivals. Thus, the deposed cabinet might submit laws to a plebiscite, which could be used as a means of discrediting the Commissionial regime. Appeal

to the president of the Supreme Court, Bumke, for clarification of such problems was still pending at the time of the fall of the Schleicher cabinet, although Schleicher hoped that direct negotiation with the Braun government might make the court action unnecessary.<sup>85</sup>

The downfall of the Schleicher regime took form in the eight days between January 22 and 30, 1933. On January 22, Papen with the knowledge of the President and already acting in some respects as his *homo regius*, his special intermediary, began negotiations with Göring.<sup>86</sup> Whether this was the continuance of earlier actions or separate from them is, after all, relatively unimportant. It would appear that the National Socialists, who had earlier threatened the initiation of an impeachment process against von Hindenburg, also posed a threat at this time of pushing Reichstag investigations of *Osthilfe* (government aid for landowners in Eastern Germany) scandals into the household of the President. Shortly before, the Reichstag budget commission, largely under Center pressure, had begun to question the employment of funds for relief of agricultural estates in the East. The taking of government assistance by some of the wealthiest landowners of the section was alleged. It was later charged that Oskar von Hindenburg was himself involved. Whether this be true or not, the son of the President, whose influence on his father was indicated by the phrase describing him as "the son not provided for in the constitution," conferred on the 22nd privately with Hitler and emerged from his conference far more convinced of the desirability of a Hitler government than he had been at the outset!<sup>87</sup> Between the 22nd and the 28th the main question at issue in the search for a Hitler-Papen combination was the relative position to be occupied by the two men. It is another indication of the character of the President and his immediate advisers that the Schleicher cabinet knew little of the events in motion and that genuine surprise reigned in government circles at the time of the downfall.<sup>88</sup>

Schleicher had come by January 23rd to the conclusion that the only course of action for his government lay in the establishment of a "state of emergency," by which the Reichstag would be dissolved, elections indefinitely postponed, and sharp governmental control action undertaken against the National Socialists and Communists. His conclusion was strengthened on the following day,

when the steering committee of the Reichstag, the Council of Elders, refused to postpone the full sessions of that body beyond the end of the month. On the 26th, he presented this proposed course of action to von Hindenburg. The latter, with somewhat better memory than he often had in these uncertain days, recalled to Schleicher that the chancellor himself had only two months earlier proclaimed such a course an impossibility. Schleicher answered that he, unlike Papen, would not have to fear a general strike, and, as a consequence, a two-front war against both right and left. Beyond this, he also contemplated a strengthening of the Reichswehr by the addition of volunteers, alleging that this would not cause difficulties with foreign powers in view of the favorable action of the World Disarmament Conference already noted.<sup>89</sup>

Von Hindenburg cannot be too much blamed for rejecting Schleicher's plans. There was, indeed, little evidence that Schleicher was stronger by the end of January than Papen had been at the end of November. The Social Democrats had rejected his toleration proposals. They were bitterly attacking his Prussian policies. The only major labor leader who had come to his side, Theodor Leipart, had repented his course. Both Social Democrats and Center party members had cooperated in the refusal of the Reichstag committee to postpone its sessions. Otto Braun added a few days later sharp public letters protesting against plans of treasonous nature.<sup>90</sup> Indeed, it would appear that the Social Democracy, far too quiescent in the earlier period, was beginning to bestir itself in the face of that which they regarded as the coming decline of National Socialism. An authoritarian solution under Schleicher in January might well have found them more prone to resistance than they had been two months earlier. This, of course, does not dispose of the question of the propriety of von Hindenburg's action in approving undercover negotiations directed against the existing cabinet. Nor does it justify his confidence during those critical days in a man who had been found by all sides a political novice, but who was entrusted by von Hindenburg with the details of arrangements for a political coalition which had been regarded for years as a most perilous one.

Von Papen had begun his negotiations with Hitler on the basis of an equal sharing of power. He had been speedily disabused of notions that this was possible. By the 22nd it began to be clear

that von Papen would have to assume the vice-chancellor's position, although von Hindenburg received this idea with great reluctance and did not accept it until the 29th. In the end the President agreed but only with two conditions attached, both of them in the long run meaningless. One was that Papen should be present at all conferences between Hitler and the President. This was probably a partial holdover from the original idea of a dual chancellorship. The other was that von Papen should also be the Reich Commissioner for Prussia. This could have been, with a different kind of man from Papen, a safeguard of some value. Beyond this von Hindenburg controlled and specified the appointment of von Neurath as Foreign Minister, of von Blomberg as Minister of Defense, of von Krosigk as Finance Minister, of Eltz von Rübénach as Minister of Transportation and of Seldte, leader of the Stahlhelm, for an undesignated cabinet post. On the other side of the bargaining Hitler obtained the promise of new elections, which he promised von Hindenburg would be the last to be held during his chancellorship.<sup>91</sup>

The play and counter-play of personalities and events in the final determination of the Hitler regime are most interesting. It is clear that the final agreement for a Hitler chancellorship came very late. At the last cabinet meeting under Schleicher there was still great fear that the new government to replace it would be led by Papen and Nationalist Party head Hugenberg. The cabinet commissioned von Schleicher and sent von Neurath, as the oldest member of the cabinet, along with him to carry their warnings of this course to the President.<sup>92</sup> To Schleicher, to von Hammerstein, and to many republican-minded statesmen the specter of a returned Papen was, at the end of January, 1933, more fearsome than the shadow of a Hitler government. Schleicher and his associates planned no *putsch* against the Nazis. They did discuss possible action if Papen should return at the head of a new government.<sup>93</sup>

In the determination of the Hitler regime the role of Prussia had loomed large both at the presidential palace and at Hitler's headquarters in the *Kaiserhof*. The President's advisers looked upon Papen's position as Reich Commissioner for Prussia as a significant safeguard against the total power of Hitler. The Nazi negotiators regretted the necessity of making this concession but found in the Prussian and Reich Ministries of Interior a recompense. In the long

run the Prussian Ministry of Interior was to prove far more significant than that of the Reich, for it involved the actual and direct control of police forces as well as an extensive bureaucratic system. Prussia was to provide the Nazis power and patronage. With its help the wounds of the Strasser break were laved and the embers of enthusiasm reheated. Prussia remained for a time significant under the Nazis. But it was the significance of a pawn not of a castle, of a victim not of a victor, and the price of its significance was death.

## CH. VIII. THE NAZIFICATION OF PRUSSIA

“The victory of a party is a change of government. The victory of a *Weltanschauung* is a revolution.”<sup>1</sup> So spoke Adolf Hitler in one of the great mass demonstrations that followed the victory of National Socialism. But the words were spoken in 1934 not 1933. The victory was gained after January, 1933, not before. It was Prussia which made the victory possible, which provided the fulcrum by which opposition was overcome and the totalitarian state launched.

It was, indeed, a strangely assorted group of men who assembled themselves in the Reich Chancellery on January 30, 1933. He who presided over the gathering was the strangest of all. The thousands, nay millions, of words about him that have flowed from the pens of innumerable writers since that day have failed to bring complete clarity. One reads and understands the words but falls short of comprehending the personality of the man about whom they were written.

Here was a leader whose words won the support of millions, but the nature of his fascination is indefinable. At short range view, Hitler had little to win love or admiration. He was, of course, neither stupid nor naive. He had a quick and ready intelligence, could analyze situations keenly and strike through to solutions rapidly. The vagaries of that intellect, however, have been strikingly underscored in his wartime “table talk.”<sup>2</sup> The charge of superficiality leveled so frequently, and with justice, at von Papen falls quite as heavily upon Hitler. Perhaps it may be suggested that the solutions of most political problems are in themselves fairly simple. It is in the choice of solutions and the justification of them that there lies the complexity of counterbalancing facts and points of view. The genius of Adolf Hitler was the divorcing of the solution from the rational justification of the choice. For reason was substituted faith and trust. Intuition directed the choice. Unquestioning faith brought its acceptance. This has been labeled a “neo-romanticism.” Yet the man who employed these concepts was in many respects no romantic, but rather a small-time politician, who had by the end of January, 1933, seemingly passed the apex of his accomplishments.

Hitler was, perhaps, possessed of two distinct personalities. Before the forum of the public he was the master of demagogic

oratory. From the depths of his own frustrations he developed the talent of appealing to the frustrations of his auditors. But with this he combined a vivid personification of pure will power, of determination allied with a hatred of obstacles in his path so intense that it was clear that no scruples would prevent their violent eradication. Nietzsche's "will to power" found personification in Adolf Hitler. However, the demagogy of Hitler would not have sufficed of itself to give him victory. His other personality was that of the "machine boss" in politics. Only the cleverest management of party forces had made it possible for him to preserve his movement in the troublous days after the November elections. The "machine boss" had withstood the threat of a rival leader in the two months preceding the formation of his cabinet. It was as a "machine boss" that he began his chancellorship and Herman Göring was his "hatchet man."

Hitler had become chancellor not because the movement behind him was increasing in strength but because it was weakening. In August a Hitler cabinet had clearly and apparently boded ill for all other political groups. The *élan*, the *frechheit*, the unbridled arrogance and uninhibited optimism of the National Socialists prognosticated an overwhelming tidal wave of Nazi influence if Hitler should become chancellor. It had been a service of the Papen cabinet temporarily to moderate this *élan*, this arrogance. The Head of the State, revered as a kind of deity, had expressed open disapproval of the ambitions of the party for monopolistic control of state authority. Some of the "band-wagon" adherents of National Socialism had begun to question their support of the movement during the enforced waiting period. The Nazis had suffered significant reverses in the November elections. Then had followed the Schleicher regime and the division of the Nazi movement. Somehow, in January, 1933, National Socialism seemed far less formidable than it had in August, 1932. Of this fact clear evidence is found in such speeches as that of the Social Democratic Landtag deputy, Eric Nolting, who had proclaimed National Socialism to be "in the fall of its year."<sup>3</sup>

Post-mortem analysis indicates that this assessment was incorrect. The major Nazi losses in November, 1932, as over against July, 1932, had resulted not from defections to other parties but an increased "stay-at-home" vote. The Strasser-Hitler break had not



resulted in a real division of the party and had not seriously shaken Hitler's position of leadership. All of the forces which had contributed to the rise of the party were still there unimpaired — the economic upturn of the Papen-Schleicher regimes had not yet communicated itself significantly in the reduction of unemployment; the scarcely-submerged sadism and rowdyism of the Nazi movement had not been chastened by the determined discipline of governmental controls; the activism of the movement still retained its allure; Hitler had not lost in prestige by the arrangements for coalition; rather he emerged with the chancellorship upon which he had stubbornly insisted through months of discouragement and despair.

Yet von Papen was not alone in his conviction in the early days of the Third Reich that he had bound Hitler to his own chariot. There was almost as much concern at the outset over the return of Papen and the entrance of Alfred Hugenberg into the government with joint portfolios of agriculture and economics as there was in respect to Hitler.<sup>4</sup> Hugenberg, the choleric leader of the German Nationalist Party, had held that position since 1928. Many of the Nationalists considered his leadership an unmitigated disaster for their party. There is much truth in this belief. Hugenberg had subdued all efforts to give the party a broader base. Like Schleicher, he considered himself a "strong man." But unlike Schleicher this little man with his ridiculous walrus-like moustache, his owlish spectacles, his paunchy figure was a walking caricature of the misty uncertainty and unreality attributed to the Nationalists by their enemies.<sup>5</sup> Like Papen he mouthed phrases reflecting the authoritarianism of nineteenth century Germany. The Schleicher regime, he had said shortly before its fall, had been guilty of "politics of delay and hesitation" ("*Politik des Hinhaltens und Zauderns*").<sup>6</sup> It should, he emphasized, be replaced with a renewal of "the authoritarian idea" set into motion with the Papen regime. His entrance into the Hitler cabinet had been, however, in opposition to the wishes of most of his party colleagues.<sup>7</sup>

With Hitler in his cabinet were also other representatives of the Papen regime — Neurath in the Foreign Ministry, Krosigk in the Ministry of Finance, Eltz-Rübenach in the Ministry of Transportation, and Gürtner in the Ministry of Justice.<sup>8</sup> The coalition arrangements had been designed to remove specific areas of gov-

ernmental action from Nazi influence — each of the “conservative” ministers would be a safeguard of the security of his particular sphere of action from Nazi excesses. And Papen as vice-chancellor was to temper Hitler’s actions and preserve the significance of the presidential position of authority.

None of these men, however, stood in complete opposition to the basic principles of National Socialism. They disagreed not with what Hitler advocated but with the manner by which he sought to carry it out and the spirit of violence which undergirded his movement. As a consequence, the conservative ministers of the Hitler cabinet were in a most awkward position. It was almost impossible for them to determine when to tighten the reins, to try to pull up on the bit. For the time being, they could find little fault in that which was done.<sup>9</sup>

The dynamism of the Nazis was quickly apparent — and the shrewdness of its leaders, who, in the early months of the Hitler regime, revealed themselves far more practical-minded than some of their dogmatic demagoguery had presaged. He who follows the pell-mell currents of government action during the late winter and early spring months of 1933 must admire the energy and decisiveness displayed, much as he may condemn the policies which were initiated. During this period Hitler set into motion imaginative economic policies, took his first steps toward conquest of the Reichswehr leadership, succeeded in neutralizing and eliminating rival political parties and associations, won freedom from all restraints imposed by the coalition nature of his cabinet, and began to set the stage for conquests in the field of foreign policy. In these varied actions Prussia was of signal importance.

The first cabinet meeting saw the beginnings of the discussions of an enabling act designed to free the cabinet for the time from the restraint of the Reichstag. Vice Chancellor and Reich Commissioner for Prussia von Papen gave eager sponsorship to the suggestion.<sup>10</sup> Undoubtedly he was recalling his own advocacy of such a step at the time of his earlier exodus from political leadership. Just as undoubtedly he also considered the benefits of an enabling act as redounding in the long run to his own advantage. He was confident of his ability to control Hitler. He contemplated a government in which Hitler would be the “front” for himself, Huguen-

berg, and their conservative cohorts. He ought to have been quickly disabused of this notion, but his awakening came slowly.

At the second cabinet meeting, on January 31, the problem of Prussia played a leading role.<sup>11</sup> The cabinet went through the motions of turning over to von Papen the supervisory position in respect to the Commission regime there which had formerly been vested in the chancellorship. From this formal action the cabinet moved to the problem of ending the dualism existing in respect to the Prussian government. Hugenberg had long been a vociferous critic of the Social Democratic leaders of that state. Now that he had finally gained a post on the cabinet, he moved quickly against his old enemies. It was, he stated, "urgently necessary to depose as quickly as possible the so-called sovereign government of Braun." He found no one disposed to dispute him. But there were complications. Hitler was, at this time, seeking or pretending to seek coalition with the Center Party. Cabinet members noted that the Center had expressed interest in the idea, but had conditioned their negotiations for coalition in the Reich with the requirement that these negotiations also contemplate a coalition in Prussia. This cabinet meeting also saw the beginning of consideration of the means by which the Prussian Landtag could be dissolved. Under the Prussian constitution this required the approval of the "*Dreimännerkollegium*," or "Committee of Three," composed of the Prussian Minister President, the President of the Landtag, and the President of the Staatsrat. But Braun was still the "sovereign" Minister President, and the President of the Staatsrat was the staunch Centrist, Konrad Adenauer. As a consequence, it appeared likely, Meissner believed, that the President would have to take action on the basis of Article 48. Papen, however, still felt that it would be better for Hindenburg to make himself the State President of Prussia.

The Reichsrat reopened its sessions on the same day. The Nazi Minister of the Interior, Wilhelm Frick, preserved the Gayl-Bracht tradition of emphasizing his federalist point of view, underscored by references to his Bavarian origin. The individual states of the Reich, he stated, must be left "the necessary freedom, particularly in cultural relationships." The Reich, however, must stand as a unity over and against other countries, and these times of crisis, he added, required a strong government.<sup>12</sup> Similarly, the Prussian

plenipotentiary of the Braun regime, Arnold Brecht, answered Frick as he had answered Bracht by expressing a pious hope that the new government would be able to end unstable conditions and return to normal channels of government.<sup>13</sup>

Brecht's plea for a return to normal courses of government fell on deaf ears. By the time he made this appeal there was a serious debate in progress within the Reich government as to whether or not new elections for the Reichstag should be held. One portion of the cabinet was willing to prorogue the Reichstag and proceed on authoritarian lines; the other portion desired new elections hoping to obtain from them the majority needed to provide constitutional authorization for dictatorial measures. The decision that new elections should be held was a Nazi victory. It was gained only with a promise by Hitler that there would be no further continuation of the wearisome balloting. There was also a second promise — that, regardless of election results, the personnel of the cabinet would not be altered.<sup>14</sup> The Nazis scored a second victory at the same time. Von Hindenburg had requested that Hitler initiate the negotiations with the Center Party mentioned above. Hitler now succeeded in making it appear that the Center Party was not seriously interested in entering the government. Monsignor Kaas, the leader of the Center Party, later protested that Hitler had not really sought to explore the possibility of coalition.<sup>15</sup> His protest was of no avail. It was clearly apparent that the National Socialists, temporarily stymied by the authoritarian solutions of the fall and winter months, had recovered their confidence and had launched a drive for complete control of the government. To this renewed dynamism of his party Hermann Göring provided a strong stimulus.

Göring held a position in the cabinet which seemed at the outset unimportant. He was a Reich-Minister-without-Portfolio but was entrusted with two commissarial posts — one enabling him to supervise air transport, destined later to be transformed into a formal ministerial position; the other making him the Reich Commissioner for the Prussian Ministry of the Interior. The latter post gave him command of all police forces in Prussia, including those of the city of Berlin. Göring was, therefore, in a more influential position than any other Nazi. His direct control of enforcement agencies provided the National Socialists with the fulcrum by which their partnership in government was converted into a one-party

dictatorship. On February 1st, he began to move toward this objective. The first step was an anti-Communist drive. In the cabinet he was the mainspring of a prohibition directed against Communist assemblies and demonstrations. He also told the Reich Cabinet he intended to make extensive changes in the personnel of the Prussian Ministry of Interior.<sup>16</sup> A day later he brought before the cabinet a proposal to dissolve local assemblies in Prussia and to set new elections for March 12th.<sup>17</sup>

The discussion in the cabinet of Göring's proposal for new local elections in Prussia is most interesting. It indicates that the definite date for new elections for the Prussian Landtag had already been set (March 5th), although arrangements for its dissolution had not yet been carried out. Göring's proposal was made under circumstances indicating that it had not been previously discussed either with Hugenberg or von Papen. Hugenberg, having already made concession in respect to the holding of national elections, which he had opposed, requested a day to think the matter over. Papen announced he had no objection in principle, but that he believed the matter was one for the discussion of the Prussian cabinet rather than of the Reich cabinet. In this Papen began his first effort toward retaining his supposed influence of moderation on the course of government action. Göring had his way, however, and a decree of February 4th set in motion the local elections he desired, elections which would not only influence the composition of the local assemblies but would also affect the composition of the Staatsrat, the Prussian Council of State, which represented them in the state government.

The deposed Prussian government of Otto Braun was, meanwhile, a thorn in the side of the new cabinet. Its Reichsrat plenipotentiaries irritated Frick by demanding to see the government's declaration of policy. They played a hostile role in the Reichsrat committees.<sup>18</sup> And, worst of all, their leader, Arnold Brecht, had opportunity on February 2nd to pierce the soap bubble blown before the Reichsrat by Hitler himself.

Hitler's speech was a "federalist one." It contained comments about the "cooperation of the *Länder*," promised not to centralize for the sake of centralization alone, and indicated that the government intended to retain the *Länder*, "these historical cornerstones of the German Nation." Beyond this were the usual catch phrases

proclaiming trust in the "energy of the German people," the "zeal of the German people," and "the abilities" and "will to live" of the German people.<sup>19</sup> Brecht's answer was an emphasis on the historical traditions of the Reichsrat, a house in which tradition was most particularly maintained. The Reichsrat must be, he said, "the counter-balance in the German clockworks." It should be the "conscience" of the government in "restless and passionate times" — "not a brake on energetic progress, but a brake on excesses of passion and of over-heated struggle." The work of the Reichsrat, declared the Prussian plenipotentiary, was seriously impaired by the abnormal situation existing in his state due to the intervention of the Reich. Brecht expressed the desire of the Reichsrat that constitutional normality be restored as quickly as possible and added a note on Hitler's responsibility to act in behalf of the Reich as a whole and in accordance with its constitution.<sup>20</sup>

Little doubt can exist that Brecht's words did not please the Nazi *Führer*. Brecht's speech in answer to Hitler was his swan-song. Before the Reichsrat met again, the "sovereign" government of Braun had been made to "disappear" as its enemies wished, and the Prussian plenipotentiaries were puppets of the Reich. Nor was the Reichsrat itself to be after this "a conscience" of the government in troublous times.

Again, it was von Papen who, in cabinet on the day following Brecht's speech, emphasized the necessity of getting rid of the Braun government, which continued to use its "shadow-existence" as a means to heckle the government of the Reich. To his previous proposal that von Hindenburg make himself State President of Prussia, Papen now added the suggestion that a special court be created for constitutional questions. The court, he suggested, might well consist of six members, three nominated by the Reichsrat and three named by the President without nomination. State Secretary Hans Heinrich Lammers in Hitler's Reich Chancellery suggested that it might be easier simply to alter the personnel of the existing *Staatsgerichtshof* by emergency decree. Meissner noted that either procedure, the creation of a new court or alteration of the old might be accomplished by emergency decree, but that the President had refused on several occasions in the past to make himself State President of Prussia.<sup>21</sup>

By the time this discussion in cabinet took place, it was clear

that events were on the move in respect to Prussia. On February 2nd, the Commissioned Minister of Education there, Wilhelm Kähler, was removed. He had, of course, been a source of criticism not only upon the part of the Social Democrats but also on the part of the National Socialists. On the fourth, his place was taken by Bernhard Rust, destined to be one of the major National Socialist leaders in the field of education. At the same time Hugenberg replaced two holdovers of the earlier Commissioned government, Freiherr von Braun, who still functioned as Commissioned Minister of Agriculture, and Ministerialrat Ernst, who had held the economics portfolio in the Commissioned regime.<sup>22</sup>

Desperately seeking to parry the clearly contemplated blow against his awkward and undesirable but still constitutional position, Otto Braun on February 3rd wrote the Reich President begging him not to allow himself to be led into unconstitutional and illegal actions against the Prussian government. When von Hindenburg's reply was polite but negative, Braun sent a second letter on February 5th. This time the reply was not so polite. He could, the President told Braun, get along without personal lectures. He found no merit in Braun's suggestion that he consult the *Staatsgerichtshof* before acting. Conditions in Prussia, he felt, were damaging to the welfare of the state and must be put in order without delay.<sup>23</sup>

Meanwhile, the Landtag, meeting amidst hectic scenes of rowdiness and unrestrained heckling, rejected by a close vote the Nazi proposal for dissolution. The Nazis spiced their advocacy of dissolution with a lengthy examination of their charge that the Braun government had "stolen" state funds for election purposes. Landtag debates revealed that Ministerial Director Ludwig Nobis in the Prussian Ministry of Interior had been the source of information in respect to the government "slush fund" for the Presidential election of the previous spring. No memorandum accounting for this expenditure had been found in the archives of the Prussian government, said Nazi Landtag deputy Wilhelm Kube. But the "caretaker" ("*Geschäftsführende*") government of Braun had also been a "cash-taking" ("*Geschäftsmachende*") government, and it was impossible to let a government like this hold even a shadow position, when it was far more proper that it be brought to legal accounting for its misdeeds.<sup>24</sup> However, the old governing coalition of Social Democrats, State Party, and Center was joined by the Communists to

defeat the proposal of dissolution, the Communists suggesting with some cogency that the Landtag, once dissolved, might fail to meet again.<sup>25</sup>

The refusal of the Landtag to dissolve itself had already been anticipated by the negative decision in the same question on the part of the "Committee of Three" — Otto Braun, the Minister President; Konrad Adenauer, the President of the Staatsrat; and Hanns Kerrl, the President of the Landtag.<sup>26</sup> On February 6, the anticipated action of the Reich President took place. The emergency decree signed by von Hindenburg on that day was an open defiance of the Leipzig decision of the Supreme Court. Based again on paragraph one of Article 48, on the power of "Reich Execution" against an insubordinate state government, the President's order specifically transferred to the Reich those powers which had been left in the hands of the Prussian state government by the October decision of the Supreme Court. On the afternoon of the same day the "new Committee of Three," with von Papen taking the place of Otto Braun as Minister President, met and dissolved the Landtag. Papen and Kerrl, the Landtag President, constituted the majority of the committee voting for this action. Konrad Adenauer, the President of the Staatsrat, attended the session, but refused to record a vote, indicating that he believed the President's decree was unconstitutional in terms of the Reich Constitution and that Papen as Reich Commissioner could by no means be considered the Minister President in respect to the arrangements of Article 14 of the Prussian Constitution which established the Committee of Three.<sup>27</sup>

Once again the Braun government instituted proceedings before the *Staatsgerichtshof*, accompanying their challenge of the President's decree with the varied correspondence which had flowed between Reich and Prussia since the October decision.<sup>28</sup> The Prussian protest was supported by critical letters to von Hindenburg from Bavarian Minister President Heinrich Held.<sup>29</sup> On the 11th Reichsgericht President Erwin Bumke was summoned to a conference with Hitler. Although the official announcement declared the conference had no relation to the Prussian plea, one is inclined to echo the incredulity of *Vorwärts*, "Na also!"<sup>30</sup> Certainly the court showed no disposition toward speedy action on the complaint.

