CHAPTER FOUR

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

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

—Fritz Stauß, Landpolizei Chief for Oberbayern, 1958

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

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

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2 The interaction between these three logics is an underlying theme in Leßmann, Die Preußische Schutzpolizei in der Weimarer Republik; Johannes Buder, Die Reorganisation der Preussischen Polizei, 1918–1923 (Frankfurt: Lang, 1986); Siemann, “Deutschland’s Ruhe, Sicherheit und Ordnung”; Funk, Polizei und Rechtsstaat.
for police leaders in their negotiations for as much autonomy as possible from the supervision of nervous political rulers. In contrast, after 1945, the ultimate source of legitimacy for both political and bureaucratic power lay in the hands of Bavaria’s foreign occupiers. An independent paramilitary role for any native German authority responsible for public order was out of the question. The ultimate coherence of any arrangements between police authority and the native government now rested on flexibility and on a willingness to compromise in a three-way relationship with the Americans. The latter, however, were so focused on their ideological goal of rooting out any vestiges of the specifically Nazi police state that they initially displayed very little interest in or understanding of the historical roots of the power relationship between the civil administration and the “non-political” executive police forces that predated 1933. The patchy quality of detailed information available to the Americans and their relative lack of cultural sensitivity to this issue would play a major part in creating the muddle in police administrative and supervisory matters that characterized the early occupation. Longer-term policy inconsistencies caused by a lack of consensus among the Americans would furthermore do their part to make the establishment of effective control over the Landpolizei more difficult for the Bavarian government after the end of the occupation.

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