Meanwhile, Göring was setting into motion severe measures against political opponents. *Vorwärts* encountered two prohibitions



in February, one for three days, a second designed to be longer but the Nazi administrators slipped up on a technicality.<sup>31</sup> Communist papers and demonstrations were prohibited. The police were given clearly to understand that their arms were not to be employed against National Socialist demonstrators regardless of their actions.<sup>32</sup> On February 14th, Göring began his "Säuberung" of the Prussian administration, firing three district presidents (*Regierungspräsidenten*), three district vice-presidents, and twelve police presidents.<sup>33</sup> A day later aged and doddering Admiral Magnus von Levetzow assumed the police presidency in Berlin, replacing Kurt Melcher, who was "kicked upstairs" to become *Oberpräsident* of the Province of Saxony.<sup>34</sup> On February 22nd, members of S.A. and the Stahlhelm were called into service as auxiliary police.<sup>35</sup> A day later Göring added new changes in his "housecleaning" ("*Grossreinemachen*") in Prussia, as the *Völkischer Beobachter* called it. Most seriously affected was the police section of the Prussian Ministry of Interior, where State Secretary Ludwig Grauert assumed leadership. This action was accompanied by the firing of thirteen officials of that division. Changes in provincial administration also continued with close friends of von Papen moving into high posts in Münster and Sigmaringen.<sup>36</sup>

Beyond these changes of personnel, however, was also a change in spirit. Göring ordered his police to support the S.A., the S.S., and the Stahlhelm to the fullest extent. He warned that disciplinary measures would be taken against police who failed to make liberal use of their weapons. Police in the Rhine Province were organized on a para-military basis. His instructions in some cases went so far that Neurath feared a breach of Treaty of Versailles regulations in respect to the demilitarized zone.<sup>37</sup>

These events were accompanied by growing but fruitless protest. On the 16th the Reichsrat met with newly appointed Prussian plenipotentiaries present. Dr. Ludwig Nobis received his reward for his earlier perfidy in the form of the leadership of the delegation. Bavaria, Baden and the Prussian provinces of Rhine Province, Posen-West Prussia, Lower Silesia, Upper Silesia, Saxony, Westphalia and Hesse-Nassau joined in protests of varied degrees of stringency against the action involved in the President's decree of February 6th. It was agreed that pending the decision of the Supreme Court the Reichsrat should deal only with the most urgent

business of state.<sup>38</sup> For Minister of Interior Frick, as he expressed it in cabinet, all of this simply meant the voluntary self-elimination of the Reichsrat.<sup>39</sup> The leader of the Bavarian People's Party, Staatsrat Fritz Schäffer, also met with the Reich President to object to the Prussian decree. As expected, he got no satisfaction.<sup>40</sup> On February 23rd the last organ of the old Prussian government, the Staatsrat, protested through its constitutional committee against the whole course of events in Prussia — the decree of February 4th which had dissolved elected local assemblies, the President's decree of February 6th, the police orders of Göring, which "publicly create two kinds of law," and the public statement of the Reich Commissioner's representatives that the resolutions of the Staatsrat bore no legal meaning.<sup>41</sup> The Staatsrat also submitted protest before the *Staatsgerichtshof*, an action occasioning the commentary of Communist Ernst Torgler, "Never have the words of Lassalle that constitutional questions and questions of right are problems of might better demonstrated their correctness."<sup>42</sup>

The president of the *Staatsgerichtshof*, Bumke, announced on the following day that no decision could be made on the Prussian protests until after the March 5th elections.<sup>43</sup> What motivated the delay is uncertain. It would seem that on this occasion any presumption of illegality on the part of the President's action, and such presumption could scarcely be avoided since the decree of February 6th specifically set aside the court's decision, would have justified an order temporarily restraining the holding of Prussian elections. Although such an order would undoubtedly have been ignored, it might well have helped to puncture the Nazi claims to strict legality and constitutionalism on which so much stress was laid at this time. As late as March 2nd there remained some concern within the cabinet for the process of legality. Minister of Interior Frick reported that Prussian Minister President Braun had agreed to vote for a legal dissolution of the Landtag if the President would withdraw his decree of February 6th.<sup>44</sup> The suggestion evoked little interest in the cabinet.

Meanwhile, there had taken place on February 27th the famous Reichstag fire. Little of mystery remains in regard to it today, except the question as to why Göring, who spoke so frankly on most subjects before the Nuremberg tribunal after World War II, still denied authorship of the blaze. The fire provided the grounds

for the emergency decrees of February 28th, "against treason and traitorous activity," and "for the protection of nation and state." The latter decree embodied the varied restrictions of personal liberties which made it possible in the week that followed prior to the elections to execute a reign of terror against the enemies of the existing cabinet, particularly against the Communists and Social Democrats. Paragraph two of the second decree also contained the provision empowering intervention by the Reich into the affairs of a *Land* which failed to take the proper measures for the maintenance of order and authority. In the cabinet meeting approving the draft Papen provided for the first time a brake to the actions of the cabinet. Fearing South German hostility to the proposal, he did secure alterations in the form of the decree which required the consent of the cabinet as a whole, rather than leaving such action solely to the Reich Minister of Interior as originally intended.<sup>45</sup>

But Papen's obstructive action was that of a feather not an anchor. Efforts of Social Democrats to get him to restrain Göring's actions in February brought the answer that he could do nothing.<sup>46</sup> Publicly he gave no evidence of concern. To the contrary, his speech in Munich on March 1, 1933, as the candidate of the "Black-White-Red Election Bloc" (formed on February 10th by Nationalists, Stahlhelm, and "non-party personalities") was designed to justify the whole course of events in Prussia and allay Bavarian federalist fears. Even with Göring in the saddle Papen could still talk of the days of Bismarck! He sought to distinguish between the roles of Prussia and Bavaria — the distance of Bavaria from the national capital, he stated, made its position in the Reich far different from that of Prussia. He repeated his earlier denunciations of the Weimar Constitution. "In the years 1919-1920," he said, in the presence of internal distress and external pressure, we copied the forms of western democracy and therewith proclaimed our bankruptcy of political creativeness." He denounced the "political sterility, which in the morning affirms the defects of the Weimar Constitution and in the afternoon its unalterability." Of inward fears of the course of coming events Papen gave no hint either at Munich or at Stuttgart, where he repeated his "federalist" point of view two days later.<sup>47</sup>

Two days before the scheduled March 5th elections the Nazis brought before the courts their legal complaints against Braun and Severing for the misuse of public funds.<sup>48</sup> Under these circumstances no explanation by Otto Braun can fully justify his departure from Germany prior to the elections. By his statement he had intended to leave by train on the afternoon of the voting day for Ascona in the southern part of Switzerland where his invalid wife could find a more suitable climate and the attention of an old family physician. After the Reichstag fire and the reign of terror which followed, he altered his plans in order to bring his private car with him into security from Nazi vandalism. As a consequence, although his wife cast her vote and then came on by train, Braun himself on election day crossed the borders into Switzerland.<sup>49</sup> This "flight" provided a propaganda windfall for the Nazis. Indeed, it does not appear quite possible to accept Braun's explanation that the time had passed when a few thousand Social Democratic voters would alter the situation. One cannot escape the sorrow expressed by Theodor Wolff, who later visited Braun in exile and found him living not far from the famous statue of Socrates in Lugano. To Wolff there was an unavoidable contrast between the resolute death of Socrates before his enemies, which cast upon their heads the endless reproach of history, and Braun's defenseless retreat and calm pastoral existence in exile.<sup>50</sup>

The elections in Reich and Prussia ran an even course on March 5th. In both the Nazis garnered some 43% of the seats in the respective parliamentary bodies. In both the Social Democrats lost some seats, more in Prussia than in the Reich. One startling outcome was the rise in Communist Landtag seats in Prussia at a time when nineteen seats were lost in the Reichstag. Clearly, the more resolute Communists had fallen heir to some of the Social Democratic positions there. The Center held firm, actually showed a slight gain in both Reich and Prussia.<sup>51</sup> The results of these elections were most remarkable not for the numbers and seats written in the election reports but for the unwritten commentary that in the midst of extreme pressure, involving the cruelest of terrorism, and of the impression of opponents, such as Braun, that they now confronted a *fait accompli* on the part of their adversaries, the government majority remained a very narrow and uncertain one. It depended upon the continued alliance of National Socialists

and the “*Kampffront Schwarz-Weiss-Rot.*” On the other hand, the opposition was divided and included large numbers of Communists, who were already virtually excluded from political activity.

Between the elections of March 5th and the Enabling Act passed on March 24th lies a brief period of less than three weeks. These were marked not only by continued terrorism but also by the use of emergency powers to sequester the authority of state governments hostile to the federal regime. Commissioned governments were established by the Reich in Hamburg, Bremen, Lübeck, Baden, Bavaria, Saxony, and finally Württemberg. These actions were taken without warning, in a number of cases almost through a process of *coup d'état*. They were also carried out on the authority of the Reich Minister of Interior alone, emphasizing how nugatory were such corrections as that made by Papen in the decree of February 28th, which had added the requirement that actions of this sort must have the approval of the cabinet as a whole.<sup>52</sup> The most significant outcome of the process was the elimination of South German criticism of the regime, a criticism which had contained some potential danger, because of its connections with monarchist ideals centering around the Wittelsbach dynasty. The hollowness of Papen's plaudits of federalism had been strikingly underscored by March 10th.<sup>53</sup>

The increase of the authority of the Reich government in other states was accompanied by a still further consolidation of its strong position in Prussia. In the communal elections of March 12th, the National Socialists and the allied Black-White-Red-Election Coalition obtained 113 of the 125 seats at issue in the Berlin parliament (*Stadtverordnetenversammlung*) and a majority of the seats in the Prussian upper house, the *Staatsrat*.<sup>54</sup> On March 14th, the Reich named a “Commissioner for Berlin Relationships” and set affairs into motion toward the creation of a new constitution for the city's administration.<sup>55</sup> A week later Hitler and his cohorts carried out the elaborate ceremony at the Garrison Church in Potsdam, designed to win the military leaders of the state and the Reich President himself with its appeals to the traditions of Bismark and of Frederick the Great and to “the spirit of Potsdam.”<sup>56</sup> As the Nazis rent asunder one after another the separate strands of Prussian existence, they became increasingly fervent in their oral plaudits of its traditions.

Thus, for example, the Nazi President *pro tem* of the Prussian Landtag, Karl Litzmann, opened its new sessions on March 22nd with the proclamation, "Prussianism and National Socialism are different expressions of the same thing; they are different expressions of the same political manifestations in the life of the German nation."<sup>57</sup> But the Nazis and their cohorts by a narrow margin carried a resolution deposing the "*Hoheitsregierung*" of Braun and entrusting state powers to the Reich Commissioners already exercising them.<sup>58</sup> After this action it adjourned not to meet again until the middle of May.

On March 23rd German parliamentarianism signed its own death decree. The so-called Enabling Act (*Gesetz zur Behebung der Not von Volk und Reich*) passed by the Reichstag created a dictatorship sanctioned by constitutional forms. By it the Reich cabinet was not only entrusted with virtually unlimited power, but also specifically freed from constitutional regulations so long as the Reichstag and Reichsrat were not destroyed as institutions and so long as the rights of the President were maintained. Nazi legalists were later to point out that the term "Enabling Act" was inaccurate in respect to the law. They suggested that it should be called "a law for the leadership of the Reich" ("*Reichsführungsgesetz*").<sup>59</sup> As they indicated, the law did to all intents and purposes place the whole power of government into the hands of its executive leaders. The rationale of the votes for this law recorded by a number of the opposition parties lies beyond the proper purview of this study. Suffice it to note that passage was obtained, not only under conditions of pressure upon the members of the Reichstag, including exclusion of Communist deputies, but also with four "safeguards" contemplated in the act: 1. the proviso that the Reichstag and Reichsrat must be retained; 2. the requirement that the President's position remain undisturbed; 3. the limitation of the act to four years' time; and 4. the limitation of the act to the existing cabinet.<sup>60</sup> In the long run these safeguards proved utterly meaningless. With its passage the Weimar Republic had legally consented to its own destruction.<sup>61</sup>

When the Republic of Prussia, which was a part of the Weimar Republic, met its death is more debatable. Normal republican government had not existed there since the July 20th *coup* launched by von Papen. But the Leipzig decision had revived at least a

shadow existence for the Braun regime. Whether this legally continued after the Landtag resolution of March 21st would be a highly debatable question. On March 31st, the Reich sought to end all such debate, not only in respect to Prussia but also in respect to the other *Länder*, by the passage of the "First Act for the Coordination of Reich and *Länder*."

The act passed on March 31st and considerably altered and extended on April 7th was designed to clothe with legality the emergency actions taken in respect to the governments of the *Länder* since July 20, 1933. Cabinet discussions on March 29th revealed a strange dichotomy of attitudes toward the proposal on the part of the conservative ministers. Hugenberg asked for delay — he felt unable to decide so important a question so quickly. Blomberg, for some reason, also served as a "brake" — he wanted the act labeled "temporary" and this was agreed upon. Papen, however, found the provisions of the act insufficient! He was anxious to go further along the road of centralization and later helped to draft stronger provisions.<sup>62</sup>

This "first act for the coordination of Reich and *Länder*" contained a number of interesting provisions. It empowered *Länder* governments (now all under the control of Reich Commissioners or dominated by Nazis) to vary from the regulations of their constitutions. They, like the Reich government itself, could issue decrees with the force of law without the consent of their respective assemblies. This was to all intents and purposes a repetition of the President's "Dietramszeller Decree" of August 24, 1931, with the exception that it was now based upon the provisions of the Enabling Act rather than upon Article 48 of the Weimar Constitution. All *Länder* assemblies, with the exception of the recently elected Prussian Landtag, were dissolved and reconstituted without new elections on the basis of the vote distribution recorded within each respective *Land* in the March 5, 1933, elections.<sup>63</sup>

All of this and Papen, "the brake on Hitler," was still dissatisfied! He was one member (representing the Chancellor) of a four-man committee, including also Professor Carl Schmitt, Minister of Interior Frick, and Johannes Popitz, who became later the Prussian Finance Minister, which worked out the provisions of the "Second Act for the Coordination of Reich and *Länder*."<sup>64</sup> This act, adopted on April 7th and more commonly known as "the *Reichsstatthalter*

Law," removed the last possibilities for the *Länder* to represent points of view diverging from those of the Reich. By its provisions the Reich Chancellor was empowered to name personal representatives called "*Reichsstatthalter*," who had extensive supervisory powers over the administration of the *Länder*. The prototype of the official was the *Reichsstatthalter* in charge of the administration of Alsace-Lorraine prior to the First World War. Under Nazi usage the *Reichsstatthalter* were appointed by the President on nomination of the chancellor without consultation of the government. Considered neither specifically Reich nor *Länder* officials, they were regarded as agencies of the Reich, using, however, both Reich and *Länder* powers. To all intents and purposes the *Reichsstatthalter* exercised the power once held by the princes of the respective *Länder*. Thus, each *Reichsstatthalter* had the right to name and dismiss the executive head of the Land government he supervised. He could dissolve the Landtag and arrange for new elections, and he aided in the making and revising of *Land* law, in which process he could, for example, change the government if it set up laws contrary to the will of the Reich or could seek to prevent such action in advance by taking over the chairmanship of the *Land* government. He also exercised rights of amnesty and a general supervision over the work of all officials. It will be noted that this position involved in the first place a legalization and constitutionalization of the position formerly held by the Reich Commissioners upon a temporary basis only. It will also be noted that, although the position of the *Reichsstatthalter* was far more powerful than that of the Reich Commissioners, its creation follows in a direct line from the actions of July 20, 1932.<sup>65</sup> In that direct line the administrative reforms within the state of Prussia were also of significance, for the position of the *Reichsstatthalter* within their respective *Länder* was a close parallel to the supervisory roles created by the Prussian Administrative Reform Act of September 3, 1932, for the Prussian *Oberpräsidenten* and *Regierungspräsidenten* (provincial and county executive heads).<sup>66</sup>

Prussia itself, however, was excluded from the provisions of the *Reichsstatthalter* law. Prussia's "privileged position" under the Coordination Acts meant that the Reich Chancellor, although he exercised within Prussia the powers of a *Reichsstatthalter*, was not considered actually to be one. Rather, Prussia was considered a



particular appendage of the Reich, a kind of "*Hausmacht*." The chancellor appointed the Prussian Minister President and exercised control over all functions of Prussian administration, but Prussia was considered to have a closer relationship to the Reich than the other *Länder*.<sup>67</sup>

All of this was, of course, of greater psychological than legal moment. For the time being some appearances of federalism were retained. The *Länder* continued to have separate governments although every means had been provided to assure uniformity between them and the Reich. Prussia also continued to be spoken of as though it remained an entity, and Nazi legalists, as well as others, proclaimed its significance for the Reich in preserving unity between East and West, between Germanic and Slavic elements of the state.<sup>68</sup> All of this was sham, but the fiction was continued until early in 1934.

With the passage of the *Reichsstatthalter* law, von Papen requested the President to terminate his (Papen's) position as Reich Commissioner for Prussia. Outwardly he gave evidence of great pride in the passage of the act. It was, he wrote Hitler, "the crowning" of "the step taken on July 20th by the government I then headed toward the removal of the dualism between Reich and Prussia." Now Hitler would be in the position of Bismarck, able to make conform in all respects the policies of Prussia and those of the Reich.<sup>69</sup>

On April 11th, Hitler by the powers of this act named Hermann Göring Prussian Minister President. By April 22nd the Prussian cabinet was completed with Göring retaining the post of Interior Minister as well as the Minister Presidency; Popitz as Finance Minister; Kerrl, the Landtag President, as Minister of Justice; Rust as Minister of Education. The posts of the Economics, Labor, and Agriculture Ministries were left vacant pending negotiations between Göring and Hugenberg.<sup>70</sup> Four days later the Staatsrat met, but Nazi control was narrow and no action was taken by it.<sup>71</sup> On April 27th the infamous "*Gestapo*" was created by Göring. Until then this agency had been a section (IA) of the headquarters of the police presidency in Berlin. Now it became an independent agency under the Prussian Ministry of the Interior. Under the leadership of Rudolf Diels it provided whatever additional momentum had been required to complete the Nazi dictatorship.<sup>72</sup>

On May 18th the Prussian Landtag followed the Reichstag in the act of self-destruction. The enabling act passed by it on that day paralleled in all respects that of the Reich. Paul Szillat of the Social Democrats played the role taken by Otto Wels in the Reichstag as he spoke in opposition to the act. It was, of course, in vain. The act was passed. "The act of liberation of July 20th," in the words of Göring, had been carried over into orderly and constitutional forms. "Prussia has returned to its old mission and its glorious tradition, that of being the foundation and cornerstone of Germany," proclaimed the man most responsible.<sup>73</sup>

No less enthusiastic in his appreciation of Prussian traditions was Göring four months later when he opened the ornate but insignificant Staatsrat which he had created in defiance of the requirement of the Prussian Enabling Act that the position of the old Staatsrat should not be disturbed. The intervening months had been filled with ruthless intrusions into the affairs of the Evangelical Church, into the conduct of the schools, into all phases of legal activities, and into the private life and thoughts of the Prussians. Well might Göring proclaim on September 15th his disregard for votes and democratic processes. Well might he also say that he hoped by this new Staatsrat, which was to be a consultative organ not concerned with votes and numbers, that he hoped also to create for himself "a living union with the Prussian people."<sup>74</sup>

A week later all representative government was ended in Berlin also. Increasingly the government of Berlin became like that of Prussia itself a direct appendage of the Reich government. By March, 1934, Reich commissioners regulated directly all city business.<sup>75</sup>

Perhaps Göring carried his enthusiasm for Prussian affairs too far. Hitler stayed away from the opening of Göring's "pet" Staatsrat. Later, he pulled the Prussian Ministry of Interior out from under him without notice and on January, 1934, liquidated the other Prussian ministries. Göring, by Diels' account, was thunderstruck.<sup>76</sup> All of these actions, however, were part of a process culminating in the assorted acts for the "New Reconstruction" (*Neuaufbau*) of the Reich early in 1934. By these acts the federalism to which at least oral tribute had been paid in 1933 was now disavowed. "The German Reich of today," commented a Nazi apologist after the passage of these acts, "rests no longer upon the German *Länder* nor upon the German tribes, but rather upon the German people and upon

the National Socialist Party which comprehends and represents the entire German nation."<sup>77</sup> These words, written by the man who was given credit for the origin of the *Reichsstatthalter* Law, represent the end of a long trend of political development. They marked the definitive end of the Republic of Prussia. In the long run they meant also the seemingly irrevocable demise of the Prussian state **itself**.



## CH. IX. THE DEATH OF PRUSSIA

Is Prussia really dead? If so, who was responsible for its death? These are questions that cannot easily be answered. In spite of their unitarism and desire for centralization, the Nazis continued to speak of Prussia and its importance. The old boundaries, slightly altered by minor administrative changes, remained on the map. Prussia and the other *Länder* were dealt with as "cultural" entities. Almost nothing remained, however, in the way of autonomous government. The "Prussia" of the Nazis was an amorphous and undefinable phantasm.

World War II greatly complicated the position of Prussia. The invading armies from East and West sundered the state. Prussia was further divided by the process of occupation. The occupation arrangements established by Germany's conquerors split the pre-war state into four parts. Although the four occupying powers disagreed on many things, they were united in their attitude toward Prussia. Hatred of "Prussianism" had served a propagandist purpose during the war.<sup>1</sup> The drive against "Prussianism" was probably the consequence of two factors: one, a residuum of anti-Prussian feeling held over from World War I, which made the word a more colorful synonym for militarism; and, two, an outgrowth of the Nazi propaganda of the first years of the Third Reich, when the National Socialists were flaunting their "Prussianism" as a part of their effort to establish a kinship with earlier German traditions. Beyond the emotional hostility to Prussia on the part of the victors there lay, of course, the evident necessity of providing within the respective zones of occupation a more manageable administrative arrangement.

On February 25, 1947, therefore, the Allied Control Council, representing the four occupying powers, proclaimed the abolition of the state of Prussia.<sup>2</sup> Their action was somewhat ambiguous. A preamble of the act declared that the Prussian state had "de facto ceased to exist." This was followed by the official abolition designed, presumably, to make it certain that the state did not like the Phoenix arise from its ashes. It was also accompanied by the gratuitous and unnecessary comment that Prussia had "from early days" been "a bearer of militarism and reaction in Germany." The truth of this statement as respects the role of Prussia prior to World War I is subject to some debate. The falsity of the statement as respects the

role of Prussia under the Weimar Republic is clearly apparent. Its usage represented a very minor aspect of the negative attitude taken by the occupying powers after World War II, which sought to color the whole past history of Germany black instead of seeking to find that in which Germans might take pride. Postwar politics would have been far better served by an emphasis that it was not the victors who imposed upon Germany the death of the historic state of Prussia but the Nazis themselves, who had obtained power at its expense.

Since the decision of the Control Council in early 1947, much has transpired. The three zones of western Germany have been joined together, first as a trizonal occupational area and later as the Federal Republic of Germany, with its capital at Bonn. This process was accompanied by a regrouping of the German *Länder* of that area into nine new *Länder*. The new map of western Germany, which resulted, was far more in accord with the dictates of reason than any previous map of the region, but it varied greatly from historic traditions. The West German government has been granted sovereignty, the Basic Law drawn up partially under occupation supervision becoming as a consequence the constitution of the West German state, the *Bundesrepublik*.

As the name indicates, this state created in the midst of and out of the pressures of the "Cold War," is a more federalist state than was the Weimar Republic. This has resulted partially from a natural revulsion against the consequences of Nazi centralism, partially as a consequence of the increased weight within this West German state of the South German *Länder*, which have been traditionally federalist in viewpoint, and partially from the desire of West Germans to make possible an easier transition at some future period toward a reunified Germany.<sup>3</sup>

In the Soviet Zone of Germany, transformed by the events of the "Cold War" into the "German Democratic Republic," the four *Länder* or parts of *Länder* once existing there have been replaced with fourteen "districts," this arrangement reflecting the highly centralist trend of that government.<sup>4</sup> Germany is, therefore, split into two states differing from each other not only in ideological viewpoint but also in concepts of political organization.

It may be presumed that any future reunification of Germany will be one in which the West German state, already possessing

sixty-nine per cent of the area and seventy-three per cent of the population of Germany,<sup>5</sup> will be dominant. It would appear probable that such a reunification will, therefore, be accompanied by an extension of the federalist concept of government into the East German state. However, the addition of the East German area, when it occurs, will add a number of new and intangible factors to the problems of government. The relative strength of federalist forces will probably be diminished. By prewar experience and postwar training the political leaders in the East German area will likely be critical of the looser bonds of union now existing. Their criticism will be reinforced by the natural tendency to compensate for the period of enforced division and by the need to counteract widely dispersed communist sentiments in the area. Reunification will also be accompanied by a strengthening of the influence of the Social Democratic Party, traditionally centralist in viewpoint. It is also likely that such a reunification will lead to the reemergence in this area of reactionary elements driven underground by the Communist regime. These may be expected to add their voice to those already criticizing the libeling of Prussia's place in German history.<sup>6</sup> The final test of federalism in Germany and the ultimate assessment of the actuality of Prussia's demise remains for the future.

Meanwhile, however, postwar constitutional arrangements in the *Bundesrepublik* have taken extensive note of the course of events related in the earlier chapters of this book.<sup>7</sup> The new government of West Germany is that of a federal republic. The nine *Länder* exercise more extensive competencies than did the *Länder* of the Weimar period. The powers of the federal government are specifically listed and provision made for legal defense of the *Länder* against improper intrusions of the central government. The lower house of the parliament, the Bundestag, exercises the primary legislative power, but the upper house, the Bundesrat, has a strong restraining influence upon it. The role of the Bundesrat, representing the *Länder*, each of which has one effective vote in its decisions, is strongly reminiscent of the agency of the same name under Bismarck's Reich. The federal president, the *Bundespräsident*, is not a popularly elected official. Rather, he is chosen by a federal convention, consisting of the members of the Bundestag and an equal number of members elected by the legislative assemblies of the

*Länder* on the basis of proportional representation. He can no longer claim, or be held by his supporters to have, the powers of a "plebiscitary dictator." It would appear that the specious arguments of a Carl Schmitt could no longer find a *point d'appui*.

Moreover, the emergency powers held by the Reich President under the Weimar regime, the powers of "Execution" and "Dictatorship" do not rest in the hands of the Federal President of the Bonn government. The power of "Execution" has been transformed into the power of "Federal Compulsion" (*Bundeszwang*) and is expressly subject to the prior approval of all the *Länder* through the Bundesrat. Its usage is also made explicitly subject to the right of constitutional review through the "Federal Constitutional Court" (*Bundesverfassungsgericht*). The power of dictatorship has disappeared from the constitution although various aspects of it in strictly limited form appear in various places. Thus, the cabinet or *Länder* governments may be empowered to issue certain decrees having the force of law (*Rechtsverordnungen*), but this requires an act of empowerment by the Bundestag and individual approval of such decrees by the Bundesrat. The Federal government can take over the police of the *Länder* in time of emergency, but must rescind such action upon the demand of the Bundesrat. There is also a provision by which the Federal President can declare a state of "legislative emergency" in the event of the malfunctioning of the lower house. In such case, again, the Bundesrat provides a check upon the action of the government. As a consequence, it would appear impossible to have a new period of quasi-constitutional dictatorship such as that in which von Hindenburg engaged from 1930 to 1933.

Furthermore, the sharply federalist feature of the Bundesrat, which represents the individual *Länder*, would seem to pose an insuperable barrier to efforts such as those of von Papen and von Gayl to impose constitutional reform "*am kalten Wege*."

These safeguards are backed up by the clearly affirmed right of judicial review incorporated in the Basic Law. The uncertainty attached to the competency of the *Staatsgerichtshof* in 1932 has been eliminated in the creation of the Federal Constitution Court. The sphere of action of this court is very broad. It judges as respects final interpretation of the Basic Law, differences of opinion between *Bund* and *Länder* as regards their special competencies and the



proper exercise of their respective authorities, the constitutionality of political parties, the impeachment of the Federal President, and a number of other items. The court of the Bonn government is larger than that of the Weimar period. It is chosen partially by the Bundestag, partially by the Bundesrat, and partially by popular election. The first president of the court was a man who played a significant role in the history of Prussia, Dr. Hermann Hoepker-Aschoff, the former Prussian Finance Minister. Since the beginning of its activities in 1951 the court has made a broad usage of its power of judicial review, reviewing both federal and *Länder* laws.<sup>8</sup> It has also employed its power to decide upon the constitutionality of political parties. In 1952 it ruled against the Socialist Reich Party, a neo-Nazi organization, and in 1956 against the West German Communist Party.<sup>9</sup> In the light of the events of the early 1930's these decisions seem wise and proper. They leave a legal situation far preferable to that of Weimar when the Communist Party was held by the courts to be hostile to the state (*staatsfeindlich*) but not illegal.

All of these factors argue that the experience of the Weimar era has been valuable for the postwar era of Bonn. This is not to say, of course, that Bonn is a new Weimar. Far from it. It has given evidence of much greater stability and of a more realistic and practical concept of democracy. But it is, of course, far too soon to predict whether the changes made have been sufficient to augur more permanent success for the later trial of democracy than was enjoyed by the former.

Nature abhors a vacuum and a nation abhors an historical vacuum. Where such an historical vacuum exists, a nation creates in its place myth. German historians until recently have been too content to fill the chronicles of the past with the deeds of Bismarck and Frederick the Great and to ignore the Karl von Rottecks, the Arnold Ruges, the Stephen Borns, and the Gustav von Struves. They have been far more critical of the defects of the men of Frankfurt than of the equally significant shortcomings of the chancellors under William II. They have tended often to apologize for von Hindenburg while ruthlessly dissecting the vagaries of Brüning.

In retrospect the Weimar period and particularly the history of Prussia during that period do not emerge as days of shame. Rather, the Weimar period is a story of earnest men striving des-

perately to achieve a goal made impossible by the weight of circumstances. It is a story in which few men are complete villains or real heroes. Of all of them von Hindenburg stands most heavily in the balance against the hopes of the democrats of the day. His errors, however, were the errors of age, of mediocre intelligence, of rigid inflexibility of point of view, of deluded egomania and misguided patriotism, not those of personal lust for power or dreams of world conquest. It is vital, however, that von Hindenburg not remain as the symbol of Weimar, but that the symbol be found in the lives of the Otto Brauns, the Heinrich Brünings, the Carl Severings, the Wilhelm Marxs, the Joseph Wirths, and of the many others of the period who sought to transform democracy from vision into reality. All of these men made errors. None were, perhaps, democratic in the fully idealistic sense of the term. In the story of the death of Prussia the shortcomings of many men have been written large. This has been true because crisis transforms small faults into grievous weaknesses and the death of Prussia occurred in a time of crisis. There remains a real need for historians who will help to fill the vacuum of German history by positive reevaluations—by new research into the lives of those who sought freedom under difficult circumstances, who strove for the political education of their countrymen and waited vainly for the awakening of their political consciousness.

Prussia has died in the postwar era that a new Germany may live. It may well be that the traditions of a Prussia of *Kadavergehorsam* (corpse-like obedience), Uhlans, and Junkers should also die that a new tradition of a Prussia of hard-working, sober, earnest and sincerely democratic statesmen may replace it. Otto Braun, Carl Severing, Rudolf Hilferding, Carl Becker, Arnold Brecht, Hermann Badt—all of these typify a tradition far more worthy of the name of Prussia than do Frederick William I, Bismarck, and von Hindenburg. May a new generation of German historians, those who are now searching the past with open and critical eyes, seek more their ideal among the little men of the day than among those who towered over the time by ruthless will and autocratic actions. The old Prussia of "blood and iron" is dead. The Republic of Prussia still lives as an experience and a tradition from which a new republic and the new states that compose it may well draw strength and pride.

## FOOTNOTES

### CH. I. A NEW GERMANY AND A NEW PRUSSIA

1. For Prince Max's own account of the pressure brought upon him and of his own opposition to the proposal see *Schulthess' Europäischer Geschichtskalender*, LIX, pt. 1, 492-6—"Reichsberichtsbericht des Prinzen Max von Baden." (Hereafter cited *Schulthess*).

2. United States, Department of State, *Foreign Relations of the United States*, 1918, Supplement 1, Vol. I, 337-8. Text of the addresses by Wilson are given *Ibid.*, 12-17 (to Congress, Jan. 8, 1918); 108-13 (to Congress, Feb. 11, 1918); 200-3 (in Baltimore, April 6, 1918); 233-7 (in New York, May 18, 1918); 268-71 (at Mount Vernon, July 4, 1918); 316-21 (in New York, Sept. 27, 1918).

3. *Ibid.*, 343.

4. German F.O. Note of Oct. 12, 1918, *Ibid.*, 357-8; Wilson's reply (through Lansing), Oct. 14, 1918, *Ibid.*, 358-9.

5. *Ibid.*, 381-3. The American background of the armistice negotiations has been dealt with exhaustively by John L. Snell in two articles, "Germany and the Fourteen Points," *Journal of Modern History*, XXVI 364-9 (1954) and "Die Republik aus Versäumnisse," *Die Welt als Geschichte*, Heft 3/4 (1955), 196-219. These demonstrate quite conclusively that Wilson did not clearly intend to bring the overturn of the monarchy in Germany, although he did regard the Baden government as one of sham democracy rather than as a genuine move to a responsible government. If one puts together the content of Snell's articles with the analysis presented by Eschenburg (see below, fn. 8), it is clear that Wilson, an outsider, was pretty well informed of the weaknesses behind the change in Germany involving the institution of the Baden government and was anxious to force a more genuine revision. Both from Snell's work and from statements of my colleague, Prof. Victor S. Mamatey (*The United States and East Central Europe, 1914-1918*), it seems quite certain that the common implication that Wilson was demanding the establishment of a republic is not supportable. But, as Snell says, many Germans came to this conclusion. And, from the wording of the note, excoriating both "the military masters" and "the monarchical autocrats" of Germany, this is an understandable conclusion. The author would venture the guess that the American point of view was quite uncertainly defined at this time, that Wilson was not at all certain that the armistice bid was seriously meant, and that the contents of the note were designed as much for public opinion in the United States and allied countries as for the Germans. However all this may be, Wilson's notes were read as a call for revolution and his influence on the origin of the German republic was most significant.

6. For the detailed history of the events of the November Revolution see such standard works as Ralph H. Lutz, *Fall of the German Empire, 1914-1918 (Documents of the German Revolution)*, II, 463-548; Erich Eyck, *Geschichte der Weimarer Republik*, I; Elmer Luehr, *The New German Republic; the Reich in Transition*; S. William Halperin, *Germany Tried Democracy; a Political History of the Reich from 1918 to 1933*; Wladyslaw W. Kuski (under pseudonym, W. M. Knight Patterson), *Germany from Defeat to Conquest, 1913-1933*; or the excellent chapter in Koppel S. Pinson, *Modern Germany, Its History and Civilization*, Ch. XIV.

7. *Schulthess*, LIX, pt. 1, 432-50.

8. See the trenchant analysis of the background of this party by Koppel S. Pinson, *Modern Germany*, Ch. X., 194-218.

9. This term is brilliantly explained by Theodor Eschenburg in his article, later published in pamphlet form, "Die improvisierte Demokratie der Weimarer Republik; Ein Beitrag zur Geschichte der Weimarer Republik," *Schweizer*

*Beiträge zur Allgemeinen Geschichte*, Bd. IX (1951), 161-211. Much of Eschenburg's theory and points of view are accepted and confirmed by the work of Karl Dietrich Bracher, *Die Auflösung der Weimarer Republik. Eine Studie Zum Problem des Machtverfalls in der Demokratie*. (Zweite Auflage.)

10. Eschenburg in his "Die improvisierte Demokratie" (see fn. 9 traces the background of immediate pre-war sentiment for democracy in Germany and finds it virtually non-existent. During the war there was a drive for the elimination of the three class voting system in Prussia, but the sentiment for a real democratization of the government was very narrow. Four major writings (i.e., of Hugo Preuss, *Das deutsche Volk und die Politik*; Max Weber, *Parlament und Regierung in neugeordneten Deutschland*; Robert Redslob, *Die parlamentarische Regierung in ihrer wahren und ihrer echten Form. Eine vergleichende Studie über die Verfassungen von England, Belgien, Ungarn, Schweden und Frankreich*; and Robert von Piloty, *Das parlamentarische System, eine Untersuchung seines Wesens and Wertes*) held the field in respect to democratic political theory. The opposing side was more heavily represented and external propaganda attacking monarchical government gained no influence in Germany until the clear failure of the monarchy in prosecuting the war (pp. 173-93).

11. *Ibid.*, 161; Bracher, *Auflösung*, 17.

12. A number of these are suggested in Bracher's analysis. For the others the author assumes personal responsibility.

13. The events of the Gröner-Ebert negotiations are dramatically told by John W. Wheeler-Bennett, *The Nemesis of Power: the German Army in Politics, 1918-45*, 20-31. Wheeler-Bennett calls this the General Staff's "first peaceful victory" in "the first round in their fight for rehabilitation — just twenty-four hours after their admission of defeat." As a consequence, the army became in the words of Eschenburg, "a monarchist island" in the democratic republic. Although not outright reactionary, says Eschenburg, it was an unreliable instrument of republican government. "Die improvisierte Demokratie," 199-200.

14. See Bracher, *Auflösung*, Ch. VII. "Das Problem der Bürokratie"; Oscar Meyer, *Von Bismarck zu Hitler. Erinnerungen und Betrachtungen*, 116-7. Eschenburg, "Die improvisierte Demokratie," 205-6, calls the republic "ein politischer Überbau über die alte monarchische Verwaltungsapparatur;" the summit, he says, was democratized, the following remained authoritarian. Arnold Brecht has alluded to the possibilities of "Bureaucratic Sabotage" of governmental decisions in an article under that title in *The Annals of the American Academy of Political and Social Science*, CLXXXIX, 48-57 (January, 1937). However, it must be added that many of the democratic leaders found the bureaucracy an efficient and, for the most part, loyal instrument. What would seem to have been lacking is a matter of spirit more than of actual function. Then, too, the bureaucracy assumed a more significant role in the depression years, when there was an increased tendency to turn to the "experts" (*Spezialisten*) and follow their suggestions. See Hermann Ullmann, *In der grossen Kurve. Führer und Geführte*, 7.

15. The poverty of German Communist leadership is strikingly underscored in the best history of the party during the period, Ossip K. Flechtheim, *Die Kommunistische Partei Deutschlands in der Weimarer Republik*; Communist apologia for their activity is presented by Paul Merker, *Deutschland, Sein oder Nicht Sein?* I. Band, *Von Weimar zu Hitler* and Evelyn Anderson, *Hammer or Anvil; the Story of the German Workingclass Movement*.

16. For more detailed history of the Nationalists and other political parties see Ludwig Bergsträsser, *Geschichte der Politischen Parteien in Deutschland*; Pinson, *Modern Germany*.

17. Ebert summoned Preuss on November 14, 1918, and commissioned him for this work. Preuss, like Ebert strongly convinced of the urgency of getting a formal constitution into operation, set to work with a will. His draft

was ultimately released on January 20, 1919. See Karl Polak, *Die Weimarer Verfassung. Ihre Errungenschaften und Mängel*. Dritte Auflage, 23ff. (Cited hereafter "Polak.")

18. *Ibid.*, 11-29. Eschenburg believes that the establishment of the Presidency involved actually the creation of an "Ersatzkaiser" rather than a use of either French or American forms. This was true after 1925 but was not quite so clearly true prior to 1925. "Die improvisierte Demokratie," 204.

19. Willibalt Apelt, *Geschichte der Weimarer Verfassung*, 99; cf. Harlow James Heneman, *The Growth of Executive Power in Germany. A Study of the German Presidency*, 27-34.

20. Friedrich Giese, *Deutsche Staats- und Rechts-Geschichte. Grundriss zu den Vorlesungen. Deutsche Rechtsgeschichte und Verfassungsgeschichte der Neuzeit*, 167-8.

21. Polak, 24-6; Eyck, *Geschichte der Weimarer Republik*, I, 102-4. A larger section of the mountainous literature relating to "Reichsreform" is detailed in the following chapters.

22. Polak, 31; Eyck, *Weimarer Republik*, I, 81-3.

23. Eyck, *Weimarer Republik*, I, 89.

24. *Ibid.*, 104; René Brunet, *The New German Constitution*, 59-69.

25. Eyck, *Weimarer Republik*, I, 104-5; Edmond Vermeil, *Germany in the Twentieth Century; a Political and Cultural History of the Weimar Republic and the Third Reich*, 33-5.

26. Eyck, *Weimarer Republik*, I, 105; Brunet, *The New German Constitution*, 186-94; Polak, 33-4.

27. Apelt, *Geschichte der Weimarer Verfassung*, 100-1; 122-3; An early comment by Konrad Fritsch in *Die Funktionen des Reichspräsidenten nach der neuen Reichsverfassung vom 11. August 1919 verglichen mit den Funktionen des ehemaligen deutschen Kaisers* (1921) notes that the powers of the President are actually greater than those of the Kaiser, but adds, "The increase of his (the Reich President's) rights, however, means also an increase of his obligations." (67-71); Wilhelm Ziegler, *Die Deutsche Nationalversammlung, 1919/1920, und Ihr Verfassungswerk*, 262-3, calls the President's powers "amorphous, juridically incomprehensible, and uncontrollable," but believes that this failure to make accurate definition is true of much constitutional legislation and indicates that limitations could have been established by the law of the Reich.

28. See below, Ch. II, and Walter Görlitz, *Hindenburg, Ein Lebensbild*, 258 ff.

29. Eyck's excellent chapter on Versailles, *Weimarer Republik*, I, 112 ff., is one of the most objective treatments of the subject to date by a German. Both Eschenburg, "Die improvisierte Demokratie," 196, and Polak, *Die Weimarer Verfassung*, 38, point out that Weimar really saved German unity but that democratic leaders were not successful in obtaining the credit due them for this accomplishment.

30. Eschenburg, "Die improvisierte Demokratie," 202, 208. Eschenburg points out that moves to socialization were considered dangerous in view of the opposition to the Versailles Treaty provisions, since socialized property might have been claimed by the allies as a part of reparations. The importance of the East Prussian landlords as "frontier defenders" also helped them in retaining their property.

31. See Polak, 42; Pinson, *Modern Germany*, 414; R. H. Samuel and R. Hinton Thomas, *Education and Society in Modern Germany*. As noted below, Otto Boelitz, the Prussian Minister of Education for a considerable portion of the Weimar period, did recognize the importance of the *Einheitsschule* and strive to bring it into existence. See, e.g. his *Die Bewegungen im deutschen Bildungsleben und die deutsche Bildungseinheit*, 20-1, and *Der Aufbau des preussischen Bildungswesens nach der Staatsumwälzung* (tr. I. L. Kandel and

Thomas Alexander, under title, *The Organization of Education in Prussia . . .*), 10, 13.

32. Apelt, *Geschichte der Weimarer Verfassung*, 169.

33. Polak, 44-6; cf., Bracher, *Auflösung*, 191-8.

34. E.g., Schiffer, *Sturm über Deutschland*, 233-42; Bracher, *Auflösung*, Ch. III; Ullmann, *In der grossen Kurve*, 7-14. The sources on this subject could be multiplied almost to infinity.

35. Of this episode Gordon A. Craig, *The Politics of the Prussian Army, 1640-1945*, 379, says, "The others had followed the line laid down by Seeckt and there is no disguising the fact that Seeckt had been as insubordinate as Lüttwitz, even if in a somewhat different way. The Ebert Government then, would have been fully justified if it had taken reprisals against the officer corps and if it had sought, even at this late date, to start all over again and create a truly republican army. Moreover, an energetic effort in this direction would probably have won wide support in Germany in March 1920, for the failure of the Kapp adventure was followed by a wave of anti-militarist feeling in all parts of the country. Yet nothing of the sort happened . . ."

36. Arnold Brecht, "Die Auflösung der Weimarer Republik und die Politische Wissenschaft," *Zeitschrift für Politik*, Heft 4, Jrg. 2 (Neue Folge), 292-308, criticizes, with some justice, Bracher's work for ignoring the positive contributions of the men of Weimar. A similar note is found in Polak, 5-7.

37. For the best description of government and political conditions in Prussia just prior to the war see Maurice Aubry, *La Constitution Prussienne du 30. Novembre, 1920. Thèse pour le Doctorat en Droit*, 7-19.

38. *Schulthess*, LIX, pt. 1 (1918), 470-83. On November 27, the Provisional Government of Prussia was reorganized with the following personnel: "Political Cabinet" — Hirsch, Ströbel, Braun, Eugen Ernst, Adolf Hoffmann, Dr. Rosenfeldt. Ministries: Commerce, Fischbeck; associate (Beigeordneter), Hue. War: Scheuch; Under State Secretary Göhre. Public Works: Hoff; associates, Paul Hoffmann, Brunner, Interior: Hirsch, Dr. Breitscheid, associate, Eugen Ernst. Science, Art, and Public Education (*Wissenschaft, Kunst, und Volksbildung*): Adolf Hoffmann, Haenisch. Finance: Dr. Südekum, Simon. Agriculture, Domains, Forests: Braun, Hofer, Justice: Dr. Rosenfeldt; Wolfgang Heine, *Ibid.*, 525. See also Otto Braun, *Von Weimar zu Hitler*, zweite Auflage, 42.

39. *Schulthess*, LXIX, pt. 1, 477-9.

40. *Ibid.*, 483.

41. *Ibid.*, 488.

42. *Ibid.*, 525, 532.

43. *Ibid.*, 573., 598.

44. *Ibid.*, 516, 529.

45. *Ibid.*, 516, 529.

46. *Ibid.*, 595; LX, pt. 1, 23; Aubry, *La Constitution Prussienne*, 29-30.

47. *Schulthess*, LX, pt. 1, 1-2.

48. *Ibid.*, 3-4.

49. Seats in the Prussian National Assembly were allotted as follows:

German National People's Party (Nationalists) .....	48	deputies
German People's Party .....	24	"
Christian People's Party (Center) .....	85	"
German Democratic Party .....	65	"
Social Democratic Party .....	145	"
Independent Socialists .....	24	"
Smaller parties representing Schleswig-Holsteiners, Guelfs, and Hanoverians .....	10	"
	401	"

Aubry, *La Constitution Prussienne*, 34; *Schulthess*, LX, pt. 1, 16, 21.

50. *Schulthess*, LX, pt. 1, 72.  
 51. *Ibid.*, 21.  
 52. *Ibid.*, 109, 127; see also Brunet, *The New German Constitution*. 43-53.  
 53. *Von Weimar zu Hitler*, 43-5. Some of Braun's difficulty with the old military leaders of the state is reflected in the correspondence of the headquarters of the Second Army Corps (Abt Id, Nr. 37/9), Schleicher Nachlass, Koblenz, 49ff.  
 54. *Schulthess*, LX, pt. 1, 121.  
 55. *Ibid.*, 123.  
 56. The cabinet was as follows:  
     Minister-President—Paul Hirsch (Social Democrat)  
     Minister of the Interior—Wolfgang Heine (Social Democrat)  
     Minister of Justice—Dr. Am Zehnhoff (Center)  
     Minister of Science, Art, and Public Education—Haenisch (Social Democrat)  
     Minister of Finance—Dr. Südekum (Social Democrat)  
     Minister of Agriculture—Otto Braun (Social Democrat)  
     Minister of Public Welfare—Stegerwald (Center)  
     Minister of Public Works—Oeser (Democrat)  
     Minister of Commerce and Industry—Fischbeck (Democrat)  
     Minister of War—Col. Reinhart (non party).  
     *Ibid.*, 137.  
 57. *Von Weimar zu Hitler*, 53-7.  
 58. Hirsch is represented by Braun as lacking in energy. His role during the Kapp Putsch was seriously questioned by his colleagues. Heine, on the other hand, was a capable minister who resigned largely because of what he considered unwarranted intrusions into his realm of action by his own party directorate. See *Ibid.*, 97-8; Carl Severing, *Mein Lebensweg*, Bd. I (*Vom Schlosser zum Minister*), 275-80.  
 59. Aubry, *La Constitution Prussienne*, 47, 134-41.  
 60. Erich Eisemann, *Die Regierungsbildung im Reich und in Preussen, 1919-1933*, Dissertation . . . der Hamburgischen Universität, 16-20.  
 61. Aubry, *La Constitution Prussienne*, 114-34.  
 62. *Von Weimar zu Hitler*, 38. A similar comment came from Hugo Preuss in 1920 when he said, "The republic of Prussia is a combination of words which does not roll easily from one's tongue." Quoted, Aubry, *La Constitution Prussienne*, 191.  
 63. Aubry, *La Constitution Prussienne*, 60-5, 195.

## CH. II. REPUBLICAN PRUSSIA: BASTION OF DEMOCRACY

1. Biographies of Braun, both appearing in 1932, are by Hans Steffen and Erich Kuttner. Braun's autobiography, *Von Weimar zu Hitler*, has been referred to previously. Comment may be added that the use of Braun's autobiography by careful historians should be restricted to the first or second editions (second edition cited here on all occasions), see Ludwig Bergsträsser, "Textkritisches zu den Erinnerungen von Otto Braun," *Historische Zeitschrift*, CLXXI, 656-7 (1951). See also sketch by Siegfried Marck, *Grosse Menschen Unserer Zeit. Portraits aus drei Kulturkreisen*, 68-70 and comment by Albert Grzesinski, *Inside Germany*, 113-5.

2. Siegfried Marck (see N. 1) makes an interesting but not too convincing comparison of Otto Braun, the statesman, and Otto Braun, the poet. Most significant, however, is Marck's apparent feeling that Braun, the statesman, fell short in his possession of "Phantasie" and "Leidenschaft."

3. On March 5, 1933, Braun left Germany for Switzerland, where he spent the years of the Third Reich in exile. For Braun's own explanation of his departure see *Von Weimar zu Hitler*, 450-3. Braun says that he had not intended to "emigrate" when he left Berlin, but reached that decision with the

course of events under the Nazis. For a highly critical view of Braun during his exile see chapter entitled, "Das Exil und Sokrates," in Theodor Wolff, *Der Marsch durch zwei Jahrzehnte*, 352-73.

4. Severing's memoirs, *Mein Lebensweg*, 2 vols., published in 1950, are an exceedingly valuable source for the history of Prussia under the Weimar Republic. They are, unfortunately, not free from asperity and some minor distortions. Braun himself makes half criticism of Severing at points—e.g. *Von Weimar zu Hitler*, 238-9. Oscar Meyer, *Von Bismarck zu Hitler*, 123, notes that the energy of Severing, "ist wohl immer überschätzt worden." But even such a former critic as Hans Schlange-Schöninggen finds it necessary to pay tribute to the honesty and sobriety of the Braun-Severing administration — *Am Tage Danach*, 25-6.

5. See Grzesinski's *Inside Germany* and Braun's comments, *Von Weimar zu Hitler*, 238-9.

6. For commentaries on Höpker-Aschoff see Braun, *Von Weimar zu Hitler*, 352-4. Becker is dealt with below.

7. Brecht now in the United States and associated with the New School for Social Research in New York has contributed a series of valuable studies touching particularly upon Prussian affairs. Among them are his *Prelude to Silence, the End of the German Republic; Federalism and Regionalism in Germany; the Division of Prussia; and The Art and Technique of Administration in German Ministries*. The author would particularly commend the latter to American researchers who find the bureaucratic jargon of the Weimar period highly confusing. For an appreciation of Brecht's broad contributions in the area of political science, see C. J. Friedrich and Erich Hula's evaluations in *Social Research*, XXI, 107-15 (April, 1954).

8. The author does not mean to imply by his listing that these were the ablest men of the period. In the paucity of specialized works dealing with the subject these men appear to have played significant roles although not always completely commendable ones.

9. For comments indicating the difficulty of the combination, see Braun, *Von Weimar zu Hitler*, 56, 59, 98-9, 112-6, 164-8, etc.

10. *Ibid.*, 175.

11. *Ibid.*, 170.

12. Oscar Meyer's comments, quoted in Chapter One, about the replacement of top officials only and the continuance of lower officials in their places applied particularly to Prussia. See his *Von Bismarck zu Hitler*, 116-7. But the centering of the whole action of the von Papen government in Prussia and the number of changes von Papen found necessary as a preparation for monarchy indicates that the work of republican revision had been quite extensive.

13. The Sklarek scandal involved fraudulent deliveries of goods to the administration of Berlin culminating in a denunciation and trial of Gustav Böss, the head bürgemeister, in 1930. Böss paid a fine. The Sklarek scandal was tremendously exaggerated by the National Socialists because the Sklarek brothers, who owned the factory producing the goods noted above, were Jews. See Eyck, *Weimarer Republik*, II, 316-7. A critical view of Social Democratic policy is given by Evelyn Anderson, *Hammer or Anvil*, 132. The Barmat case of 1924-5 belongs more properly to Reich affairs than to Prussian.

14. Severing, *Mein Lebensweg*, I, 314. Braun also pays tribute to Abegg, *Von Weimar zu Hitler*, 105.

15. See the discussions of the incident in Evelyn Anderson, *Hammer or Anvil*, 128-31, and strong criticism of the Braun-Severing government Paul Merker, *Deutschland, Sein oder Nicht Sein?*, I, 247-9. More objective discussion of the incident is found in Eyck, *Weimarer Republik*, II, 220. Severing's own account is marred by his omission of Zörgiebel's name and his somewhat unconvincing explanation of his failure to go along with Grzesinski's proposal for a prohibition of the Communist party. Severing admits that Braun was



rather enthused by the idea also, but says it could only have been effective if it were made applicable to the Reich as a whole and accompanied by a constitutional amendment to exclude election of Communist deputies. *Mein Lebensweg*, II, 186-7.

16. Grzesinski, *Inside Germany*, 131.
17. Severing, *Mein Lebensweg*, II, 293.
18. *Regionalism and Federalism*, 21.
19. *Inside Germany*, 144.
20. See above, note 14.
21. "Democracy - Challenge to Theory." *Social Research*, XIII, 195-224 (June, 1946).
22. Hans Steffen, *Otto Braun*, 26.
23. Braun, *Von Weimar zu Hitler*, 375.
24. Steffen, *Otto Braun*, 21.
25. Braun, *Von Weimar zu Hitler*, 375.
26. *Ibid.*, 376.
27. The most valuable source on the subject of reform of education is R. H. Samuel and R. Hinton Thomas, *Education and Society in Modern Germany*. For commentary on Becker, see pp. 13, 123.
28. *Ibid.*, 12-13; 73-4. cf. Boelitz's *Der Aufbau des preussischen Bildungswesens nach der Staatsumwälzung* as tr. by I. L. Kandel and Thomas Alexander, under the title, *The Reorganization of Education in Prussia . . .*, 20. Boelitz, however, was an ardent advocate of the *Einheitsschule* and of a freer spirit in education. See e.g. his, *Die Bewegungen in deutschen Bildungsleben und die deutsche Bildungseinheit*.
29. Braun, *Von Weimar zu Hitler*, 289-90; Eyck in his *Weimarer Republik*, says that Grimme could not compare favorably with his predecessor (II, 258); Severing also praises Becker's ability, *Mein Lebensweg*, II, 42; but Braun comments that Grimme turned the wheel of school politics more energetically to the Left, *Von Weimar zu Hitler*, 227.
30. Samuel and Thomas, *Education and Society in Modern Germany*, 48.
31. *Ibid.*, 55, 66.
32. *Ibid.*, 123; Werner Richter, *Reeducating Germany*, 85.
33. Richter, *Reeducating Germany*, 65. Richter was undersecretary under Becker and had charge of university affairs. A more favorable view of the process of educational change than that of Richter or of Samuel and Thomas is set forth by Thomas Alexander and Beryl Parker in *The New Education in the German Republic*.
34. *Von Weimar zu Hitler*, 227-31.
35. Text in *Schulthess*, LXXX, 105-10.
36. *Ibid.*, 135 (Protest of General Synod of Evangelical Church); 150 (comments of Nationalists and People's Party delegates).
37. See Becker's commentary before Landtag, *Ibid.*, LXX, 48.
38. *Ibid.*, LXII, 115; See also Eyck, *Weimarer Republik*, II, 258-9 on church problems.
39. *Schulthess*, LXII, 133-4; cf. Braun's apology for the treaty and his explanation that he had tried very hard to avoid its consummation, *Von Weimar zu Hitler*, 335-6.
40. A general survey of Prussian government and services in 1930 is given in W. Havel, *Preussen nach dem Weltkrieg. Aufbau und Wirken des Freistaates Preussen in Wort und Bild*.
41. Hermann Ullmann, *Flucht aus Berlin*, *passim*.
42. Friedrich Karl Steffin, *Das Berliner Stadtverfassungsrecht. Seine Entwicklung bis zur Gegenwart und seine geschichtliche Grundlagen*, 211.
43. Brecht, *Regionalism and Federalism*, 35.
44. e.g., Eyck, *Weimarer Republik*, II, 319, "Von allen deutschen Reichskanzlern ist Dr. Heinrich Brüning am schwersten zu durchschauen."
45. Paul Löbe, *Der Weg War Lang. Lebenserrinerungen von . . . Ehemals*

*Präsident des Deutschen Reichstags*, 124-5.

46. See Bracher, *Auflösung*, 296 ff. and below, p. 85-6. Also see Hermann Ullmann, *In der Grossen Kurve, Führer und Geführte*, 60-91.

47. See the study by the author, *Verdict on Schacht: a Study in the Problem of Political "Guilt"* (Florida State University Studies, XX), Chs. IV, V.

48. In spite of its Communist *tendenz* the work by Paul Merker, *Deutschland, Sein oder Nicht Sein?*, has value in respect to the economic picture. See I, 184-5, 191-200 for some interesting aspects of Brüning's program. Hjalmar Schacht, Germany's economic "wizard," later claimed that Brüning's economic policy coincided with his own: *Spruchkammer Proceedings against Hjalmar Schacht*, 2 August 1948-1 September, 1948, I, 42. At the time his position was critical and his mordant volume *Grundsätze deutscher Wirtschaftspolitik*, published during Papen's chancellorship, decried all economic policy which failed to heed what Schacht vaguely called "an unrestrained will to live" on the part of the nation, 8.

49. Bracher, *Auflösung*, 296 ff. Bracher calls the action of the Social Democrats "eine völlige Selbstausschaltung der stärksten demokratischen Partei" and points out that within six months the last conceivable chance for a reconstruction of the Great Coalition had been removed. Severing and Braun were both in strong opposition to the action but Severing in his memoirs (*Mein Lebensweg*, II, 238-9) stresses the importance of party discipline, while Braun flatly declares the party leadership felt itself too dependent upon the trade unions (*Von Weimar zu Hitler*, 292). Cf. also Julius Leber, *Ein Mann Geht Seinen Weg. Schriften, Reden und Briefe*. 218 ff.

50. *Ibid.*, 298.

51. *Schulthess*, LXXI (1930), 67.

52. *Ibid.*, 93; See also Bracher, *Auflösung*, 304 ff.

53. Braun's objective treatment of this action in which he criticizes both the Social Democrats for their lack of a sense of responsibility and Brüning himself for hasty action is most convincing. *Von Weimar zu Hitler*, 305-6; cf. Bracher's thorough treatment, *Auflösung*, 330-47.

54. See sketch in Lutz, Graf Schwerin von Krosigk, *Es Geschah in Deutschland*, 130; R. T. Clark, *The Fall of the German Republic: a Political Study*, 291; Bracher, *Auflösung*, 307.

55. Konrad Heiden, *Der Fuehrer. Hitler's Rise to Power*, 84.

56. Harold Callender, "Germany's Ascetic Chancellor," *New York Times Magazine*, Aug. 30, 1931, V, 1-2.

57. *Ibid.*, T. R. Ybarra, "A New Strong Man for Germany," *New York Times Magazine*, Aug. 3, 1930, V, 1-2; Harold Callender, "Men on Whom Germany's Fate Depends," *New York Times Magazine*, Nov. 30, 1930, V, 10.

58. Title of excellent biography by John W. Wheeler-Bennett—*Wooden Titan. Hindenburg in Twenty Years of German History. 1914-1934*.

59. Von Hindenburg in his 1920 memoirs, *Aus Meinem Leben*, concluded with an appeal to the German youth in which he stated, "For the present a flood storm of wild political passions and sounding oratorical expressions have buried beneath them all of our former political conceptions." But, he added, "this flood will run its course again. Then, out of the eternally moving seas of our national life will emerge that rock, on which once rested the hope of our fathers, and on which almost half a century ago was founded by our strength the future of the fatherland: the German kaiserdom." (303)

60. The scorching and not entirely trustworthy commentary in Helmut Klotz, *The Berlin Diaries, May 30, 1932-January 30, 1933*, 28, 30, in respect to von Hindenburg is reflected in sources more trustworthy in nature, e.g. Schwerin von Krosigk, *Es Geschah in Deutschland*, 140; Severing, *Mein Lebensweg*, II, 337.

61. Brüning, for example, believes that if von Hindenburg's mental and physical powers had held out five years more the German ship of state would not have gone aground, "Ein Brief," *Deutsche Rundschau*, 70 Jg., 1-22 (July,

1947), 3. An exception is the commentary of Apelt, *Geschichte der Weimarer Verfassung*, 423, on conditions during Hindenburg's presidency: "In this situation the Reich needed a statesman of great experience and clear awareness of his goal, who in his inmost convictions stood firmly on the basis of the new form of the state and was determined with all his strength to fortify it and extend it, a man who possessed also the ability to grow with difficulties, to make himself at home in the high demands of his office. Hindenburg was not this man and so he fell, the more the situation threatened difficulty, more and more into dependency upon irresponsible counselors, whom he found, corresponding to his post and his social relationships, on the extreme right. If, indeed, his being called to the office of the Reich President was no stroke of fortune for the Germans, then was the reelection of the aged and ill man in the spring of 1932 an outstanding error. The verdict of history will not be able to free the men who made this choice and he (the President) himself, who accepted it, from heavy responsibility."

62. *Hindenburg. Ein Lebensbild*, Ch. 6, "Der Reichspräsident."

63. "Die improvisierte Demokratie," 204 ff.

64. Braun, *Von Weimar zu Hitler*. 158-9.

65. See below, Ch. V.

66. Görlitz, *Hindenburg*, 303.

67. Bracher, *Auflösung*, 307-8.

68. T. R. Ybarra, "A New Strong Man for Germany," *New York Times Magazine*, Aug. 3, 1930, V, 1-2.

69. Krosigk, *Es Gesah in Deutschland*. 133. This was, of course, the basic justification of the Social Democratic doctrine of "the lesser evil."

70. Bracher, *Auflösung*, 444-5; Wheeler-Bennett, *Hindenburg*, 353 ff.; Walter H. Kaufmann, *Monarchism in the Weimar Republic*, 205-6.

71. "Ein Brief." *Deutsche Rundschau*, 70 Jg., 1-22 (July, 1947), 7-8.

72. Letter to author, Feb. 23, 1957.

73. The negative position was set forth by Otto Meissner, *Staatssekretär unter Ebert-Hindenburg-Hitler; Der Schicksalsweg des deutschen Volkes von 1918-1945, wie ich ihn erlebte*, 213-4; Görlitz, *Hindenburg*, 348; Schlange-Schöningen, *Am Tage Danach*, see also commentaries on the negative reactions of Wilhelm Keil and Thomas Esser in Rudolf Pechel, "Der Brüning Brief," *Deutsche Rundschau*, 70 Jg., 252 (Sept., 1947). Schlange-Schöningen, a member of Brüning's cabinet, has recently stated that he considers the President by that time simply completely superannuated (*ein uralter Greis*) and recalls an incident in which he read before cabinet members and economic leaders of the parties a short speech of thanks. All wondered whether he would be able to complete it. Hindenburg, says Schlange, was "completely used up mentally" ("*geistig völlig verbrauchten*") but still a decisive figure. *Frankfurter Allgemeine Zeitung*, June 5, 1957 — I am indebted to Dr. Schlange for sending the article.

74. Brüning, "Ein Brief" (See note 71), 8.

75. Reichskanzlei, Akten betreffend Kabinettsprotokolle, R. Min 2b, Bd. 108, March 17, 1932 (Captured German Documents, National Archives, Serial No. 3598 H, entitled "Alte Reichskanzlei: Cabinet Protocols" — These will be cited hereafter, "Reichskanzlei, Kabinettsprotokolle," with the date of the cabinet session). In reference to the secrecy of the sessions, it must of course, be recognized that Brüning probably realized that Schleicher was collecting and using information supplied him by State Secretary Planck and had even had Brüning's telephone wire tapped. See Rumbold's comments, *Documents on British Foreign Policy* ed. by E. L. Woodward and Rohan Butler (hereafter cited "DBFP"), Second Series, III, 186, No. 136.

76. Schlange-Schöningen relates that Brüning often postponed his discussion of internal difficulties awaiting the hoped for success in the field of foreign policy. "Zum Sturz des Kabinetts Brüning," *Frankfurter Allgemeine Zeitung*, June 5, 1957.

77. See the fascinating studies by Gordon Craig, *The Politics of the Prussian Army*, and by Wheeler Bennett, *Nemesis of Power*, for a thorough handling of Schleicher's role during this period.

78. Meissner blames Schleicher for all the troubles of 1932, see *Staatssekretär*, 222-7. But the stories of the day indicated a prominent role for Meissner himself. One of the humorous ones is related by Paul Löbe, the long term president of the Reichstag noted for his sense of humor, and deals with the story of the flood. After the long forty days and nights of rain, God the Father, looking down at the deluge, says, "There's something moving down there; what can it be?" Peter, making use of his telescope made by Zeiss in Jena agrees, "Yes, there is still something there — it is Meissner!" (*Der Weg war Lang*, 117). More significant are the stories of the party leaders who found Meissner often putting thoughts into the mind of the President, e.g., Wilhelm Keil, *Erlebnisse Eines Sozialdemokraten*, II, 446-7.

79. "Democracy — Challenge to Theory," *Social Research*, XIII, 195-224 (June, 1946).

80. The details are ably presented by Bracher, *Auflösung*, 443-80; The correspondence between Brüning and Hitler in respect to the alteration of the constitutional arrangements for the President's term are reproduced in Adolf Hitler, *Hitlers Auseinandersetzung mit Brüning*, 73-94, in which the Nazis take the role of good democrats horrified by the idea of a presidential choice not based directly on the will of the people! Hindenburg might well have been opposed also by the Crown Prince but the ex-Kaiser refused to allow his son to stand in a republican election — see Paul Herre, *Kronprinz Wilhelm, Seine Rolle in der Deutschen Politik*, 203-7. Interesting and revealing comment is found in the files of the U. S. Department of State. For example, on Feb. 17, 1932, John C. Wiley, *Chargé d'Affaires ad interim*, reported to the Secretary of State that von Hindenburg was disappointed by his failure to secure support of the Stahlhelm, which conditioned such support on a "visible change of policy," i.e., the elimination of Brüning. Wiley did not believe the President would yield to what the latter termed "outside dictation." (U.S., State Department Files, GRC 862.00/2688, No. 1497). On Feb. 23, Ambassador Frederic M. Sackett noted that the Nazi and Nationalist campaign to make Hindenburg "the candidate of the Weimar parties" was achieving notable success. "The former head of the Nationalist Party, Count Westarp," continued Sackett, "has published a manifesto urging the election of von Hindenburg, which bears the signatures of several hundred persons of prominence who had voted for the President in 1925. Otherwise Right support for the President's candidacy is disappointing." Sackett to Secy. of State, U.S. State Department Files, GC 862.00/2690, No. 1509. After the second election campaign Sackett was told by many government leaders, such as Groener, Pünder, etc. that Hindenburg was disappointed with the results. Sackett to Secy. of State, April 13, 1932, No. 1650, U.S. State Department Files, FO 862.00/2724. In respect to this second round campaign a comment of the *Vossische Zeitung*, April 11, 1932, is interesting: "Matters turned on April 10 much more on the position of Brüning and Braun than in the first election. The Hindenburg front of April 10th has become a block in support of the state (*der Staatsbejahung*) which will outlive the tenth of April."

81. *Vossische Zeitung*, March 9, 1932.

82. Bracher, *Auflösung*, 381-2.

83. U.S. State Dept. Files, 1931, GP 862.00/2649, Memo of conversation of Alfred W. K. Kliefoth with Röhm and Hanfstaengl, Dec. 5, 1931, encl. in Sackett to Secy. of State, Dec. 8, 1931, No. 1330.

84. *Der Angriff*, May 12, 1932, accuses Braun of having Prussian government buy an estate at Rominten so he'll have a place to stay while hunting!; May 17, 18, 20, against Klepper for appointment of friends to offices; June 3, against Grzesinski and "Vize Weiss"; June 8, scandal story on Grzesinski and second wife, reported as his mistress and as having accompanied him on

official trip to Vienna before marrying her; same issue, Weiss getting night club concession for his brother, etc.

85. e.g. Paul Schwenk in the Landtag. Preussen, Landtag, *Sitzungsberichte*, 3 Wahlp., 295 Sitz., 12 Avr. 1932, 24896.

86. Braun, *Von Weimar zu Hitler*, 328-31; Merker, *Deutschland, Sein oder Nicht Sein?*, I, 249. Flechtheim notes that there was division over the question of support and that the eventual decision was bad tactics, *Die Kommunistische Partei*, 175-6.

87. Bracher, *Auflösung*, 386; Severing, *Lebensweg*, II, 276-96.

88. See letters of Erwin S. Planck, State Secretary in the Reich Chancellery, to von Schleicher, Aug. 11, Aug. 18, 1931. Schleicher Nachlass, Koblenz, Bd. 17/III.

89. Braun, *Von Weimar zu Hitler*, 298-304.

90. Schleicher Nachlass, Koblenz, Bd. 17/III.

91. Bracher, *Auflösung* 452-3, using document dated Feb. 25, 1932, cited from archives of Graf Westarp.

92. U.S. State Dept. Files, Sackett to Secy. of State, Feb. 23, 1932, No. 1509, GC 862.00/2690.

93. *Der Angriff*, April 13, 20, 1932.

94. *Vossische Zeitung*, April 25, 1932; Braun, *Von Weimar zu Hitler*, 378.

95. See course of events in Preussen, Landtag, *Sitzungsberichte*, 3 Wahlp., 285 Sitz., 12 Avr. 1932, 24894-900, 24916, and *Drucksache*, 3 Wahlp. 1 Tag., No. 8420. Cf. discussion in Erich Eisemann, *Die Regierungsbildung im Reich und in Preussen, 1919-1933*, 37. Graf Westarp called the action "formally permissible and legal but not to be reconciled with the sense of the constitution." "Zur wahl der preuss. Minister-präsidenten," *Deutsche Juristenzeitung*, XXXVII Jrg., 574-6 (1 Mai 1932).

96. Preussen, Landtag, *Drucksache*, 4 Wahlp., 1 Tag., Nr. 1203, 563-4.

97. e.g. Braun, *Von Weimar zu Hitler*, 380, declares the action "a decision thoroughly justified in itself" but having a bad effect for the ruling parties when made so shortly before the elections; similar, Bracher, *Auflösung*, 592-3. But the fair-minded and democratic *Vossische Zeitung* reported the action on April 13, 1932, under the heading "Self-Protection of the Parliament, Self-Protection of the State."

98. U.S. State Dept. Files, 1932, 862.00/2710, John C. Wiley Counselor of the Embassy to Secy. of State, March 23, 1932, No. 1591; cf. DBFP, Second Series, III, 108-9, Sir Horace Rumbold to Sir John Simon, No. 97, March 24, 1932.

99. Wiley, see note 98, notes, "Similar sensational disclosures by the Prussian police in the past have invariably turned out to be comparatively harmless affairs," and Rumbold is similarly skeptical. Part of the documents were released by Severing and published. See *Vossische Zeitung*, April 6, 1932.

100. See lengthy commentary in DBFP, Second Series, II, 350-3, B. C. Newton (Berlin) to Sir John Simon, No. 303, Nov. 27, 1931; Newton to Simon, No. 307, Dec. 4, 1931, II, 359-61; Bracher, *Auflösung*, 431-5.

101. Such a possibility was mentioned by both the British and American ambassadors in Berlin. See DBFP, Second Series, III, 126-30, Sir Horace Rumbold to Sir John Simon, No. 106, April 27, 1932; Sackett to Secy. of State, No. 1693, May 3, 1932, U. S. State Dept. Files, GC 862.00/2742. Probably due to this possibility there were indications that the Nazis were not too eager to acquire control of the Prussian government at this time, e.g. Sir H. Rumbold to Sir John Simon, Dec. 18, 1931, No. 317, DBFP, Second Series, II, 374-8; also Sackett to Secy. of State, No. 1270, May 11, 1932, State Dept. Files, FP 862.00/2751.

102. Meissner, *Staatssekretär*, 225, says that Brüning agreed at the time that he took office in 1930 to accede to Hindenburg's wishes and end the dualism of Reich and Prussia by bringing about in Prussia government above parties like that in the Reich. Brüning in a letter to the author, October

26, 1956, states, ". . . there was no need for a plan for a Staatsstreich like that of Herr von Papen. The Reich government had other means than those adopted by Herr von Papen for preventing the Nazis in Prussia from controlling the state police. By decree, the Reich government could reduce the Kostenbeiträge for the police in Prussia or any other state and could stop the Ueberweisungen from [of] Reichssteuern to Prussia, which would have meant the collapse of a Nazi government in Prussia. In case the Nazis made open revolt, the Reich government could at any time take over the Prussian police temporarily and could appoint a 'commissar' with full powers to control the Prussian government, on the precedent of 1923, when Ebert issued decrees under Art 48 enabling the Reichsweh[r] commanders in Thuringia and Saxony to remove Communist governments there. Whenever Art. 48 was invoked, there had to be a clear disturbance of 'Ruhe und Ordnung.'" Similar action, i.e., control of police, was also suggested by General Groener in conversation with Sackett. See Sackett to Secy. of State, April 13, 1932, No. 1650, U.S. State Dept. Files, FO 862.00/2724.

103. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., 1 Tag., 2 Sitz., 25 Mai 1932, 32-3; cf. account in *Vossische Zeitung*, May 26, 1932.

104. Braun says he took leave "with the firm intention never again to return to office. *Von Weimar zu Hitler*, 396-7.

105. Brüning's disclaimer, "Ein Brief" (see note 71), 4: "The dissolution of the SS and the SA after Hindenburg's reelection in April, 1932, was decided upon by the army and the Ministers of the Interior of the different states during my absence in the campaign. In my opinion this step was premature . . ." Brüning's strong position in the cabinet session on April 13, 1932 is emphasized by his reference to difficulties during the election campaign. Reichskanzlei, Kabinettsprotokolle, Bd. 108. It might also be noted that both at this session and the one held on April 1, 1932, it was the government of Bavaria rather than that of Prussia which was mentioned as being desirous of strong action. The government of Baden contemplated even going beyond the scope of the SA ban, viz., Paul J. Gray, Am. Vice Consul in Stuttgart to Secy. of State, No. 642, April 15, 1932, U.S. State Dept. Files, GC 862.00/2731.

106. See report of interview of Dr. von zur Müller with Dr. Adolf von Carlowitz, a close collaborator of Schleicher's and Civil Reference Official for special legal problems in the Wehrmacht, after July, 1932, "Dokumentation: Zum Sturz Brüning's," *Vierteljahrshefte für Zeitgeschichte*, 1 Jrg. (1953), 261-88, 270. Von Hammerstein's strong support of Brüning is underscored in a conversation with the British ambassador in late Feb., 1932, see Sir H. Rumbold to Sir John Simon, No. 95, March 1, 1932, DBFP, Second Series, III, 100-2.

107. The detailed story of the considerations impelling the military to this action is set forth by Gordon Craig in "Reichswehr and National Socialism: the Policy of Wilhelm Groener, 1928-1932," *Political Science Quarterly*, XLIII, 194-229 (June, 1948), 219-29. An interesting sketch of Groener, "The democrat in the general's coat," is found in Schwerin von Krosigk, *Es Gesah in Deutschland*, 97ff. In re the unreliability of National Socialist organizations for defense purposes, see report of Sir Horace Rumbold, April 20, 1932, No. 102, DBFP, Second Series, III, 121-2.

108. See report of conversation of B. C. Newton with Groener, Newton to Sir John Simon, May 26, 1932, No. 113, DBFP, Second Series, III, 141—"Many officers in the Reichswehr counted upon the dissolution of the Reichsbanner as the logical sequence of my action against Hitler. When, however, they submitted such evidence as the Defense Ministry possessed to Dr. Meissner for the information of the President, this proved to be of the flimsiest in a legal sense, and the Social Democratic party anticipated the decision of the Government by abolishing their only organization of a quasi-military character, namely the Reichsbanner organization into which members of the Prussian police were transferred after they left the service."

109. Herre, *Kronprinz Wilhelm*, 200.
110. Bracher, *Auflösung*, 492-3. Actually, in the cabinet session of May 3, 1932, Groener said that the President did not desire the prohibition of the Reichsbanner. Schlange was in favor of a strong answer by Brüning to the President in the sense that letters of this sort interfered with the work of the cabinet. Reichskanzlei, Kabinettsprotokolle, Bd. 109.
111. Bracher, *Auflösung*, 493, fn. 49.
112. 1929, Severing, *Lebensweg*, II, 186-7.
113. So Groener in conversation with Newton — "The strain, and especially the assumption of responsibility for the abolition of the S.A. detachments, had been telling on my health, and I addressed the Reichstag when I should have been undergoing medical treatment." Newton to Simon, No. 113, May 26, 1932, DBFP, Second Series, III, 142.
114. *Der Angriff*, May 11, 1932.
115. See Gordon Craig's article, cited above, fn. 107.
116. Reichskanzlei, Kabinettsprotokolle, "Vermerk über eine Chefbesprechung in der Reichskanzlei," Feb. 20, 1932.
117. See Schlange's account in *Am Tage Danach*, 51-70.
118. *Ibid.*, 68-71.
119. Reichskanzlei, Kabinettsprotokolle, Bd. 109, May 20, 1932. The draft decree is a portion of the record.
120. "Dokumentation: zum Sturz Brüning's," *Vierteljahrahefte für Zeitgeschichte*, 1 Jrg. (1953), 275-88. Von Gayl provided Hindenburg with that which has been labeled a "Referenten-Vorentwurf," or preliminary draft, by one of the experts concerned, but which is quite similar to the decree discussed in the cabinet. This latter had, however, found much opposition and the final form of any decree would have been very different. In 1953 von Gayl endeavored to present a picture by which the role of the agricultural interests was much diminished. The documentary materials cited here directly contradict him.
121. *Staatssekretär*, 223-4. Meissner has pictured Schleicher as the only figure responsible for that which followed, but comes in for particular reference in a contemporary memorandum by Graf Westarp cited in the "Dokumentation" above. Both Westarp and Schlange were indignant at what they felt to be a falsification of Brüning's agricultural program before the President (see article cited, fn. 120, 287-8).
122. See above, n. 90. Also similar commentaries by Magnus Freiherr von Braun, *Von Ostpreussen bis Texas, Erlebnisse und zeitgeschichtliche Betrachtungen eines Ostdeutschen*, 211-3, and Walter Schotte, *Die Regierung Papen Schleicher Gayl*, 8, who complains of Brüning's "Mangel an Psychologie." Schotte's discussion of Brüning's fall is quite thorough and pertinent. Later documents have added little to it, see 5-33, and 91. The denial by Schleicher of a part in the fall of Brüning, found here, must receive some consideration. How little aware Brüning was of the President's changed viewpoint is indicated by the British ambassador's report on April 13, 1932, that Brüning expected to remain in office "for some considerable time to come." DBFP, Second Series, III, 114.
123. The scene has been described in many sources. This is the picture also given in the cabinet session of May 30, 1932, in which the decision for resignation was reached. Reichskanzlei, Kabinettsprotokolle, Bd. 109. cf. Schlange-Schöningen, *Am Tage Danach*, 73.
124. Whether all of the groups mentioned by Armin Mohler would fit into the normal conception of the word "conservative" is somewhat doubtful. Mohler's book is most interesting for its delineation of the complicated philosophical problems confronting republican philosophers in the Weimar period! *Die Konservative Revolution in Deutschland, 1918-1932*. More specific and more valuable in an understanding of the events of 1932-3 than Mohler's general analysis is that of Klemens von Klemperer, *Germany's New Con-*

*servatism; Its History and Dilemma in the Twentieth Century*, esp. 117-138. See also the interesting exposition of the conservative viewpoint at this time by Emil Daniels, "Politische Korrespondenz. Die Problematik der preussischen und der französischen Wahlen." *Preussische Jahrbücher*, CCXXVII, 89-96 (Avr.-Juni, 1932).

### CH. III. UHLAN POLITICS

1. Freiherr von Braun, the Minister of Agriculture under Papen, has most clearly expressed the President's feelings when he said, "One may well assume that Hindenburg from the outset accepted Brüning more as a matter of business than of personal feelings" but "in the company of his new cabinet members he felt completely at home (*wohl und zufrieden*)."  
*Von Ostpreussen bis Texas. Erlebnisse und Zeitgeschichtlichen Betrachtungen eines Ostdeutschen*, 211, 228.

2. Von Papen's account of his assumption of office is given in his *Memoirs*, 151-9; see also below, p. 132ff.

3. Bracher, *Auflösung*, 531 ff.

4. Papen's *Memoirs* were greatly altered in their translation from the German version, *Der Wahrheit eine Gasse*. Mr. Brian Connell, who did the translation, engaged in unpardonable shiftings of material and improvement of phraseology which give the English version a considerably better flavor than the German. The consequence is that the English reader may be a little surprised at the severity of German reviews, e.g., Theodor Eschenburg, "Franz von Papen," *Vierteljahrshefte für Zeitgeschichte*, 1 Jrg., 153-69 (Apr. 1953); Werner Conze, "Papens Memoiren," *Historische Zeitschrift*, CLXXV, 307-17 (1953); Erich Eyck, "Papen als Historiker," *Deutsche Rundschau*, 78 Jrg., 1221-30 (1952). Rudolf Pechel has provided one of the most biting of the numerous puns associated with Papen's career in his "Die Wahrheit in der Sackgasse," *Deutsche Rundschau*, 78 Jrg., 1231-7 (1932).

5. See *Memoirs*, Ch. I. Eyck (fn. 4) has pointed out that Papen's view of the history of this period is highly faulty.

6. *Memoirs*, Ch. III. Cf. testimony of June 14, 1946, International Military Tribunal, Nuremberg, *Trial of the Major War Criminals Before the International Military Tribunal*, XVI, 239, in which he claims opposition to all sabotage (this source hereafter cited, "IMT").

7. *Memoirs*, 53.

8. *Ibid.*, 55-9.

9. On April 8, 1933, Charles Warren, a widely known Boston lawyer and lecturer on legal matters, wrote a personal letter to the Secretary of State (in view of the report that Papen was coming to the United States as one of the representatives to conferences then being held in Washington) stating: "I desire to call your attention to the fact that Captain von Papen was dismissed from this country by President Wilson, that the records of the Department of Justice and of the State Department show him to be a proven liar, and a violator of our criminal laws. As Assistant Attorney General of the United States from 1914 to 1918, I was in charge of the prosecution of all German activities in this country. Captain von Papen was involved in the dynamiting of the Vanceboro Bridge in 1915, in the conspiracy to dynamite the Welland Canal in 1914-15, and in the forging of our United States passports; and if he had not had diplomatic immunity, he would have been indicted in our Federal Courts. After he left this country, evidence that he was involved in other attempts to destroy property here was discovered and he was actually indicted. After this country came into the war, and since the war, further evidences of his activities, hostile to this country, have been obtained from the British and from other sources.

His contemptuous reference to Americans in his captured correspondence may also be recalled . . ." U. S. State Dept. Files, N. 550.S1 Washington/18.

10. E.g. *New York Times*, Jan. 16, 1916, ed., mentions expenditure of



\$5,000 in one month. Von Falkenhayn, says Papen, "sent me the order to prevent, at all costs, American war material reaching the Western Front." *Memoirs*, 44.

11. Koenig, says Papen, was "a completely reliable and most intelligent fellow," *Memoirs*, 36; cf. Inspector Thomas J. Tunney, *Throttled: the Detection of the German and Anarchist Bomb Plotters*, 33-8. Klotz, *Berlin Diaries*, 71-2, has an even more exaggerated story of Papen's carelessness in America. This is, however, at considerable variance with other accounts.

12. See facsimiles in H. W. Blood-Ryan, *Franz von Papen, His Life and Times*, opp. 48, 50, 52, 60.

13. *Memoirs*, 53-4.

14. On June 1, 1932, Frederic M. Sackett, the American Ambassador in Berlin, wrote to Washington for special instructions in view of Papen's World War I background. He was told legal actions involving Papen still pending and to deal with him "politely but somewhat distantly." U. S. Department of State, *Foreign Relations of the United States*, 1932, II, 293-5. A day later Stimson added a note saying that the Justice Department had informed him that the indictment of von Papen *in re* the Welland Canal matter had been nolle prossed on March 8. *Ibid.*, No. 64. Commentary of Stimson *in re* the ambassadorship reported by Sir R. Lindsay, British Ambassador in Washington, to Sir J. Simon, June 1, 1932, BDFP, Second Series, III, 148, No. 117.

15. See *Memoirs*, 50-90.

16. *Ibid.*, 90; similar, Papen's testimony, June 14, 1946, IMT, XVI, 240.

17. Papen said at Nuremberg that he joined the Center Party because "in this party I would be able to do much more in making adjustments in the social sphere than among the Conservatives." *Ibid.* In his *Memoirs*, he says, "I felt that a party with a religious background would be best able to insist on those Christian principles which had been omitted from the Weimar Constitution." (97) Probably neither statement was accurate. Certainly he didn't do much to "make adjustments in the social sphere." More than likely the decision was a chance, spur-of-the-moment one.

18. Papen details his acquisition of interest in *Germania* and his fight to make it an organ reflecting his own opinions in his usual frank manner of presenting somewhat inappropriate actions as though they were perfectly proper in *Memoirs*, 101-2.

19. *Ibid.*, 106. Papen adds that he was, after this, excluded from all party committees.

20. Papen believes his aid was "in the slender balance of forces, probably, decisive." *Ibid.*, 108.

21. Schwerin von Krosigk was in Paris at an economic conference when Papen became chancellor. He was stormed at from all sides with the question, "Who is Papen?" *Es Geschah in Deutschland*, 142. U.S. Ambassador Sackett knew all the members of the Papen cabinet except Papen himself! U. S. Dept. of State, *Foreign Relations*, 1932, II, 293-4, Sackett to Secy. of State, June 1, 1932.

22. *Memoirs*, 150-3; the British ambassador stated in regard to the choice that it was "largely due to the fact that no candidate of any standing was willing to take office." DBFP, Second Series, III, 166, Sir H. Rumbold to Sir J. Simon, June 9, 1932, No. 129.

23. This conception is emphasized particularly by Freiherr von Braun, *Von Ostpreussen bis Texas*, 230: "It was clear that this cavalier of the old school, this elegant, distinguished-appearing, flexible, always likeable and thoroughly frank man would please the Reich President to whom he was always able to express himself without hindrance." In regard to the Center Party support, Sir Horace Rumbold commented later that its loss was a surprise to the President — this appears, however, quite doubtful in view of Papen's indication that he was acting contrary to party directives. Probably the President was not at all concerned about this. DBFP, Second Series, III, 151-2,

Sir H. Rumbold to Sir John Simon, June 4, 1932, No. 122.

24. Brüning, "Ein Brief," *Deutsche Rundschau*, 70 Jrg., 10. It might be noted that the American ambassador believed that Brüning himself had realized sometime in advance of his resignation his uncertain position and had himself "precipitated a decision which his domestic foes would have preferred to postpone." Papen, believed Sackett, was chosen "faute de mieux." Sackett to Secy. of State, June 1, 1932, No. 1755, U. S. State Dept. Files, G/LS 862.00/2781.

25. *Vom Kaiserhof zur Reichskanzlei*, 94, 99, 100; Georg Schreiber in his *Brüning-Hitler-Schleicher: Das Zentrum in der Opposition*, 14, also emphasized length of preparation for the Papen government.

26. *Memoirs*, 150-1.

27. IMT, XVI, 243, Papen's testimony of June 14, 1946.

28. *Weimarer Republik*, II, 483.

29. Significant here is the commentary by von Braun that Papen was not an intriguer in the ordinary sense — he was sincere in his beliefs; he was "Idealist vom reinsten Wasser." *Von Ostpreussen*, 230. A contemporary summed up Papen's stand with the comment that his policies were marked by "ein Hauch von Romantik und ein Zug von Ritterlichkeit." Hermann Stegemann, *Weltwende: der Kampf um die Zukunft und Deutschlands Gestaltwandel*, 156.

30. Goebbels, *Vom Kaiserhof*, May 18, 1932, 98; commentary on insecurity of party in Brüning, "Ein Brief," *Deutsche Rundschau*, 70 Jrg., 9.

31. So von Braun, *Von Ostpreussen*, 211-2; Emil Daniels, "Politische Korrespondenz: die neue Regierung, die Wahlen zum Reichstag und die auswärtige Lage." *Preussische Jahrbücher*, CCXXIX, 88-96 (July, 1932), 88.

32. Ambassador Sackett found evidence that Schleicher was seeking to form a personal political following. This was headed by Dr. Solf, former ambassador to Japan; Dr. Jarres, chief mayor of Duisburg, and Dr. Eckner. U. S. State Dept. Files, G/HS 862.00/2794, Sackett to Secy. of State, June 14, 1932, No. 1783. The interest of Schleicher in a parliamentary basis of support is underscored in the November crisis of 1932 discussed in Chapter VI.

33. Cf. Theodor Eschenburg, "Franz von Papen," *Vierteljahrshefte für Zeitgeschichte*, 1 Jrg., 153-69 (Apr., 1953), 158-9.

34. Walter Schotte, Papen's apologist, in his book *Die Regierung Papen, Schleicher, Gayl*, zweite Auflage, 79-81 and *passim*, tries to free the cabinet from the Junker designation. To some degree his efforts are justified. None of the cabinet members belonged to the old Junkertum in its narrower sense. Nevertheless, all personified the separation from the masses, the idea of an *Oberschicht*, as Schotte himself later described it, and a clear sense of social distinction. Von Braun, who reported Papen's usage of the term, later tried to separate the concept of "gentlemen" from that strictly attached to the nobility, *Von Ostpreussen*, 208. As for *Vorwärts*, it noted on June 2, 1932, that this was the first cabinet since 1918 in which organized labor unions and civil servants did not have one representative.

35. So Eyck, *Weimarer Republik*, II, 489-90, and Keil, *Erlebnisse eines Sozialdemokraten*, II, 462-7, with which the author would agree from the cabinet records and from Gayl's activities during the legal processes that followed the coup of July 20th.

36. Schotte, *Die Regierung Papen*, 79, points out that although von Gayl was an East Prussian, he owned no land; see also von Braun, *Von Ostpreussen*, 237; Bracher, *Auflösung*, 533. It should be added that von Gayl's ability was not directed toward republican goals. He was the mainspring behind the Prussian coup discussed below. Some sources indicate that Schleicher would have preferred a cabinet headed by von Gayl, but was not able to bring it off, e.g., DBFP, Second Series, III, 164, Sir H. Rumbold to Sir John Simon, June 9, 1932, No. 120.

37. See von Krosigk's sketch, "Der kaltgestellte Diplomat," in *Es Geschaß in Deutschland*, 310-7; von Braun, *Von Ostpreussen*, 238. Neurath's comments

on the President's appeal, DBFP, Second Series, III, 149-50, Sir H. Rumbold to Sir John Simon, June 3, 1932, No. 120.

38. See *Vorwärts*, June 2, 1932. Von Braun's memoirs, *Von Ostpreussen bis Texas* have been frequently referred to here. His predecessor in office, Hans Schlange-Schöninggen, states that Braun's background of agricultural knowledge was scanty — he was far more an expert in *Genossenschaftswesen*. Letter to author, June 6, 1957.

39. Von Braun, *Von Ostpreussen*, 243 — adds that von Eltz-Rübenach was the only one of Hitler's ministers who turned down the proffered Gold Party Badge in 1937 and was fired as a consequence. Comment on his brother, *Vorwärts*, June 2, 1932.

40. Von Krosigk's memoirs, *Es Geschah in Deutschland*, although superficial like those of von Braun and von Papen, do leave a greater impression of a sense of human interest and "roots" in the life of the people. His position in the cabinet was suggested by Hjalmar Schacht, although Schacht denies that he was in any other way concerned with the Papen government or its program. Letter to author, August 14, 1956.

41. Warmbold's resignation probably derived most directly from his resentment of the intrusions of Carl Goerdeler, who had submitted at this time a memorandum advocating an extensive work-creation program. The memorandum was given directly to the President, seemingly without Brüning's knowledge, although Warmbold believed Brüning was involved. See Gerhard Ritter, *Carl Goerdeler und die Deutsche Widerstandsbewegung*, 51-2; *Vorwärts*, June 1, 1932.

42. Von Braun, *Von Ostpreussen*, 238, 243; von Krosigk, *Es Geschah in Deutschland*, 317-25; Bracher, *Auflösung*, 534.

43. *Vorwärts*, June 1, 1932.

44. Goerdeler's reason for refusal at this time, strange in view of his later resistance activities, was that the Nazis should have been brought to participation in the cabinet! Shortly before his execution in 1944, however, Goerdeler wrote notes indicating he greatly regretted his rejection of the post, believing he might have mastered the economic problems existing and saved Germany from Hitler! It should be added that his rejection of the post had nothing to do with attachment to republican government or opposition to dictatorial measures. See Ritter, *Carl Goerdeler*, 55-8.

45. IMT, XVI, 243, testimony of June 14, 1946.

46. In letter to Kaas, "the synthesis of all truly national forces from whatever camp they may come." *Schulthess*, LXXIII (1932), 96. The designation of "concentration" seems to have come from early news interviews, see *Vossische Zeitung*, June 1, 1932. Sackett notes that this was "a term hitherto unfamiliar in German politics." Sackett to Secy. of State, June 1, 1932, No. 1755, U. S. State Dept. Files, G/LS 862.00/2781.

47. *Vossische Zeitung*, June 2, 1932.

48. Georg Schreiber, *Brüning-Hitler-Schleicher, Das Zentrum in der Opposition*, 21.

49. Part of the official declaration of the government which also contained a very harsh condemnation of the Brüning government for failing to honor national goals, leaving the state finances in confusion, etc. *Schulthess*, LXXIII (1932), 98-9; Schotte, *Die Regierung Papen*, 33.

50. Schotte, *Die Regierung Papen*, 34.

51. *Ibid.* This was a part of the much criticized interview discussed below, p. 157.

52. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1932, No. 280, 134-6. 9 June 1932. Schleicher spoke quite similarly in his radio speech of July 26, 1932. including the comment, "The catch phrase that 'Junkers and Generals' brought the fall of the Brüning government is an outright lie." *Schulthess*, LXXIII (1932), 128-31. The American ambassador, Sackett, commented on von Gayl's speech, that it

"probably intentionally — conveyed the impression that its author was a soldier, a scholar, and a gentleman." Sackett, of course, was aware that it did not convince von Gayl's opponents of this fact. Sackett to Secy. of State, June 15, 1932, No. 1784, U. S. State Dept. Files, C/HS 862.00/2795.

53. Aug. 11, 1932, *Schulthess*, LXXIII (1932), 139.

54. For the letters concerned, see Schreiber, *Brüning, Hitler, Schleicher*, 17-20.

55. Schotte's books included his earlier volume, entitled *Die Regierung Papen-Schleicher-Gayl*, referred to a number of times previously, and the later volume, appearing prior to the November elections, entitled *Der Neue Staat*. The former is largely a defensive chronicle of events, while the latter seeks to create a pseudo-philosophical backing for the Papen political conceptions as they had developed by then.

56. Schotte, *Die Regierung Papen*, 16-19; similar comments in Werner Freiherr von Rheinbaben, *Viermal Deutschland. Aus dem Erleben eines Seemanns, Diplomaten, Politikers, 1895-1954*, 296. All of this was, of course, academic. Papen belonged to the club; he had published several well-known articles in *Der Ring*, the periodical published by Heinrich Freiherr von Gleichen, one of the leading spirits in the club, and Schleicher attended many of the political sessions and festive occasions sponsored by the group. Whether the club itself as an organization propagandized against Brüning or for Papen is immaterial.

57. *Auflösung*, 536-45.

58. See discussion, *Ibid.*, Ch. III; Schiffer, *Sturm über Deutschland*, 233-42; Ullmann, *In der grossen Kurve*, 7-14; Walter Heynen, "Inland und Ausland: Bücher und Zeitschriftenschau," *Preussische Jahrbücher*, CCXXIX, 175-8 (August, 1932); Emil Daniels, "Politische Korrespondenz: die neue Regierung, die Wahlen zum Reichstag und die auswärtige Lage," *Ibid.*, 88-96 (July, 1932); Heinrich Herrfahrdt, *Der Aufbau des Neuen Staates, Vorträge zur Verfassungsreform*, 7-13.

59. Bracher, *Auflösung*, 536-45; Schotte, *Die Regierung Papen*, 33-8; *Die neue Staat, passim*. It must be admitted that von Schleicher had also stressed the importance of "personality" in politics. In 1930 (dated Dec. 11) he wrote a brief statement for *Der Ring* in which he said, "In a time when the radical socialist movement threatens to destroy the state and economy, the conservative forces upholding the state must remain mobilized. Since, by common consent, parliamentary arrangements no longer offer a suitable basis for assembly, the joining of these forces must take place independently of the parties in such a way as the HERRENKLUB has been developed. This "RING OF PERSONALITY" directs itself against the collectivism of the time, both as a political Weltanschauung and as a reality in the form of state socialism. The RING recognizes the necessity of reform in state and society; it follows long-range goals of national policy without special wishes for its group." Schleicher Nachlass, Koblenz, Bd. 5.

60. *Die neue Staat*, 29 164-5.

61. Reichskanzlei, Kabinettsprotokolle, June 2, 1932.

62. Bracher, *Auflösung*, 546-7; *Schulthess*, LXXIII (1932), 97-9.

63. *Ibid.*, 108-9; Bracher, *Auflösung*, 551-2. See lengthy discussion in *Vorwärts*, June 15, 1932, which indicated cuts of 15 per cent in pension payments for invalids and sub-marginal wage-earners, 20 per cent for partially disabled war veterans, 23 per cent for unemployment insurance payments, 10 per cent for "crisis support," 15 per cent for welfare support payments, etc. The cabinet session which dealt with this issue was routine, Reichskanzlei, Kabinettsprotokolle, June 13, 1932.

64. See discussions above, pp. 96, 115, and Reichskanzlei, Kabinettsprotokolle, Feb. 20 and March 17, 1932. By the end of his term in office, however, Brüning had come to a recognition of the importance of providing some assistance for the unemployed in a more spectacular fashion, e.g., Goerdeler's

work-creation plan, see Ritter, *Carl Goerdeler*, 49-53, and *cf.* *Vorwärts*, June 15, 1932, which stressed absence of factors justifying the cuts.

65. Reichskanzlei, Kabinettsprotokolle, June 13, 14, 1932; *cf.* Bracher, *Auflösung*, 550-1.

66. *Ibid.*

67. *Schulthess*, LXXIII (1932), 110-1, June 16.

68. *Vorwärts* — cartoons during June and July for "Papenkreuz;" verse, July 16, 1932. Rheinbaben, *Viermal Deutschland*, 294, relates another pun, "Einst hatten wir einen Kanzler von Eisen (Bismarck) — jetzt haben wir einen aus Pappe (Papen)."

69. *Vom Kaiserhof*, June 14, 1932, 110.

70. *Ibid.*, June 14, 1932, 111; June 23, 1932, 116.

71. May 11, 1932, reported *Schulthess*, LXXIII (1932), 79-87. In a relatively friendly commentary on Brüning's speech, Graf Westarp pointed out that the last hundred meters to the goal might well not be easy ones and that much caution and care would be needed to reach the desired objectives. "Die letzten hundert Meter vor dem Ziele." *Preussische Jahrbücher*, CCXXVIII, 195-203 (April-June, 1932).

72. Opening speech in behalf of German position, Feb. 9, 1932, *Schulthess*, LXXIII (1932), 450-3.

73. Speech at disarmament conference, Feb. 18, 1932, *Ibid.*, 436-7.

74. This was the report of the conversation as it went to the newspapers, *Ibid.*, 396. Rumbold's official report is somewhat more cautious, but Brüning does not seem to have denied the general intent of his statement. See DBFP, Second Series, III, 12-3, Rumbold to Sir John Simon, Jan. 8, 1932, No. 10; Rumbold to Simon, Jan. 10, 1932, 13-14, No. 12.

75. *Ibid.* The clearest statement of the British favor for cancellation was made by Ambassador Lord William Tyrrell in a note to the Foreign Office, June 11, 1932, in which it is flatly stated that obtaining agreement by the Germans to the payment of a fixed sum is unlikely and that the British favor outright cancellation, *Ibid.*, 172-3, No. 133. This was repeated by Mac Donald in a meeting with the French when he said "the *coup d'éponge*" would be in the long run more convenient and wiser than scaling down reparations, *Ibid.*, 173. Notes of meeting in British Embassy on June 11, 1932, No. 134.

76. *Der Wahrheit eine Gasse*, 164 (not in English version).

77. The U. S. attitude is documented below, fn. 79; perhaps the clearest expression of the French point of view is found in Premier Edouard Herriot's comment to Norman Davis, "that the German contention that they would not pay further reparations was an immoral one . . . ; that France had a just and righteous claim for the restoration of her devastated regions." U. S. Dept. of State, *For. Rels.*, 1932, I, 134 (in memo of conversation made by Mr. Davis, May 22, 1932).

78. Made by Sir John Simon to Neurath, see Simon to Rumbold, May 14, 1932, DBFP, Second Series, III, 139-40, No. 112.

79. *I.e.*, in conversation with Fr. ambassador M. de Fleuriau, reported Simon to Tyrrell, June 6, 1932, *Ibid.*, 157-9, No. 125; Henry L. Stimson to Ambassador in G.B. (Mellon), June 1, 1932, U. S. Dept. of State, *For. Rels.*, 1932, I, 673-5.

80. Reported in Record of a Conversation in Geneva, April 23, 1932 (incl. MacDonald, Sir J. Simon, Stimson, Norman Davis, Hugh Gibson), DBFP, Second Series, III, 123-4, No. 103.

81. "Ein Brief," *Deutsche Rundschau*, 70 Jrg., 1-22 (July, 1947), 10.

82. Sir J. Simon to Mr. B. C. Newton in Berlin, June 6, 1932, DBFP, Second Series, III, 152-4, No. 124.

83. *Es Geschah in Deutschland*, 143-5.

84. Ambassador in Germany, Sackett, to Secy. of State, July 30, 1932, No. 1856, U. S. State Dept. Files, GRC 862.00/2818, and see below, Ch. VII. Americans had been much impressed by a picture of Germany's economic

condition given in May by Vice Chancellor Dietrich, who painted an encouraging one. Sackett to Secy. of State, May 2, 1932, No. 1684 with encl. of memorandum by Alfred W. Kliefoth on Dietrich's remarks. *Ibid.*, GC 862.00/2745.

85. Stimson in his conversations blamed the tendency of the British government to go overboard for cancellation on British circles who were seeking to safeguard credits held in Germany. See references cited in fn. 80.

86. Suggestion that Europeans go ahead on their own emanated from Parker Gilbert, agent of reparations commission. See DBFP, Second Series, III, 125, Sir R. Lindsay, Washington, to Sir John Simon, April 25, 1932, No. 105. Also Undersecretary of State Castle, after the conference was over, took strong exception to reported statements of Herriot that the United States had indicated it would not make new arrangements for debts due it. See his memo of conversation with German Ambassador von Prittwitz, June 29, 1932, U. S., State Dept., *For. Rels.*, 1932, I, 682-3.

87. Reichskanzlei, Kabinettsprotokolle, June 13, 1932.

88. *Ibid.*, July 5, 1932; cf. von Braun, *Von Ostpreussen*, 248.

89. Schotte, *Die Regierung Papen*, 56-7; cf. Herriot's description — "His conversations with Herr von Papen had been most extraordinary. Herr von Papen had offered him a military understanding, cooperation of the two General Staffs, and other things, which he had been asked not to repeat to Mr. MacDonald." Great Britain and France, Notes of a Conversation held July 5, 1932, DBFP, Second Series, III, 387, No. 175.

90. *Ibid.*, "M. Herriot had formed an opinion and, after these conversations, he had said to himself that he would not accept any political clauses."

91. Schotte, *Die Regierung Papen*, 59-61.

92. Mentioned in cabinet discussions, June 25, 1932, Reichskanzlei, Kabinettsprotokolle; comments of Herriot, June 27, 1932, DBFP, Second Series, III, 271, No. 148.

93. *Ibid.*, 278, No. 150.

94. E.g., Herriot's comments, DBFP, Second Series, III, 175-7, No. 134. See also Maurice Pernot's articles, "Images de Lausanne," *Révue des Deux Mondes*, Series 8, X, 203-12, 434-44 (July 1, 15, 1932) and Paul Schmidt, *Statist auf diplomatischer Bühne, Erlebnisse des Chefdolmetschers im Auswärtigen Amt mit den Staatsmännern Europas*, 243-4.

95. Krosigk, *Es Geschah in Deutschland*, 143; DBFP, Second Series, III, 271, where Herriot says final payment was mentioned to Lauzanne; Schmidt, *Statist auf diplomatischer Bühne*, 240-8.

96. DBFP, Second Series, III, 274-5, No. 149.

97. See fn. 95. There was, however, no criticism of Papen's position or actions in the cabinet sessions by those who accompanied him and Paul Schmidt had kind as well as critical words for his actions.

98. E.g., DBFP, Second Series, III, 310, No. 159; 317, No. 161; 323, 327, No. 163; 333, No. 164.

99. The record in DBFP, Second Series, III indicates that, if anything, the German delegation had been so stubborn as to have broken up the conference if British patience had not held it together.

100. Final Act of the Lausanne Conference, Appendix III, *Ibid.*, 595-602, See also recognition of these advantages in discussions in German cabinet, Reichskanzlei, Kabinettsprotokolle, July 11, 1932.

101. E.g., see conversations of Great Britain and Germany, July 3, 1932, DBFP, Second Series, III, 340 ff., No. 166; also specific commentary of von Papen in final plenary session, *Ibid.*, 425, No. 186. It might be added that there was little hope of cancellation of the war debts at this time and hence of ratification of the Lausanne Agreement. See Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War*, 211-9.

102. Krosigk, *Es Geschah in Deutschland*, 144.

103. First draft of French formula, July 7, 1932, DBFP, Second Series,

III, 419-20; included with amendments as "Declaration" in "Final Act of the Lausanne Conference," Appendix III, *Ibid.*, 595; the negative reaction of the cabinet to this French formula is seen in the sessions of July 7, 1932. Reichskanzlei, Kabinettsprotokolle.

104. Based on protocols of cabinet sessions of July 1, 5, 7, 1932, all of which contained lengthy discussions of the problems involved. *Ibid.*

105. *Ibid.*, July 11, 1932.

106. *Ibid.*

107. *Ibid.*

108. *Ibid.*, July 16, 1932.

109. See Eyck, *Weimarer Republik*, II, 500; seemingly Brüning did not state this so flatly, but the strength of his criticism suggested he would not have paid. *Germania*, July 9, 10, 1932.

110. Schleicher's minority position in the cabinet discussions must have been quite disturbing. The events of November are discussed below, Ch. VI.

111. Note Rumbold's report of bad press regarding Lausanne, DBFP, Second Series, III, 440-6, No. 191, 2, July 12, 13, 1932. Emil Daniels of the *Preussische Jahrbücher*, who reported that the Italian representative, fired on his return from the conference by Mussolini, had said he signed because, "Il ne faut pas être plus Pape que Papen!" added that the Italians had signed the "Gentlemen's Agreement" and gave a half defense of Papen's position. "Politische Korrespondenz. Zwischen der Konferenz von Lausanne und den Wahlen zum Reichstag." *Preussische Jahrbücher*, CCXXIX, 179-91 (July-Sept., 1932). Social Democratic opposition is mirrored in Keil's memoirs, *Erlebnisse eines Sozialdemokraten*, II, 450. Schotte's defense in *Die Regierung Papen*, 47-55; Hermann Stegemann, whose view also tended to be conservative, reported the events sympathetically in *Weltwende*, 157.

112. *Die Rote Fahne*, June 28, July 6, 7, 1932.

113. Numerous references in cabinet session of July 11, 1932. Reichskanzlei, Kabinettsprotokolle; but some of the difficulties involved are indicated in von Krosigk's picture of von Neurath's complete inability to speak extemporaneously before the Reichstag Committee on Foreign Affairs. *Es Gesah in Deutschland*, 313.

#### CH. IV. ASSAULT ON PRUSSIA

1. Notably, Julius Leber, *Ein Mann Geht Seinen Weg*, 187-90; 242-3; see also Wilhelm Keil's indictment of the sterility of the party, *Erlebnisse eines Sozialdemokraten*, II, 457. As Kurt von Reibnitz expressed it, Marxism was only "eine Kulisse" for the party; the party directorate had only one man less than 50 years of age (Kurt Schumacher) and two-thirds of the delegation in the Reichstag was over 50. *Im Dreieck, Schleicher, Hitler, Hindenburg*, 40-2.

2. *Federalism and Regionalism in Germany: the Division of Prussia*.

3. *Deutscher Einheitsstaat oder Föderativsystem?* 32-3; cf. comments of Severing, *Lebensweg*, II, 155.

4. See his *Das preussisch-deutsche Problem, Erklärung des Bayerischen Ministerpräsidenten*. . . . Sitzung des Unterausschusses II der Länderkonferenz vom 18. November 1929.

5. Summarized from Brecht, *Federalism and Regionalism*, 73-89.

6. See fn. 4.

7. This had been proposed to Otto Braun in 1928, but he felt it would jeopardize the position of his government in Prussia, Leber, *Ein Mann Geht Seinen Weg*, 227. It was later advocated by Braun himself in November, 1931, as a step to be taken by Brüning, but the action was not acceptable to von Hindenburg. *Von Weimar zu Hitler*, 354-5.

8. Dr. Brecht states in a letter to the author, Feb. 24, 1957, "The frictions following from the dualism of powers in the federal and the Prussian government in Berlin were by no means merely fictional. They were very real, especially between the two bureaucracies." This, of course, is not to be

doubted. The point at issue, however, is whether the only answer was a drastic alteration of the governmental organization. Undoubtedly similar comment would be true with respect to bureaucracies of states and federal government in the United States, but the pattern of state boundaries established by history has been respected. A contemporary account by Walter Heynen suggested with some cogency, that in cases of conflict the ultimate power of defining jurisdiction (the "Kompetenz-Kompetenz" as it was labeled!) should be in the hands of the Reich. "Vorarbeiten zur Reichsreform." *Preussische Jahrbücher*, CCXXVII, 172-7 (Jan.-Mar., 1932).

9. Eugen Schiffer, for example, listed in some detail the great profusion of governmental agencies operative in that time of depression (the "pluralism" of state forms), and suggested the great economies which could be effected by reform. *Sturm über Deutschland*, 270, 278ff.

10. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlperiode, Bd. 1, 4 Sitz., June 2, 1932, 153.

11. Thilo Vogelsang, ed., "Neue Dokumente zur Geschichte der Reichswehr, 1930-1933." *Vierteljahrshefte für Zeitgeschichte*, 2 Jrg., 397-436 (Okt., 1954), 423.

12. Reichskanzlei, Kabinettsprotokolle, June 2, 1932.

13. Carl Misch, "Die Preussenfrage," June 8, 1932.

14. "Die Frage Preussens" in *Der Angriff*.

15. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., Bd. 1, 4 Sitz., June 2, 1932, 105-7.

16. *Schulthess*, LXXIII (1932), 101.

17. See review of situation in Sackett to Secy. of State, June 14, 1932, No. 1783, U. S. State Dept. Files, G/HS 862.00/2794.

18. *Ibid.*; cf. *Vorwärts*, June 9, 1932.

19. *Der Angriff*, June 14, 1932.

20. Reichskanzlei, Kabinettsprotokolle, June 21, 1932.

21. *Ibid.*, June 25, 1932; the minutes of the Prussian cabinet for June 21, 1932, also indicate the support given by the Prussian State Ministry to proposals for increased military and naval expenditures. Again, the Reich government could find no real reason to quarrel with the attitude of the Prussian cabinet in relation to "national" questions. See Preussen, Staatsministerium, Sitzungen des Preussischen Staatsministeriums, Hauptarchiv, Berlin-Dahlem, Rep., 90 Bd. 1932, 51-2 (Hereafter cited, "Sitzungen des Preussischen Staatsministeriums").

22. Reichskanzlei, Kabinettsprotokolle, July 11, 1932, 5:30 P. M.

23. *Ibid.*; Noske, himself, says that he had suggested in 1930 a partial solution of the question of Reichsreform "am kalten Wege" and that he had also known leading men of the "Schleicher, Bracht, and Popitz" government since 1919 and that this explained his continuance in his position as Oberpräsident of Hannover under the commissarial regime. *Erlebtes aus Aufstieg und Niedergang einer Demokratie*, 300-1, 310.

24. Reichskanzlei, Kabinettsprotokolle, July 11, 1932, 5:30 P. M.

25. *Ibid.*, July 12, 1932; part of the story of Diel's action is reconstructed from Severing, *Lebensweg*, II, 342, part from Diel's own account, *Lucifer ante Portas*; . . . *es spricht der este Chef der Gestapo*, 150, and from the later court proceedings. See comments also in Eyck, *Weimarer Republik*, II, 505-6.

26. Reichskanzlei, Kabinettsprotokolle, July 12, 1932.

27. *Ibid.*, July 13, 1932.

28. *Ibid.*, July 16, 1932.

29. Statistics summarized in *Vorwärts*, July 19, 1932.

30. Reichskanzlei, Kabinettsprotokolle, July 16, 1932.

31. Severing, *Mein Lebensweg*, II, 348-9; the account of this interview and of later occurrences is also found in Preussen (unofficial), *Preussen contra Reich vor dem Staatsgerichtshof*. *Stenogrammerbericht der Verhandlungen vor*



dem Staatsgerichtshof in Leipzig vom 10. bis 14. und vom 17. Oktober 1932, 19-20, et seq. and in Preussen, Landtag, Drucksachen, 4 Wahlp., 1932, No. 1203.

32. *Ibid.*; Papen's own story varying in some details, *Memoirs*, 189-90; see also Bracher, *Auflösung*, 582-91.

33. Grzesinski, *Inside Germany*, 157-60.

34. Reichskanzlei, Kabinettsprotokolle, July 20, 1932, 6:00 P.M. Bracht also indicated he had made the date and arrangements for the "show of force."

35. Otto Klepper, "Das Ende der Republik," *Die Gegenwart*, 2 Jrg., Nr. 17/18 (30 Sept. 1947), 20-22.

36. *Mein Lebensweg*, II, 352-3; Severing also wrote his own account of the events, "20 Juli 1932," for *Die Gegenwart*, 2 Jrg., Nr. 13/14, 14-17 (31 Juli 1947).

37. *Von Weimar zu Hitler*, 407-8.

38. Leber, *Ein Mann Geht Seinen Weg*, 187-91, 241-3; cf. Erich Matthias, "Der Untergang der alten Sozialdemokratie 1933," *Vierteljahrshefte für Zeitgeschichte*, 4 Jrg., 250-86 (1956), 254-8. See also the lengthy and able discussion of the subject in Bracher, *Auflösung*, 591-600.

39. Letter to the author, March 9, 1957. It was this aspect of the matter that led Brüning to say after the event, "It was in no way necessary to treat so harshly a man like Severing, a man who has fought for fourteen years of his life as no other man has fought for the state and its authority." *Vorwärts*, July 21, 1932.

40. *So Macht Man Geschichte. Bilanz eines Lebens*, 327-31.

41. *Ibid.*, 331.

42. *Berliner Tageblatt*, July 20, 1932, P.M.

43. Grzesinski, *Inside Germany*, 159.

44. *Berliner Tageblatt*, July 21, 1932, A.M., P.M.

45. *Die Rote Fahne*, July 31, 1932, carried editorial comment claiming that the Communists had been the only source of resistance; *Berliner Tageblatt*, July 22, 1932, P.M.; *Vorwärts*, July 22, 1932.

46. Bracher, *Auflösung*, 586-7; *Vorwärts*, July 26, 1932.

47. *Vorwärts*, July 22, 1932; cf. listings in Sitzungen des Preussischen Staatsministeriums, Rep., 90 Bd., 1932, 57-8.

48. *Vorwärts*, July 24, 1932.

49. *Ibid.*, July 23, 1932; cf. *Berliner Tageblatt*, July 23, 24, 1932.

50. *Vorwärts*, July 23, 26, 1932. See also Reichsgerichtsrat Schwalb's explanation, "Staatsgerichtshof für das Deutsche Reich." *Deutsche Juristen-Zeitung*, XXXVII Jrg., 1152-3 (15 September 1932).

51. *Ein Mann Geht Seinen Weg*, 207.

52. Dr. von Campe, "Quo vadis justitia?" *Deutsche Juristen-Zeitung*, XXXVII Jrg., 825-9 (1 July 1932). For commentary on legal aspects of the request for temporary injunction see reports of Wolfgang Bretholz, *Berliner Tageblatt*, July 23, 25, 1932. It might be noted that Ministerial Directors Brecht and Badt were given rooms in the Welfare Ministry and retained their salaries in the period which followed, while they were preparing the case for the deposed government. See Sitzungen des Preussischen Staatministeriums, Rep., 90 Bd., 1932, 63, July 29 [?].

53. Eyck, *Weimarer Republik*, II, 513.

54. Schotte, *Die Regierung Papen*, 6.

55. Reichskanzlei, Kabinettsprotokolle, July 11, 1932, P. M.

56. *Ibid.*, July 20, 1932.

57. Karl Siegmair Baron von Galéra, *Geschichte unserer Zeit*, Bd. VII, *Der Durchbruchssieg des Nationalsozialismus*, 1932-1933, 10.

58. Reichskanzlei, Kabinettsprotokolle, July 25, 1932.

59. *Der Angriff*, July 26, 1932; about the same time Gürtner, the Reich Minister of Justice, announced in the Reich cabinet that he was not going to follow up the case involving the "Boxheimer Documents" uncovered by the

ousted Prussian government during the previous year. Reichskanzlei, Kabinettsprotokolle, July 28, 1932.

60. *Berliner Tageblatt*, July 29, 1932; this change had been proposed in the sessions of the deposed government on December 23, 1931, but not carried out. See Sitzungen des Preussischen Staatsministeriums, Rep., 90 Bd., 1932, 63, July 29 [?], 1932.

61. Reichskanzlei, Kabinettsprotokolle, July 26, 1932.

62. *Ibid.*, August 4, 1932.

63. *Ibid.*, August 9, 1932.

64. *Schulthess*, LXXIII (1932), 137-8.

65. *Ibid.*, 136-7.

66. He did, however, on August 15th, require that *Der Angriff* print a report admitting that an S.S. man which the newspaper had reported killed by Communists and Social Democrats had actually been killed by the explosion of a bomb which he himself had held in his right hand!

67. Reichskanzlei, Kabinettsprotokolle, Aug. 15, 1932.

68. Görlitz, *Hindenburg*, 382.

69. Reichskanzlei, Kabinettsprotokolle, Aug. 15, 1932.

70. *Schulthess*, LXXIII (1932), 139-40.

71. Von Papen denied this charge in a speech in Munich on October 12th, *Ibid.*, 177-80, but see Schleicher's comments in Bracher, *Auflösung*, 612-3.

72. *Berliner Tageblatt*, Aug. 3, 1932.

73. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1932, 21st Sess., 2 August 1932, No. 329, 160-1.

74. Galéra, *Geschichte*, VI, 10.

75. *Schulthess*, LXXIII (1932), 141, Aug. 18-19.

76. Galéra, *Geschichte*, VI, 11; cabinet discussions of August 15th indicate that a more thorough and complete administrative reform was well into the planning stage, Reichskanzlei, Kabinettsprotokolle. Such a change had already been contemplated under Severing. See comments on the elimination of 60 *Amtsgerichte* by Dr. Haase, "Sprechsaal: Die Aufhebung von 60. preussischen Amtsgerichten." *Deutsche Juristen-Zeitung*, XXXVII Jrg., 221-2 (Feb. 1, 1932).

77. *Vom Kaiserhof*, 152.

78. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., Bd. I, 17 Sitz., Aug. 30, 1932, 1369-1452. The Nazi action was completely inconsistent with their first reactions to the institution of the Reich commissioner. At that time Kerrl, who was considered partially responsible for the action in view of his correspondence with Papen prior to the coup, expressed strong approval. *Vorwärts*, July 22, 1932.

79. *Der Angriff*, Sept. 2, 1932.

80. *Auflösung*, 601 ff.

81. See comment of Wilhelm Keil in which he suggested that Social Democrats should "swing about" ("lavieren") in respect to the Papen government. *Erlebnisse eines Sozialdemokraten*, II, 455.

82. The story of this deed has recently been more carefully documented in Paul Kluge, "Der Fall Potempa," *Vierteljahrshefte für Zeitgeschichte*, 5 Jrg., 279-99 (Juli, 1957).

83. *Schulthess*, LXXIII (1932), 146-9.

84. *Memoirs*, 200-1. At the time, however, Papen was half inclined to accord with Hans Heinrich Lammers' strong plea before the commission cabinet that the amnesty reduce the penalty to fifteen years' imprisonment. That the other members of the commission government did not accept this suggestion was due most largely to their recognition that the reduction of a death penalty to anything less than life imprisonment would be regarded as a completely novel act by the public. Sitzungen des Preussischen Staatsministeriums, Rep., 90 Bd., 1932, 102-5, Sept. 2, 1932.

85. *Ein Mann Geht Seinen Weg*, 88.

86. Görlitz, *Hindenburg*, 384. A record of the conversation in relation to this

subject is found in *Niederschrift* über die Besprechung in Neudeck am Dienstag, dem 30. 8. 1932, Schleicher Nachlass, Bd. 17, IV.

87. *Ibid.*, 382. Brüning states that after the July 31st elections Gregor Strasser told him the Nazis were planning to bring complaint against von Hindenburg before the Supreme Court under Article 59 of the Constitution and a move for his removal under Article 43. He believes that this had an increasing influence upon von Hindenburg's actions ("Ein Brief," *Deutsche Rundschau*, 70 Jrg., 13-15). However, it would appear that as late as November von Hindenburg still considered direct action against the Nazis.

88. *Niederschrift* über die Besprechung in Neudeck am Dienstag, dem 30.8. 1932, Schleicher Nachlass, Bd 17, IV.

#### CH. V. PREUSSEN CONTRA REICH

1. Walter Görlitz had access to the von Hindenburg archives in writing his biography, but he passes over this period very lightly and the sycophancy of his account raises some question as to whether there may not well have been voluntary errors of omission.

2. Meissner related this threat at the cabinet meeting of September 14th with the indication that the Center Party supported it (Reichskanzlei, Kabinettsprotokolle). Exactly how it would have been implemented if the Reichstag elections had simply been postponed indefinitely would seem, however, a little uncertain.

3. See Herre, *Kronprinz Wilhelm*, 212; Kaufmann, *Monarchism in the Weimar Republic*, 208 ff. Kaufmann embellishes his account with the dubious details found in Helmut Klotz's *Berlin Diaries*. Perhaps the best indication of Papen's plans is found in the *Vorwärts* article of October 11, 1932, in which statements of the Crown Prince are related to the effect that agreement existed among Papen, Schleicher, von Hindenburg, and himself that, at the appropriate time, von Hindenburg would retire; he, the Crown Prince, would become regent and establish his authority with the help of the regular army, the federalized *Schutzpolizei*, and the 400,000 members of the *Stahlhelm*. At the same time Prince Rupprecht would set up a Wittelsbach dynasty on the Danube. The answer of the government is given in Chargé in Germanv, Gordon, to Secy. of State, Oct. 24, 1932. No. 1995, U. S. State Dept. Files, 862.00/2862 G.C. in which Gordon says the government declared the article "purely a product of the imagination." On the other hand, the government did not deny that the Crown Prince was making propaganda, although it denied connivance of the cabinet or of the President.

4. Details and evaluations which follow are based on Kenyon E. Poole, *German Financial Policies, 1932-1939*, 35-73; also U. S. Ambassador in Germanv, Sackett, to Secy. of State, Sept. 12, 1932, No. 1913; Sept. 27, 1932, No. 1927. U. S. State Dept. Files 862.50/738. 740; Am. Consul General in Berlin to Secy. of State, Voluntary Report No. 592 by Raymond H. Geist, Sept. 22, 1932, *Ibid.*, 862.50/742; Dr. Max Schlenker, "Arbeitslosigkeit und Papen-Programm," *Preussische Jahrbücher*, CCXXX, 25-35 (Okt., 1932); Dr. Walter Treuherz, "Das Wirtschafts-programm der Regierung," *Ibid.*, 51-63.

5. U. S. State Department files include a most enthusiastic approval of the Papen government's action by Krupp von Bohlen und Halbach, forwarded by Julius Forstmann of New York, Sept. 15, 1932. 862.00/2849.

6. See the author's *Verdict on Schacht*, 50-1.

7. Reichskanzlei, Kabinettsprotokolle, Aug. 31, 1932.

8. *Ibid.* Papen reported that his hopes for the lengthy adjournment derived from an interview with Goerdeler, who had in turn come to him directly from a conversation with Brüning. By Papen's report it would appear that Goerdeler was making himself something of a personal intermediary between the government and the party leaders.

9. *Verhandlungen des Reichstages*, VI. Wahlp., 1932, Bd. 454, 1 Sitz. 1-11. Papen was to label this attentive reception of Zetkin in contrast with the later

refusal to let him, the Reich Chancellor, speak, "the prostitution of the German Parliament." IMT. XVI, 255, Testimony of June 14, 1946. Sackett commented on the disparity between the age of the Nazi and that of the other deputies, No. 1902 to Secy. of State, Sept. 2, 1932, U. S. State Dept. Files, GRC 862.00/2847.

10. *Verhandlungen des Reichstages*, VI. Wahlp., 1932, Bd. 454, 2 Sitz., 13-15.

11. See description by former Reichstag President Löbe, *Der Weg War Lang*, 157; cf. Bracher, *Auflösung*, 627-30.

12. *Schulthess*, LXXIII, 158-64, Sept. 12-13, 1932.

13. Reichskanzlei, Kabinettsprotokolle, Sept. 12, 1932.

14. Sackett commented, "owing to the attendant circumstances, his delivery was embittered, not to say passionate, and betrayed the depth of his resentment against the Nazis." No. 1915 to Secy. of State, Sept. 15, 1932, U. S. State Dept. Files 862.00/2844 GC. Anlage 2 of Reichskanzlei Kabinettsprotokolle, Sept. 12, 1932, contains complete speech of von Papen.

15. *Verhandlungen des Reichstages*, VI. Wahlp., 1932, Bd. 454, 2 Sitz., 15.

16. See *Vorwärts*, Sept. 4, 1932; *Vossische Zeitung*, Sept. 3, 1932; also the very valuable analysis included in Am. Consul General in Berlin to Secy. of State, report of John H. Morgan, No. 655, Nov. 29, 1932, on administrative changes to that point, U. S. State Dept. Files, 862.51/3534. Morgan based his report on interviews with Senats-präsident Dr. von Leyden, the former Prussian Minister of Finance, Dr. Hoepker-Aschoff, and Oberregierungsrat Dr. Walter Adametz, all of whom had been closely associated with the reform projects. The project had been under discussion within the commissional government since August 4, 1932, and had occasioned considerable discussion in the commissional cabinet although most of its members favored the process of centralization involved. See *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 66-113.

17. See commentary in both *Vorwärts* and *Vossische Zeitung*. From the session of the Prussian State Ministry (Commissional) on Sept. 2, 1932, however, it would appear that Bracht was lukewarm about the proposals to make Prussia a *Reichsland*. He also indicated that as yet the plans of the Reich for reform were quite indefinite and said that Prussia ought to be given an opportunity to participate in making plans for the changes to be advocated. *Sitzungen des Preussischen Staatsministeriums*, Rep., Bd. 90, 111-2.

18. *Vorwärts*, Sept. 18, 22, 23, 1932.

19. *Ibid.*, Sept. 28, 1932; cf., *Berliner Tageblatt*, Sept. 28, 30, 1932.

20. *Vorwärts*, Oct. 27, 28, Nov. 15, 19, 1932.

21. Statement of Dr. Brecht in later Supreme Court hearings, *Preussen contra Reich*, 92, 274. The list of changes is recorded in the *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 132-41, Oct. 4, 1932.

22. *Vossische Zeitung*, Oct. 3, 1932; see *Preussen*, Landtag, *Drucksachen*, 4 Wahlp., 1 Tag., 1932, Drks. Nr. 1146, 497.

23. *Vorwärts*, on Oct. 4, 1932, set forth the waggish invitation, "Zwick mich am Zwickel!"—

Gerettet ist die Sittlichkeit,  
 Hoch lebe die Moral!  
 Bracht schliesst am deutschen Badekleid  
 Das letzte Nachtoval.  
 Keusch angeschnitten wird das Bein,  
 Kein Ausschnitt bleibt, der noch so klein,  
     Denn schimmert rosig wo die Haut,  
     So kriegt dich gleich am Wickel  
 Der Schup, der solch Laster schaut,  
     Da zwick mich doch am Zwickel!  
 Vom Nackenwirbel zum Popo

Erstreckt sich ohne Blöße  
 Dein Anzug. Unten am Trikot  
 Gibts noch zwei Gehrockschösse,  
 Wir preisen der Regierung Macht,  
 Wie brachtvoll hat dies Bracht vollbracht!  
 Er hat uns jeden Leberfleck  
 bedeckt und jeden Pickel.  
 Und juckt es, flehn wir voll Respekt:  
 O zwick mich mal am Zwickell!

cf. comments of Communist deputy Schwenk in the Landtag on the earlier decree, Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., Bd. I, 17 Sitz., 30 Aug. 1932, 1439-40 and of Communist deputy Kasper, who predicted on November 25th that the next government requirement would be the wearing of "safety-pins to keep one's pants buttoned." *Ibid.*, 22 Sitz., 1860.

24. *Vorwärts*, Sept. 3, 1932; cf. comments of Communist deputy Kasper in the Landtag, Nov. 25, Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., 1 Tag., Bd. II, 22 Sitz., 1867.

25. See debates in Landtag, *Ibid.*, 18, 19 Sitz., 1472-1638.

26. Communist deputy Koenen summed it up when he proclaimed, "Papen and Bracht blew on the 20th of July and Severing and Braun disappeared. And now Papen and Bracht blow again. They gave Herr Kerrl the task: take this whistle and make the resolution (directive to the Civil Servants) disappear—and this command with the whistle you have obeyed." *Ibid.*, 19 Sitz., 22 Sept. 1932, 1956.

27. Cf. *Vorwärts*, Sept. 20, 1932, "Landtag als Reichstagersatz."

28. The personnel of the *Staatsgerichtshof* would have been different if it had been considering an impeachment of the president. In that case the judges from Prussia, Bavaria, and Saxony would have been replaced by ten representatives chosen by the Reichsrat and Reichstag.

29. Carl Misch, "Profile von Preussen-Prozess," *Vossische Zeitung*, Oct. 14, 1932.

30. *Legalität und Legitimität*, 96-7, contrasts "parlamentarische Legalität" with "plebisitäre Legitimität." A page later he declares that the Weimar Constitution was not one single constitution but two and that he prefers the one which emphasizes the power of the Reich President as an "extra-ordinary law maker." There had already been, prior to the court's proceedings, a preliminary skirmish on the part of the professors — see Prof. Dr. Carl Schmitt, "Die Verfassungsmässigkeit der Bestellung eines Reichskommissars für das Land Preussen," *Deutsche Juristen-Zeitung*, XXXVII Jrg., 953-8 (1 August 1932); Dr. von Dryander, "Zum Verhältnis vom Reichs- und Landesgewalt," *Ibid.*, 958-63; Prof. Dr. Giese, "Zur Verfassungsmässigkeit der vom Reich gegen und in Preussen getroffenen Massnahmen," *Ibid.*, 1022-4 (15 August 1932); Prof. Dr. Bilfinger, "Exekution, Diktatur und Föderalismus," *Ibid.*, 1017-21.

31. See note 29.

32. Von Jan died only a month later, *Berliner Tageblatt*, Nov. 28, 1932.

33. Ernst Rudolph Huber, *Reichsgewalt und Staatsgerichtshof*, 11.

34. This is one of the strongest criticisms made by Huber in his venom-dipped attack, *Reichsgewalt*, 11-17. Arnold Brecht in a letter to the author, dated Feb. 24, 1957, states, "It was unusual to postpone the discussion of jurisdiction to the end of the procedures before the Staatsgerichtshof. But Bumke had no bad intention in proposing that first the facts of the case were fully presented. The Staatsgerichtshof was not bound by strict rules of procedure. Bumke rightly foresaw that discussions of jurisdiction would indirectly lead to a fuller discussion of the facts of the case, and thought it would be simpler and better serve clarity and truth if the discussions began with the facts and the motions of the parties."

35. The following is based heavily on the printed record, *Preussen contra Reich*. The author strongly recommends the volume as an orientation in Ger-

man legal history of the period.

36. See in particular, "IV. Bundesstaatlicher Charakter des Reichs," *Ibid.*, 112-24.

37. *Ibid.*, 130-4, 148-57, 175-81; Huber in *Reichsgewalt*, 71-3, points out that only Bavaria had denounced the President's issuance of the Dietramszeller Verordnung and had refused to make use of it. The purpose of the decree, of course, was to allow necessary economies in order to balance state budgets. See Graf Westarp, "Die rechts-politischen Wirkungen des Leipziger Urteils," *Deutsche Juristen-Zeitung*, XXXVII Jrg., 1378-84 (15 November 1932).

38. Professor Nawiasky summed this up when he said that Schmitt's view of the Constitution was interesting but strictly his own — it had nothing to do with the intentions of the framers of the Constitution. *Preussen contra Reich*, 234-5.

39. The term "Nationale Rechtsstaat" was invented by Otto Koellreutter. In the bourgeois state of law, said Koellreutter, individual legal security was the ideal; in the national state of law, the security of the national way of life took precedence. *Der Nationale Rechtsstaat zum Wandel der deutschen Staatsidee*, 34.5.

40. *Preussen contra Reich*, 302-7. The Staatsgerichtshof had rejected ten months before this proceeding the implication that the President's powers were not subject to judicial review. See Prof. Dr. Ludwig Waldecker, "Der Staatsgerichtshof zu Art. 48 Abs. 2 RV." *Die Justiz*, Bd. VII, Heft 4 (Jan., 1932), 173-8.

41. *Preussen contra Reich*, 124.

42. *Ibid.*, 30-40, 52-9, *et passim*.

43. *Ibid.*, 12-27; 41-51; 61-6; *et passim*. Also of great significance as a record of the Prussian side of the case is the "Denkschrift über die Vorgänge vom 20. Juli 1932 und über die Verfassungsstreitigkeit des Freistaats Preussen gegen das Deutsche Reich." Preussen, Landtag, *Drucksachen*, 4 Wahlp., 1 Tag., 1932, Drks. Nr. 1203, 532-79.

44. Thus, Anon., "Germany," *Time*, XX (Nov. 7, 1932), 21; *cf.* Bracher, *Auflösung*, 638-9.

45. The decision is found in *Preussen contra Reich*, 492-517, in Dr. Schwalb, "Das Urteil des Staatsgerichtshof für das Deutsche Reich in der Klage: Preussen gegen Reich," *Deutsche Juristen-Zeitung*, XXXVII Jrg., 1336-9 (1 November 1932) and in Drucksache Nr. 1231, Pr., Landtag, *Drucksachen*, 4 Wahlp., 1 Tag., 1932, 594-617. The latter is particularly interesting because it reproduces in parallel columns the oral and written opinion of the court and reveals that the oral opinion, which was the basis for most of the public reactions of the time, did not begin to reflect the full extent of the criticism of the actions of the Reich found in the written decision. The latter was not released until November 19th. *Vossische Zeitung*, Nov. 19, 1932.

46. *Memoirs*, 192.

47. E. g., Koellreutter, *Der Nationale Rechtsstaat*, 27-8; Huber, *Reichsgewalt*, 38-44, 69-71; Ernst Pogge, *Das Verhältnis Reich und Länder einst (nach der Weimarer Verfassung) und jetzt (nach den Gesetzen der nationalen Erhebung)* . . ., 39-40.

48. Thus, Graf Westarp, "Die rechtspolitischen Wirkungen des Leipziger Urteils," *Deutsche Juristen-Zeitung*, XXXVII Jrg., 1378-84 (15 Nov. 1932), 1383 and Richard Brabeck, *Die Gleichschaltung Preussens; ein rechtshistorisches Problem Deutscher Staatsführung*, 47.

49. One member of the court, angered at charges that the court's decision was completely artificial, later made exactly the answer reproduced above.—Dr. Schwalb. See *Berliner Tageblatt*, Nov. 30, 1932.

## CH. VI. NIEDERGANZ DES RECHTSSTAATES

1. Reichskanzlei, Kabinettsprotokolle, Oct. 28, 1932.

2. See, *e.g.* *Vorwärts*, Oct. 26, 28, 1932. It is interesting to note that the

protocols of the Prussian State Ministry, which up to this time had carried the normal designation of that body, now begin on October 27 to carry the superscription, "Sitzung der Kommissarischen Staatsregierung," and the members are no longer referred to as though they were replacing the former ministers, but are designated, "die vom Herrn Reichskanzler mit der Führung der preussischen Ministerien betrauten Herren," etc. At this same meeting, Papen noted, "The division of powers involved in the (Leipzig) decision is, of course, most uncomfortable; the Reich government is, however, determined not to allow the former Prussian State Ministry to talk itself into any exercise of executive powers. It (the Reich government) will designate offices for the Braun cabinet and tell it that all questions of dispute are to be dealt with only through Reich Commissioner Dr. Bracht." Papen also added that the election of a new Minister President by the Landtag was not likely prior to the November Reichstag elections, and that even if one were elected, it might well be that the functions of the commissional government would not be disturbed. *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 147 ff.

3. *Vorwärts*, Oct. 26, 28, 1932; cf. Braun, *Von Weimar zu Hitler*, 415-6; Severing, *Lebensweg*, II, 368-9.

4. Reichskanzlei, Kabinettsprotokolle, Oct. 28, 1932.

5. *Schulthess*, LXXIII, 189-91, Oct. 28, 1932; cf. Bracher, *Auflösung*, 658,

6. *Berliner Tageblatt*, Oct. 27, 1932; the American *Chargé* in Germany at the time summarized the situation nicely when he reported home, "It is an undeniable fact that the enthusiasm with which Papen's plans were acclaimed by Rightist political circles only several weeks ago has been appreciably and perceptibly dampened. . . . Any concessions which von Papen may be constrained to make to the Braun Cabinet as a result of the Supreme Court's decision will be interpreted in these circles as a sign of weakness, which may prove fatal politically to a Chancellor who displayed such dashing and daring spirit on assuming office." *Chargé*, Gordon to Secy. of State, Oct. 28, 1932, No. 2005, U. S. State Dept. Files, 862.00/2864 GC.

7. *Der Angriff*, Oct. 26, 27, 31, 1932.

8. *Berliner Tageblatt*, Oct. 28, 1932; valuable explanation is also found in the authoritative dispatch, see fn. 16, Ch. V., from the American Consul General in Berlin, No. 655, Nov. 29, 1932, U. S. State Dept. Files, 862.51/3534. The decree found some opposition within the commissional government itself. State Secretary Dr. Scheidt, who had been commissional head of the Welfare Ministry, raised the question of its legality and specifically noted for protocol purposes that he withheld his vote. *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 157-60, Oct. 28/29, 1932.

9. Braun, *Von Weimar zu Hitler*, 415-6.

10. *Berliner Tageblatt*, Nov. 1, 1932.

11. *Vorwärts*, Oct. 31, 1932; *Schulthess*, LXXIII, 192, Oct. 31, 1932. In the first session of the cabinet of the new commissional regime, Papen noted that the changes represented "a close linking" ("*Verklammerung*") of the commissional regime with the Reich and added one of his usual high-flown predictions, "The Reich government and the commissional Prussian State Government signify a battle-partnership (*Kampfgemeinschaft*), which is convinced that history will pronounce it correct, and which will not let itself be led astray in its fight for accomplishment (*die Sache*) and for the state." *Sitzungen des Preussischen Staatsministeriums*, Rep. 90 Bd., 1932, 161 ff., Nov. 1, 1932.

12. Am. *Chargé* in Germany, Gordon, to Secy. of State, Nov. 2 1932, No. 2007, U. S. State Dept. Files, 862.00/2865 GC.

13. *Vorwärts*, Nov. 4, 1932, A. M.

14. *Ibid.*; Braun, *Von Weimar zu Hitler*, 418.

15. See comments in Bracher, *Auflösung*, 644; Anderson, *Hammer or Anvil*, 148; Stampfer, *Die Vierzehn Jahre der ersten deutschen Republik*, 594; Diels, *Lucifer ante Portas*, 173. These reports stand in contradiction to that of Merker,

who says the Nazis and the Communists were two independent armies ranged against a common opponent, *Deutschland, Sein oder Nicht Sein?*, I, 266.

16. Reichskanzlei, Kabinettsprotokolle, Nov. 3, 1932.

17. Bracher, *Auflösung*, 645-56. This is an example of the kind of election study which might profitably be made of earlier stages of political affairs in Weimar Germany.

18. Entirely theoretical and, therefore, not subject to any empirical evaluation is the thesis of Papen and other rightist leaders such as Krosigk that there would have been a strong support in Germany for a party of the "moderate right." Such a party, for example, might have been the German Nationalist Party, if it had not been for the bull-headed leadership of Hugenberg. It will be noted, however, that none of those who have discussed such a party were figures likely to have commanded a much greater support than Hugenberg himself! See Papen, *Memoirs*, 211.

19. cf. Bracher, *Auflösung*, 659.

20. Reichskanzlei, Kabinettsprotokolle, Nov. 9, 1932.

21. *Ibid.*

22. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1932, 22nd Sess., 10 Nov. 1932, No. 349, 172.

23. *Ibid.*, 172-3.

24. *Ibid.*, 173; No. 375, 179. Papen had noted in the Nov. 10 session of the commissarial cabinet that he hoped the Reichsrat protest would be prevented by a personal letter he had written to Braun! He appears, however, to have been correct in his prediction that only one of the separately represented Prussian provinces would join Prussia. *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 167-76.

25. *Berliner Tageblatt*, Nov. 12, 1932; *Vossische Zeitung*, Nov. 12, 1932; cf. list of changes, *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 167-76 and comment by Am. Consul General in Berlin to Secy. of State, No. 655, Nov. 29, 1932, U. S. State Dept. Files, 862.51/3534.

26. This was the answer made by Papen to serious criticism of the extension of the invitation voiced by von Krosigk, Reichskanzlei, Kabinettsprotokolle, Nov. 17, 1932.

27. See Keil, *Erlebnisse eines Sozialdemokraten*, II, 469-70, for the strongest criticism of the party course. Leber, *Ein Mann Geht Seinen Weg*, 89 ff., also displays some sympathy, and Noske, of course, could be numbered among the critics of the policy of the directorate.

28. Report of Papen at Reich cabinet meeting of Nov. 17, 1932, Reichskanzlei, Kabinettsprotokolle.

29. *Ibid.*

30. Text, Doc. 633D, IMT, XXXV, 223-4. The English translation in *Conspiracy*, VII, 106-7, is faulty.

31. Doc. 634D, IMT, XXXV, 225-30; *Conspiracy*, VII, 107-11.

32. Reichskanzlei, Kabinettsprotokolle, Nov. 17, 1932. Papen says that he suggested at this meeting that it would be better for the cabinet to remain in office until a new government should be formed but that Schleicher insisted that the President should have a free hand (*Memoirs*, 214). The protocol indicates that the suggestion of deferring formal resignation until the formation of a new government emanated from von Gayl and that Papen himself was the first to oppose the idea.

33. *Ibid.*

34. Deutschland, Reichstag, *Verhandlungen des Reichstages*, VII. Wahlp., 1932, Bd. 455, Anlage No. 6. Even the commissarial regime had some doubts about the amnesty question all the way down to the end of January, 1933. See *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1933, 1-16, Jan. 10, 23, 1933.

35. "Zum Verfassungsstreit Preussen gegen Reich." *Deutsche Juristen-Zeitung*, XXXVII, 1373-8 (15 Nov. 1932).



36. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1932, 23rd Sess., 18 Nov. 1932, 188-9.

37. *Berliner Tageblatt*, Nov. 19, 1932; *Vossische Zeitung*, Nov. 19, 1932, P.M.

38. *Berliner Tageblatt*, Nov. 24, 1932, P.M.; Galéra, *Geschichte*, VII, 143. As Arnold Brecht describes it, "This new suit dealt with about ten such controversial points, many of them minor in character, but including such as these: that the Prussian Ministers should not be assigned rooms in a special building (the building of the Staatsrat), which had been done, but should be permitted to use their legitimate office rooms in their respective ministries; that the mail addressed to them should be delivered to them and not to the commissaries, so that it was not left to the commissaries to sort the letters as to which were to be handled by them and which were to be forwarded to the Ministers, but the other way round, that the Ministers received the mail addressed to them (with or without the name given on the address) and then forwarded those that dealt with subject-matter transferred to the commissaries to the latter; that the Great Seal of the State of Prussia was to be handed over to the Ministers and not to be used by the commissaries, who should use the Reich seal instead; that the right of pardon or of commutation of sentence and the negative decision on petitions to that effect was a jurisdiction of the Ministers, not of the commissaries (this was a matter of some consequence, because the execution of a criminal was pending and was stayed because of the uncertainty whether the commissaries or the Ministers had to exercise the right of pardon; the commissaries had rejected the plea for pardon, but the attorney of the criminal questioned the legitimacy of this negative decision) . . . these were relatively speaking minor political points, although of some prestige weight." Letter to author, April 20, 1958.

39. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., 1 Tag., Bd. II, 21 Sitz., 1830-35, 24 Nov. 1932.

40. *Ibid.*, 22 Sitz., 25 Nov. 1932, 1856-70; 1888-92.

41. *Berliner Tageblatt*, Nov. 31, 1932.

42. Correspondence found in *Schulthess*, LXXIII (1932), 203-13, Nov. 21-4; background and details from the Schleicher Nachlass are found in Bracher, *Auflösung*, 662-6.

43. Hindenburg's strong desire to cling to Papen is documented by the pathetic commentary recorded in the Schleicher Nachlass: "I come into an ever more difficult situation. They are trying to take away the man in whom I trust and force a (different) chancellor on me." Cited, Bracher, *Auflösung*, 667.

44. Reichskanzlei, Kabinettsprotokolle, Nov. 25, 1932.

45. *Ibid.* It will be noted that this duplicates the reassuring words of Col. Bredow recorded on November 3rd.

46. The complete record is found in Georg Castellan, "Von Schleicher, von Papen et l'avènement de Hitler." *Cahiers d'Histoire de la Guerre* (Publication du Comité d'Histoire de la Guerre), Numero 1 (Janvier, 1949), 15-39, along with some valuable reports of French military attachés in Berlin; see also *Memoirs* of von Papen, 220-2; Bracher, *Auflösung*, 674-5.

47. Bracher says that Ott believes the suggestion of Nazi-Communist cooperation emanated from Papen, while other sources indicate the idea derived from the Reichswehr itself. *Auflösung*, 674 fn. 88.

48. The suggestion is based on Brüning, "Ein Brief," *Deutsche Rundschau*, 70 Jrg., 1-22 (July, 1947) and Meissner, *Staatssekretär*, 245-6.

49. Papen, *Memoirs*, 222-4; as noted by Bracher, *Auflösung*, 672-6, Meissner's recollection of this period is so faulty that he places the report of Ott and plans for authoritarian action on November 17th rather than December 2nd. Thus, the man who should be the best source of information on this critical period reveals his complete inability to add the needed details. For this reason, also, the author would be inclined to accept Papen's repudiation of the accuracy of Meissner's protocol of the cabinet session which resulted

in his resignation. Papen denies that the entire cabinet was opposed to him and the record of the earlier sessions makes it appear extremely unlikely that von Gayl, Eltz-Rübenach, and some of the others had changed their position so quickly. See Thilo Vogelsang, ed., "Dokumentation, Zur Politik Schleichers Gegenüber der NSDAP, 1932," *Vierteljahrshefte für Zeitgeschichte*, 6 Jrg., Heft 1, 105-15.

50. See similar note in Emil Daniels, "Politische Korrespondenz: die kommenden Reichstagswahlen," *Preussische Jahrbücher*, CCXXX, 85-95 (October, 1932), 89.

51. See commentary on Bracht's role in Ambassador in Germany, Sackett, to Secy. of State, Dec. 5, 1932, No. 2063, U. S. State Dept. Files, GP 862.00/2877.

#### CH. VII. PRUSSIA: KEY TO HITLER

1. The only full-scale biography of Schleicher which has appeared dates from the end of 1932: Kurt Caro and Walter Oehme, *Schleichers Aufstieg: ein Beitrag zur Geschichte der Gegenrevolution*. A political propaganda piece directed against Schleicher, it has little research value. More sympathetic is the character sketch in Lutz Graf Schwerin von Krosigk, *Es Geschah in Deutschland. Menschenbilder unseres Jahrhunderts*, 115-22. Beyond these, the only lengthy sketch is found in the mordantly critical chapter in Wheeler-Bennett, *Nemesis of Power*, 182-286.

2. See the intimate correspondence between Schleicher and the Crown Prince, *Schleicher Nachlass*, Koblenz, Bd. 17/V and Bd. 69.

3. Cf. critical commentary of Caro and Oehme, *Schleichers Aufstieg*, 265; Rheinbaben, *Viermal Deutschland*, 302-6; Braun, *Von Weimar zu Hitler*, 431-9.

4. Schwerin von Krosigk, *Es Geschah in Deutschland*, 118-9.

5. DBFP, Second Series, IV, 99, Rumbold to Sir John Simon, Dec. 7, 1932, No. 44.

6. See review in Wheeler-Bennett, *Nemesis of Power*, 182-220.

7. Cf. similar judgment by Gordon Craig, *The Politics of the Prussian Army*, 453-5.

8. Schwerin von Krosigk, *Es Geschah in Deutschland*, 119.

9. Wheeler-Bennett, *Nemesis of Power*, 237 fn. 3.

10. *Viermal Deutschland*, 303-4. See also von Schleicher's comment in a letter to the editor of the *Vossische Zeitung* dated Jan. 30, 1934, that the failure of the conference with von Hindenburg was due to the advice of the President's "only influential adviser" (Papen thinks this means him, but the weight of probability points to Meissner). Thilo Vogelsang, ed., "Dokumentation: Zur Politik Schleichers Gegenüber der NSDAP, 1932," *Vierteljahrshefte für Zeitgeschichte*, 6 Jrg., Heft 1, 89 (Jan., 1958).

11. Caro and Oehme, *Schleichers Aufstieg*, 266.

12. Reichskanzlei, Kabinettsprotokolle, Jan. 17, 1933; see also cautions in regard to secrecy, *Ibid.*, Dec. 14, 1932.

13. Bracher, *Auflösung*, 688 fn. 8.

14. *Ibid.*, 552; U. S. Ambassador Sackett commented, "The new Minister of Labor, Dr. Syrup, will not have to cope with the opposition of organized labor as did his predecessor; he enjoys the confidence of the industrialists as well as the trade unions." No. 2063 to Secy. of State, Dec. 5, 1932, U. S. State Dept. Files, GP 862.00/2877.

15. Bracher, *Auflösung*, 332, 625 fn. 108, 677. Gereke's plan proposed decentralized "work-creation" projects sponsored by local governments on the basis of non-interest-bearing credits. Its inflationary character cannot be doubted. See Dr. Curt Hoff, "Gereke und sein Plan," *Vossische Zeitung*, Dec. 5, 1932.

16. Strasser has always obtained rather friendly notice from non-Nazi commentators. A recent assessment of his role states, "Strasser was certainly no materialist in the Marxian sense of the word, even though his violent anti-

capitalism often came close to the position of the extreme Left. And if Strasser was a Nazi, he was so in a very personal way, with his own hopes and reservations. Ideologically, his place was . . . with neo-conservatism. In his own terms, his world . . . was the world of 'allegiances,' of the 'we-idea,' of conservatism." Klemens von Klemperer, *Germany's New Conservatism*, 137-8. Strasser's brother, Otto, had deserted the party earlier, at which time Gregor had taken a strong public stand as a "Hitler man." Kurt von Reibnitz, *Im Dreieck, Schleicher, Hitler, von Hindenburg . . .*, 30. The events of the break are, perhaps, still best detailed in Heiden, *A History of National Socialism*, 205-22.

17. It would seem that the Hindenburg obstacle was Schleicher's chief cause for caution and, as a consequence, the criticisms of Schleicher for his hesitation are not well justified. Cf. Schlange-Schöningen, *Am Tage Danach*, 81-2, "With more determination, the possibility probably existed even yet to avoid the worst. . . . But Schleicher let the short time which was given him pass unused." Stegemann, *Weltwende*, 181-2: "Also, Schleicher was by nature a player who planned on a long-range basis, and for this there was really no longer time. The chancellor . . . knew how to awaken everyone's hopes, but let the deed lie waiting."

18. *St. Louis Post-Dispatch*, Oct. 9, 1932, B-1.

19. *Vossische Zeitung*, Dec. 3, 1932; cf. Bracher, *Auflösung*, 677.

20. See commentary of Friedrich Stampfer, *Die Vierzehn Jahre der Ersten Deutsche Republik*, 600-1.

21. Deutschland, Reichstag, *Verhandlungen*, Bd. 455, VII. Wahlp., 2 Sitz., 23-31; cf. Sackett to Secy. of State, No. 2072, Dec. 12, 1932, U. S. State Dept. Files, GRC 862.00/2880, which adds the comment that the Nationalist counter-proposal of allowing the President to designate an Acting-President was designed to pave the way for a regency.

22. Bracher, *Auflösung*, 679-80. Schleicher's optimism about the possibility of Nazi toleration was expressed in the cabinet session of Dec. 7, 1932, Reichskanzlei, Kabinettsprotokolle.

23. Bracher, *Auflösung*, 680-1.

24. On Dec. 7, 1932, Schleicher informed the cabinet that he had turned the social program of his government over to the suggestion of the Center Party, but that he feared the plans underway for a "Winter Help" program would require funds not available. Reichskanzlei, Kabinettsprotokolle. In the long run, the "Winter Help" program was restricted to a subsidy arrangement which reduced the cost of fresh meat; no free foods were supplied.

25. *Schulthess*, LXXIII (1932), 220, Dec. 9; cf. Sackett to Secy of State, No. 2070, Dec. 14, 1932, U. S., Dept. of State, *Foreign Relations* (1932, II, 321-3).

26. Gerhard Schultze-Pfaelzer, *Deutsche Geschichte, 1918-1933. Vom Zweiten Reich zum Dritten Reich*, 301.

27. Bracher, *Auflösung*, 681.

28. See cartoons, Dec. 10, 11, 1932.

29. U. S. Ambassador Sackett to Secy. of State, No. 2071, Dec. 12, 1932, U. S., Dept. of State, *For. Rels.*, 1932, II, 320-1. An interesting but not clearly identifiable letter (internal contents indicate it was given to von Schleicher by the Crown Prince for information) dated Dec. 13, 1932, supplies some suggestions in respect to Schleicher's plans which do not agree with those normally noted. In view of its significance, it seems worthwhile to quote the pertinent sections in full: "The situation in respect to Gregor Strasser is as follows: After my discussion yesterday of more than two hours alone with Frick, it is clear to me that he will in extremity go with Strasser. Today, as I waited in Gregor's home together with his brother-in-law Vollmut, whom your imperial highness has seen with me, who follows your line completely and asks to be recommended as a loyal follower, for a telegram for today's publication, Frick once again said to me: "You know that I can

move out easily at any time (mit leichtem Gepäck losziehen). I have my own line to which I have committed myself; I'm not counting on anything else.' That is clear and the stirring (Gährung) among the good people of the party is common. Much is being organized in regard to this. Gregor Strasser has now traveled still further abroad, he telephones this evening from Rome. He will be home on Christmas eve for his children's sake.

In the week after Christmas he will have the decisive discussion with Hitler, the result of which will be sooner or later his exclusion from the party. Hitler looks at the conflict falsely, minimizes his opposition and asserts that if he gives him a special position in the Reich leadership, he will come around. Of this there can be no talk.

There are, now, some variations possible. Either Strasser will not be immediately cut off by Hitler, who often delays his action. This appears possible only for a short time, since Strasser wants to clarify the situation.

Or, on the other hand, Strasser will be shut out (of the party), but will defend himself. This appears extremely unlikely, not only because it controverts the leadership principle, but also because it does not agree with Strasser's character as I understand it. Let it be assumed then that he will be shut out (of the party). Allow me to construct a kind of working hypothesis. If, for example, Herr von Schleicher then summons him and offers him the post of Reich Minister of Interior, and Herr Bracht that of Prussian Minister President and Vice Chancellor, then much might be achieved in behalf of nationalist sentiments. Herr von Schleicher must, of course, in every case make a thorough job of it in order to be able to work effectively for the future, for nothing can be done with half measures and he is only using up his own prestige like the rest. It would then be conceivable in a kind of political emergency, which is not difficult to justify, to dissolve all political parties and associations temporarily, with the advance knowledge of their leaders, to issue a permanent prohibition of the Communist Party and take military measures against it, the other organizations, however, to be allowed to reconstitute themselves. In the interval, which needs only be very brief, Gregor Strasser must step forward and take charge of the leadership of the party either by his own appeal or that of Frick.

Then the division would almost certainly affect Hitler and not Schleicher.

The party which Gregor could bring to Schleicher as a positive support of the government would certainly contain the best elements of the N.S.D.A.P. Thereafter, it would, perhaps, be proper to set up elections for a National Assembly.

Hitler, however, would then stand all at once far to the left.

Whether it is in the best interests of the matter that Strasser should see your imperial highness and the chancellor shortly after Christmas, that is, before the discussion with Hitler, I leave to you to decide. In any case I request that your imperial highness as quickly as possible inform me by letter about your attitude and that of General von Schleicher. Also, please burn this letter." Schleicher Nachlass, Koblenz, Bd. 17/V.

30. Braun, *Von Weimar zu Hitler*, 431-3; Severing says he would have opposed the meeting with Schleicher if he had had a chance to do so. *Mein Lebensweg*, II, 376. It is to be noted that the arrangements in respect to Prussia are different from those suggested in fn. 29.

31. Dec. 9, 1932.

32. *Berliner Tageblatt*, Dec. 13, 1932.

33. Thilo Vogelsang, ed., "Neue Dokumente zur Geschichte der Reichswehr, 1930-1933," *Vierteljahrshäfte für Zeitgeschichte*, 2 Jrg., 397-436 (Okt., 1954), 429. But Schleicher had told Prussian Center Party Leader Dr. Lauscher on Dec. 9, 1932, that he hoped to use the Prussian question to force the Nazis to toleration, *Vorwärts*, Dec. 9, 1932. How much weight is to be given to his *nachträglich* justification of Aug. 5, 1933, that he had preserved the best of relationships with Göring is more than a little dubious. See Thilo

Vogelsang, ed., "Dokumentation: Zur Politik Schleichers Gegenüber der NSDAP, 1932," *Vierteljahrshefte für Zeitgeschichte*, 6 Jrg., 1 Heft, 88-9 (Jan., 1958).

34. See despatches printed in U. S., Dept. of State, *For Rels.*, 1932, I, 416-508, and final agreement, *Ibid.*, 527-8.

35. Reichskanzlei, Kabinettsprotokolle, Dec. 14, 1932; in the commissonal government, however, there were a number of doubts expressed about negotiation with the Braun regime. Bracht, however, from this point on works rather strongly toward compromise arrangements. *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1932, 189, Dec. 13, 1932.

36. *Rote Fahne*, Dec. 14-15, 1932.

37. Bracher, *Auflösung*, 684.

38. *Vorwärts*, Dec. 9, 1932.

39. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., Bd. II, 1 Tag., 24, 25 Sitz., 14 Dez. 1932, 2022-5.

40. *Ibid.*, 28 Sitz., 16 Dez. 1932, 2155-6.

41. *Vom Kaiserhof*, 225, Dec. 15, 1932.

42. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1932, 26th Sess., 15 Dec. 1932, 204.

43. *Schulthess*, LXXIII (1932), 223-31.

44. *Ibid.*, 228.

45. Dec. 16, 1932, P.M.

46. Reported in *Rote Fahne*, Dec. 23, 1932. Another Communist source, Merker, in *Deutschland, Sein order Nich Sein?*, I, 277, reports that Schleicher told Leipart and Wilhelm Eggert, who accompanied him to the conference, that he believed the previous government had cut wages too much and also had spent too much money for Osthilfe. Merker varies somewhat from his straight Communist line in the half sympathy he displays for Schleicher.

47. *Cf.*, Bracher, *Auflösung*, 684-5.

48. *Vorwärts*, Dec. 20, 1932.

49. Bracher, *Auflösung*, 685.

50. Am. Consul General in Berlin to Secy. of State, Voluntary Report No. 684, Wm. E. Beitz, Dec. 21, 1932, U. S. State Dept. Files, 862.50/748.

51. Am. Consul General in Berlin to Secy. of State, No. 1128, Feb. 3, 1933, U. S. State Dept. Files, 862.50/748; *cf.* favorable comments of Merker, *Deutschland, Sein order Nicht Sein?*, I, 283.

52. See replica, *Vorwärts*, Dec. 21, 1932.

53. Comment related by Theodor Eschenburg, "Franz von Papen," *Vierteljahrshefte für Zeitgeschichte*, 1 Jrg., 153-69 (Apr., 1953), 163.

54. *Ibid.*

55. *Ibid.*

56. *Vorwärts*, Dec. 27, 1932.

57. Repeated on Dec. 30, 1932, *Schulthess*, LXXIII (1932), 232-3.

58. *Vorwärts*, Jan. 2, 3, 1933.

59. *Ibid.*, Jan. 4, 1933.

60. Bracher, *Auflösung*, 688; Otto Meissner, *Staatssekretär*, 251-2, adds that von Hindenburg had expressed as a result of the conference his willingness for Strasser to enter the government and to become vice-chancellor. He also asserts that there was a wide support within the party for Strasser's move, including Dr. Frick and a number of the party's "Gau leaders," but that Hitler had squelched this by the disciplinary meeting at the Kaiserhof. Meissner confuses the events of December (the disciplinary meeting at the Kaiserhof) and January (the conference of Strasser with von Hindenburg). This is one more example of the inaccuracy which renders Meissner's work less valuable than it should be.

61. See entries of Jan. 3, Jan. 13, 1933, *Vom Kaiserhof*, 234, 241.

62. Bracher, *Auflösung*, 689-90. Schröder himself, however, dated the inauguration of discussions of a conference with Hitler earlier than the speech before the Herrenklub, see Castellan, "Von Schleicher, von Papen, et

l'avènement d'Hitler," *Cahiers d'Histoire de la Guerre*, Numero 1, 33-4 (Jan., 1949); *Conspiracy*, II, 992-4. Perhaps the clinching evidence in respect to the anti-Schleicher nature of this intrigue is given in the letter of Wilhelm Keppler to Baron Schröder, dated Dec. 26, 1932, in which he wrote, "In consequence of the events of August 13th, which the Führer always took as a personal defeat, his attitude in regard to von Papen was, for a long time, very bad. I have always interceded with him for von Papen and against von Schleicher; the feeling became better with time, and he is said to have taken well the recently expressed wish (for a conference); I hope that your adroitness will succeed in removing the last obstacles to the conference." Quoted, Thilo Vogelsang, "Dokumentation: Zur Politik Schleichers Gegenüber der NSDAP, 1932," *Vierteljahrshefte für Zeitgeschichte*, 6 Jrg., 1 Heft, 86-7 (Jan., 1958).

63. *Ibid.*

64. IMT, IX, 390, 16 March 1946.

65. *Conspiracy*, Supp. B, 1455-6, Interrog. of Sept. 3, 1945; cf. Papen, *Memoirs*, 232.

66. Bracher, *Auflösung*, 690-3; Eyck, *Weimarer Republik*, II, 572-3.

67. Bracher *Auflösung*, 698; *Schulthess*, LXXIV (1933), 11, 16, 20.

68. Braun, *Von Weimar zu Hitler*, 437-8.

69. Bracher, *Auflösung*, 699.

70. *Schulthess*, LXXIV (1933), 11-14; Bracher, *Auflösung*, 697-8; Görnitz, *Hindenburg*, 398-9.

71. Reichskanzlei, Kabinettsprotokolle, Jan. 16, 1933.

72. *Ibid.*

73. *Ibid.*

74. Bracher, *Auflösung*, 701-7.

75. Reichskanzlei, Kabinettsprotokolle, Jan. 17, 1933.

76. See summary by Am. Consul in Berlin to Secy. of State, No. 660 (by Vice Consul Gray), Dec. 6, 1932, and Am. Consul in Berlin, Raymond H. Geist to Secy. of State, No. 1272 (by Vice Consul C. T. Zawadzki), May 26, 1934, U. S. State Dept. Files 800.52/11/195.

77. Preussen, Landtag, *Sitzungsberichte*, 4 Wahlp., 1 Tag., 30-31 Sitz., 18-19 Jan. 1933, 2349-2488.

78. *Ibid.*, 2349-64.

79. *Ibid.*, 2352.

80. *Ibid.*, 2353.

81. *Ibid.*

82. *Ibid.*, 2355.

83. *Ibid.*, 2361-3.

84. *Vorwärts*, Jan. 25, 27, 1933.

85. Sitzungen des Preussischen Staatsministeriums, Rep., 90 Bd., 1933, 1-16, Jan. 10, 23, 1933.

86. Papen dates this specific commissioning, Jan. 28th, but the events seem to indicate he was functioning in this capacity earlier. *Memoirs*, 239; cf. Bracher, *Auflösung*, 708-9; IMT, IX, 246-7; XVI, 266-8; Bullock, *Hitler*, 233.

87. Bullock, *Hitler*, 233.

88. See report of French military attaché, Feb. 2, 1933, in Castellan, "Von Schleicher, von Papen, et l'avènement d'Hitler," *Cahiers d'Histoire de la Guerre*, Nr. 1, 29-30 (Jan., 1949).

89. Meissner, *Staatssekretär*, 253-6; Bracher, *Auflösung*, 710-4.

90. *Vorwärts*, Jan. 28, 1933.

91. See reports of Göring, IMT, IX, 247-9 (March 13, 1946); Papen, *Ibid.*, XVI, 268-9 (June 17, 1946).

92. Reichskanzlei, Kabinettsprotokolle, Jan. 28, 1933, 11:00 A.M.

93. Bracher, *Auflösung*, 721-4.

## CH. VIII. THE NAZIFICATION OF PRUSSIA

1. Hitler at Munich, March 19, 1934, quoted by Alan Bullock in "The Political Ideas of Adolf Hitler," in Maurice Baumont, John H. E. Fried, and Edmond Vermeil, ed., *The Third Reich*, 350.

2. *Hitler's Table Talk, 1941-1944*. With an introductory essay of "The Mind of Adolf Hitler" by H. R. Trevor-Roper.

3. Quoted above, p. 351; cf. Center comment of much the same order: "We do not yield. In the long run we also have a good sense of that which is called an episode. We will also survive this one." Quoted in Gerhard Schultze-Pfaelzer, *Deutsche Geschichte, 1918-1933*, 308. In the Landtag on Feb. 4, Communist deputy Wilhelm Pieck labeled Hugenberg "the stronger man in this government," joshed the Nazis on the way they had come to power, and ended with the line, "That this government coalition will last long is scarcely probable. . . . Von Papen ruled five months, von Schleicher two months, and Hitler?" *Sitzungsberichte*, 4 Wahlp., 1 Tag., 32 Sitz., 2530-1.

4. See comments of Pieck, quoted fn. 3; *Vorwärts* labeled the Hitler cabinet, the "cabinet of big business" and played strongly on Hugenberg's position, Jan. 30, 1933.

5. See essay in Schwerin von Krosigk, *Es Geschah in Deutschland*, 171-8.

6. *Vorwärts*, Jan. 25, 1933.

7. Schlange-Schöningen, *Am Tage Danach*, 84.

8. Gürtner did not join the cabinet until the failure of the negotiations with the Center discussed below, *Schulthess*, LXXIV (1933), 30-1.

9. See Schwerin von Krosigk's picture of Hugenberg's attitude, *Es Geschah in Deutschland*, 174-5.

10. Reichskanzlei, Kabinettsprotokolle, Jan. 30, 1933; this protocol has been reprinted in *Conspiracy*, III, 270-5.

11. Reichskanzlei, Kabinettsprotokolle. This protocol has been printed in DGFP, Series C, I, 5-8.

12. *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1933, 4th Sess., 31 Jan. 1933, No. 60, 34.

13. *Ibid.*

14. Reichskanzlei, Kabinettsprotokolle, Jan. 31, 1933; cf. Meissner, *Staatssekretär*, 270.

15. *Schulthess*, LXXIV (1933), 32-3; Bullock, *Hitler*, 234.

16. Reichskanzlei, Kabinettsprotokolle, Feb. 1, 1933, reprinted in DGFP, Series C, I, 15-17.

17. *Ibid.*, Feb. 2, 1933; DGFP, Series C, I, 17-18 (in part).

18. See comments in cabinet, Feb. 2, 1933, *Ibid.*

19. *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1933, 5th Sess., 2 Feb. 1933, Nr. 67, 38.

20. *Ibid.*, 38-9.

21. Reichskanzlei, Kabinettsprotokolle, Feb. 3, 1933.

22. *Schulthess*, LXXIV (1933), 38-9; cf. records of commissarial cabinet in Prussia, Sitzungen des Preussischen Staatsministeriums, Rep., Bd. 90, 1933, 17-20. Bracht returned to a ministerial directorate in the Ministry of the Interior.

23. Braun, *Von Weimar zu Hitler*, 442-3; correspondence reviewed by *Völkischer Beobachter* (Berlin Edition), Feb. 8, 1933.

24. *Sitzungsberichte*, 4 Wahlp., 1 Tag., 32 Sitz., 4 Feb. 1933, 2497-2500; 2511-17; the rather loose translation of *Geschäftsmachende* seems justified to preserve the flavor of the original pun.

25. *Ibid.*, 2543, 2547-52, 2532.

26. *Schulthess*, LXXIV (1933), 39; Paul Weymar, *Adenauer, His Authorized Biography*, 96-7.

27. *Schulthess*, LXXIV (1933), 39; cf. Braun, *Von Weimar zu Hitler*, 44. Even in this final analysis Braun advises moderation in the judgment set upon "an unpolitical and over-aged man" who was "the victim of conscienceless,

intriguing advisers." The author's critical judgment of the decree is similar to that in Apelt, *Geschichte der Weimarer Verfassung*, 437.

28. The complaint involved 11 typewritten pages and 10 pages of annex. *Vorwärts*, Feb. 8, 1933.

29. *Schulthess*, LXXIV (1933), 40.

30. Feb. 11, 1933.

31. *Vorwärts*, Feb. 7, 23, 1933.

32. See report of U. S. Ambassador Sackett, Feb. 7, 1933, No. 2178, U. S. State Dept. Files, GP 862.00/2902; Heiden, *Der Fuehrer*, 549.

33. *Völkischer Beobachter* (Berlin), Feb. 14, 1933.

34. *Schulthess*, LXXIV (1933), 47; cf. Diels, *Lucifer ante Portas*, 214 ff.

35. Heiden, *Der Fuehrer*, 550.

36. *Völkischer Beobachter* (Berlin), Feb. 19/20, 23, 1933; *Vorwärts*, Feb. 23, 1933.

37. See report of Sackett, Feb. 25, 1933, Telegram No. 26, U. S. State Dept. Files, GP 862.00/2915; Heiden *Der Fuehrer*, 548; Reichskanzlei, Kabinettsprotokolle, Feb. 22, 1933.

38. Deutschland, Reichsrat, *Niederschriften über die Vollsitzungen des Reichsrats*, Jrg. 1933, 6th Sess., 16 Feb. 1933, 41-4; Papen was, of course, the official head of the Prussian deputation. His designation and that of other ministers who were also members of the Reich Cabinet was a clear and open violation of the *Staatsgerichtshof's* decision. *Sitzungen des Preussischen Staatsministeriums*, Rep., 90 Bd., 1933, 21-8, Feb. 11, 1933.

39. Reichskanzlei, Kabinettsprotokolle, Feb. 16, 1933.

40. *Schulthess*, LXXIV (1933), 48.

41. *Vorwärts*, Feb. 24, 1933.

42. *Ibid.*

43. *Ibid.*, Feb. 25, 1933. Dr. Brecht relates that he and a Leipzig attorney representing the Reich met with Bumke, who decided after a long discussion and in spite of Brecht's warnings that it was technically impossible to consider the case before the elections of March 5. Letter to author, April 20, 1958.

44. Reichskanzlei, Kabinettsprotokolle, Mar. 2, 1933.

45. *Ibid.*, Feb. 28, 1933, 11:00 and 4:15.

46. Keil, *Erlebnisse eines Sozialdemokraten*, II, 472-3, 492.

47. Speeches reproduced in Franz von Papen, *Appell an das deutsche Gewissen. Reden zur nationalen Revolution*, 51-79.

48. *Völkischer Beobachter* (Berlin), March 3, 1933.

49. *Von Weimar zu Hitler*, 450-3.

50. "Das Exil und Sokrates," *Der Marsch durch zwei Jahrzehnte*, 352-73.

51. *Schulthess*, LXXIV (1933), 54.

52. *Ibid.*, 55-6.

53. Again, from the cabinet protocol, Papen would appear to have been a prime mover in the process. Reichskanzlei, Kabinettsprotokolle, March 7, 1933.

54. *Schulthess*, LXXIV (1933), 57.

55. Friedrich Karl Steffen, *Das Berliner Stadtverfassungsrecht*, 215.

56. Gordon Craig, *The Politics of the Prussian Army*, 470; see speeches in *Schulthess*, LXXIV (1933), 60-6.

57. Preussen, Landtag, *Sitzungsberichte*, 5 Wahlp., 1 Tag., 1 Sitz., 22 Mar. 1933, 4.

58. *Ibid.*, 14.

59. Emil Sommermann, *Der Reichsstatthalter. Eine staatsrechtliche Untersuchung des zweiten Gesetzes zur Gleichschaltung der Länder mit dem Reich*, 16.

60. See Arnold Brecht, *Prelude to Silence*, 99, "Five Safety Valves for Liberty."

61. It is, of course, debatable whether these actions marked a complete end of the Weimar Republic. Apelt, *Geschichte der Weimarer Verfassung*, 439, believes so; for a longer but inconclusive examination of the question, see



Hans Schneider, *Das Ermächtigungsgesetz vom 24. März 1933 (Schriftenreihe der Bundeszentrale für Heimatsdienst, 10)*. Nazi sources as late as 1934 claimed that the Weimar Constitution was still "formally" in effect. See Helmut Nicolai, *Der Neuaufbau des Reiches nach dem Reichsreformgesetz vom 30. January 1934 (Das Recht der nationalen Revolution, Heft 9)*, 31-2.

62. Reichskanzlei, Kabinettsprotokolle, March 29, 1933.

63. *Schulthess, LXXIV (1933)*, 80-1; Sommermann, *Der Reichsstatthalter*, 18.

64. *Ibid.*; William Gueydan de Roussel, *L'Evolution du Pouvoir Executif en Allemagne (1919-1934)*, 143.

65. See study by Sommermann cited above and that by one of the authors of the act, Carl Schmitt, *Das Reichsstatthaltergesetz (Das Recht der nationalen Revolution, Heft 3)*.

66. Cf. commentary of Am. Consul General in Berlin (report of John H. Morgan, April 13, 1933), No. 1242, April 18, 1933, U. S. State Dept. Files, GRC 862.01/91.

67. Schmitt, *Das Reichsstatthaltergesetz*, 10, 21-3; Gueydan de Roussel, *L'Evolution du Pouvoir Executif*, 149; Sommermann, *Der Reichsstatthalter*, 47-9.

68. E.g., Sommermann, *Der Reichsstatthalter*, 62-3. The Nazis were, of course, neither the first nor the last to allude to Slavic elements in the population. The reference applied most particularly to the Silesian area. Probably Slavicism within Germany was more a matter of psychology than of reality.

69. Doc. 3357 PS, IMT, XXXII, 232.

70. *Schulthess, LXXIV, 97-102*. The British Ambassador commented, "That the Speaker of the Reichstag should be at one and the same time Prime Minister in Prussia is a situation which could only exist in Hitlerite Germany or in 'Alice in Wonderland.'" Rumbold to Sir John Simon, No. 28, April 12, 1933, DBFP, Second Series, V, 36-7. Even before this time the era of court procedures against illegal action had ended as the Prussian petitioners before the *Staatsgerichtshof* had agreed to allow their suit to "rest" unpursued. Letter of Arnold Brecht to author, April 20, 1958.

71. *Schulthess, LXXIV (1933)*, 105.

72. Diels, *Lucifer ante Portas*, 16-17. Most of Diels' account, however, is patently exculpatory and untrustworthy.

73. Prussen, Landtag, *Sitzungsberichte*, 5 Wahlp., 2 Sitz., 18 Mai 1933, 15-38.

74. Ernst-Ewald Kunckel, *Der Preussische Staatsrat; Görings Arbeit am Neubau des Reiches*, 14-16, et seq.

75. Steffen, *Das Berliner Verfassungsrecht*, 225-6.

76. *Lucifer ante Portas*, 92.

77. Nicolai, *Der Neuaufbau des Reiches*, 18 ff.

## CH. IX. THE DEATH OF PRUSSIA

1. See, for example, the book of S. D. Stirk, *The Prussian Spirit: a Survey of German Literature and Politics, 1914-1940*, in which Stirk comes to the conclusion that Nazism is really Prussianism in a new form and that the whole war-time spirit of Germany reflects its "Prussianization." A similar, but even less objective, study from the Soviet side is that by S. M. Lesnik, *Was hat Preussen Deutschland gegeben? (Deutscher Imperialismus und Preussentum)*. It must be added that even those who defended Prussia's traditions, at least in part, did not find themselves opposed to its division. See, e.g., Arnold Brecht, *Federalism and Regionalism in Germany: the Division of Prussia*; Wilhelm Röpke, *The German Question*, and *The Solution of the German Problem*.

2. Text, Beate Ruhm von Oppen, *Documents on Germany under Occupation, 1945-1954*, 210-211. General Lucius D. Clay called this act "the most important act of the Control Council in this period." *Decision in Germany*, 144.

3. For the influence of occupation authorities on this process, see Clay, *Decision in Germany*, 393-440. That South German federalism remains strong is clear from a number of the essays in the collection published by the Institut für Staatslehre und Politik e. V. in Mainz, *Band 3. Verfassung und Verwaltung in Theorie und Wirklichkeit*. . . .

4. Edmond Vermeil, *Germany in the Twentieth Century: a Political and Cultural History of the Weimar Republic and the Third Reich*, 275.

5. *Ibid.*, 262.

6. See, e.g. Hans Joachim Schoeps, *Das andere Preussen* and, by the same author, *Das War Preussen. Zeugnisse der Jahrhunderte. Eine Anthologie*. Similar, Otto Heinrich von der Gablentz, *Die Tragik des Preussentums*, who finds the death of Prussia a kind of sacrifice for the good of Germany but emphasizes its historic role in binding Eastern Germany to the West. It would also appear that several periodicals are devoted almost entirely to this subject.

7. The following assessment has been greatly assisted by the articles of John Brown Mason, "Federalism — the Bonn Model," in Arnold J. Zurcher, ed., *Constitutions and Constitutional Trends Since World War II*, 134-153, and Carl J. Friedrich, "Rebuilding the German Constitution," *The American Political Science Review*, XLIII, 461-82, 704-20 (June, August, 1949).

8. Elmer Plischke, with the assistance of H. J. Hille, *The West German Federal Government*, 110-20.

9. News letter to author from Dr. Walter Stahl of the *Atlantik Brücke*, August 23, 1956; *Keesing's Contemporary Archives*, 12699 (Jan. 17-24, 1953); 15086D (Sept. 8-15, 1956).

### 1. Manuscript Materials and Unpublished Documentary Collections:

- Bill Arnold Drews Nachlass (Selections — on film). Bundesarchiv, Koblenz. A portion of the unpublished manuscript materials left by a former Prussian Minister of the Interior much interested in and occupied with the problem of administrative reform in Prussia.
- Deutschland, Auswärtiges Amt, Akten des Auswärtigen Amtes, Büro des Reichsministers, betreffend: Vereinigte Staaten von Amerika (Captured German Documents, National Archives, Serial No. 3087H). Records of the German Foreign Office relating to the United States for this period. Of minor significance in relation to this study.
- Deutschland, Reichskanzlei, Akten betreffend Kabinettsprotokolle, R. Min. 2b, 1932-4 (Captured German Documents, National Archives, Serial No. 3598H, entitled "Alte Reichskanzlei: Cabinet Protocols). Unpublished protocols of the German cabinet — a mine of valuable materials in reference to German politics, a major source for this study.
- Eher Verlag, Library of Congress. Although not a very significant manuscript collection, the portion which relates to a projected history of the National Socialist press has statistical significance.
- Preussen, Staatsministerium, Sitzungsprotokolle des Preussischen Staatsministeriums (on film). Hauptarchiv, Berlin-Dahlem. Records of the Prussian cabinet sessions. This shares with the records of the Reich cabinet a significant place in the documentation of this monograph.
- Rehse Collection, Library of Congress. A manuscript collection of minor significance — of some value for the attention to the emergency decrees of the Reich President.
- Schleicher Nachlass (Selections — on film). Bundesarchiv, Koblenz. This is a most significant collection. The author was fortunate in having access to the summary of the contents of this collection by Wolfgang Mommsen, which is cited below.
- Spruchkammer Proceedings against Hjalmar Schacht, 2 August 1948-1 September 1948. Tr. by the Collasion Section, Intelligence Division, OMGWB, Mimeo, 2 vols. (German version, Protokoll der Berufsverhandlung gegen Dr. Hjalmar Schacht, 2 August 1948-1 September 1948, Typescript). Law Library, the Ohio State University. Employed in a previous monograph, this source also had value in relation to the present study.
- United States, Department of State, Unpublished Files, 1931-3. Historians have lately been realizing the very significant value of the State Department records in relation to the domestic history of foreign countries. The detailed reports of highly specialized officials provided rich lodes of information for this study.

### 2. Government Publications and Printed Documentary Collections:

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- Preussen, Landtag, *Sammlung der Drucksachen der Preussischen Landtages. Anlagen zu den Sitzungsberichten*. 1932-3. Berlin: 1932-3.
- Preussen, Landtag, *Sitzungsberichte des Preussischen Landtages*. 1932-3. Berlin: 1932-3.
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