

NAZI POLICY,
JEWISH WORKERS,
GERMAN KILLERS

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Jewish property.¹⁰⁴ But the sentence of the court indicated that there was something much more serious at stake than corruption, which was utterly pervasive throughout the German occupation in the east and seldom investigated much less punished. The judgment did cite that Kempf was convicted in part for the minor offense of “passive corruption” (“*passiver Bestechung*”) – that is, receiving though not actively extorting gifts; it also alleged “suborning perjury.” But much more serious, the crux of the judgment was conviction on the charge of “grave disloyalty” (“*schwere Untreue*”), and for this Kempf was executed.¹⁰⁵ Although we know of no individual German who was harshly punished for refusing to shoot unarmed civilians, clearly the same cannot be said for those who were entrusted with positions of authority and then deemed to have sabotaged Reich policy as a matter of principle.

In summary, therefore, local initiatives that suited the purposes and policies of the regime – such as the early killings by Police Battalion 309 and the Tilsit commando – were seized upon and institutionalized with alacrity. Local initiatives – such as the use of Jewish labor in Brest – that clashed with the long-term goals and policies of the regime were temporarily tolerated but brushed aside when the time came. But local initiatives that challenged the regime’s policies in principle – such as Arwed Kempf’s failure to ghettoize the Jews of Kovno – were crushed with draconic severity.

GERMAN KILLERS

Behavior and Motivation in the Light of New Evidence

One of the most elusive tasks facing historians of any event is to uncover the attitudes and mindset of the “ordinary” people who “make history” but leave behind no files of official documents and precious few diaries and letters. When “ordinary” people behave in ways completely at odds with the previous patterns of their everyday life and become the perpetrators of “extraordinary” crimes, this task becomes both more difficult and more essential to undertake. But how to undertake this task is a difficult question in its own right. In the case of Nazi Germany, one approach has been to shift the focus of study from the prominent and high-ranking perpetrators of the SS to the many individuals of the bureaucracy and business community, the medical and legal professions, the German railways, and even the German churches who contributed to the implementation of Nazi Jewish policy in one way or another. Among the new subjects of study, attention has been drawn in recent years above all to the German Order Police.

It is no longer seriously in question that members of the German Order Police, both career professionals and reservists, in both battalion formation and precinct service or *Einzeldienst*, were at the center of the Holocaust, providing a major manpower source for carrying out numerous deportations, ghetto-clearing operations, and massacres.¹

¹ Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York, 1992); Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York, 1996); Heiner Lichtenstein, *Himmlers grüne Helfer. Die Schutz und Ordnungspolizei im "Dritten Reich"* (Köln, 1990); Raul Hilberg, “The Bureaucracy of Annihilation,” *Unanswered Questions: Nazi Germany and the Genocide of the Jews*, ed. by François Furet (New York, 1989), esp. pp. 124–6, and *Perpetrators, Victims, Bystanders* (New York, 1992), pp. 87–102;

¹⁰⁴ ZStL, 206 AR-Z 26/61, Investigation of Erich Kassner: pp. 17 (Josef F.), 65 (Egon S.), 71 (Johann W.), and 111 (Karl S.).

¹⁰⁵ ZStL, 206 AR-Z 26/61, p. 331 (Abschlussbericht); Anklage StA Oldenburg 2 Js 52/63, pp. 40–1; Urteil LG Oldenburg 2 Ks 1/64, p. 12

The professional or career Order Police, who were merged with the SS in 1936, differed in age, career aspirations, institutional identification, training and indoctrination, and percentage of party and SS membership from the reservists. It is especially the reservists, not the career professionals, of the Order Police who could be said to be representative of "ordinary Germans." Conscripted virtually at random from the population of those middle-aged men who enjoyed no exemption for providing skilled labor essential to the war economy, they represented an age cohort that was socialized and educated in the pre-Nazi period and was fully aware of the moral norms of a pre-Nazi political culture.

What was the motivation and mind-set of the Order Police reservists who became Holocaust perpetrators? Did they come to their task possessed by virulent anti-Semitism and eager to kill Jews, or were they transformed by the situation in which they found themselves in eastern Europe? Did their attitude toward killing Jews differ from that toward killing other victims? Did they act with uniform enthusiasm, or did they display a spectrum of response – including evasion and nonparticipation by a significant minority – when killing?

Several scholars have answered these questions in sharply contrasting ways owing to very different readings of the admittedly problematic postwar judicial testimony given by the Order Police themselves.

(footnote continued)

¹ Konrad Kwiet, "From the Diary of a Killing Unit," *Why Germany? National Socialist Anti-Semitism and the European Context*, ed. by John Milfull (Oxford, 1993), pp. 75–90; Andrej Angrick/Martina VoigtSilke Ammerschubert/Peter Klein, "Da hatte man schon ein Tagebuch führen müssen: Das Polizeibattillon 322 und die Judenmorde im Bereich der Heeresgruppe Mitte während des Sommers und Herbstes 1941," *Die Normalität des Verbrechens. Bilanz und Perspektiven der Forschung zu den nationalsozialistischen Gewalttaten*, ed. by Helge Grabitz, Klaus Bästlein, and Johannes Tüchel (Berlin, 1994), pp. 325–85; Jürgen Matthäus, "What About the 'Ordinary Men'?: The German Order Police and the Holocaust in the Occupied Soviet Union," *Holocaust and Genocide Studies* 10/2 (fall 1996), pp. 134–50, and "Reibungslos und planmäßig," Die zweite Welle der Judenvernichtung im Generalkommissariat Weissruthen (1942–1944), *Jahrbuch für Antisemitismusforschung* 4 (1995), pp. 254–74; Martin Dean, "The Killings in Occupied Ukraine: German Policing at the Local Level in the Zhitomir Region, 1941–1944," *German History*, 14/2 (1996), pp. 169–92; Paul Kohl, *Der Krieg der deutschen Wehrmacht und der Polizei 1941–1944: Sowjetische Überlebende berichten* (Frankfurt/M., 1995); Klaus-Michael Mallmann, "Vom Fussvolk der 'Endlösung,' Ordnungspolizei, Ostkrieg, und Judenmord," *Jahrbuch für Geschichte*, 21 (1997), pp. 355–91; Edward B. Westermann, "'Ordinary Men' or 'Ideological Soldiers'?" Police Battalion 310 in Russia, 1942," *German Studies Review*, 21/1 (February 1998), pp. 41–68.

The task of the historian now is to locate and analyze rare contemporary sources that can shed additional light on these issues. For that purpose I would like to consider two other kinds of sources: first, the eyewitness accounts by Jewish survivors who possessed a unique vantage point from which to observe the internal dynamics and individual behavior of German Order Police reservists, and second, three collections of unusual documents: (1) the records of the Schutzpolizei station of Czeladz, an industrial suburb of Sosnowiec, in East Upper Silesia²; (2) the letters of a member of Reserve Police Battalion 105 in the Baltic³; and (3) the records of a German wartime investigation of an unplanned massacre of the Jews of Marcinkance in the Bialystok district in November 1942, in which both career and reserve police participated.⁴

Let us look first at East Upper Silesia. After the publication of my book *Ordinary Men*, I received the following letter:

Your book deeply affected me, because I personally experienced the German Schutzpolizei, the good and the bad. As a 15 year old Jewish boy, I was sent by the Judenrat as a punishment to my father to do maintenance work in the headquarters of the German police. The town then called Auschwitz had no running water. I carried water and polished their boots until March 1941 when the whole Jewish population had to leave. The whole police company came from the town of Waldenburg in Silesia. I came across men that in my opinion could not hurt a fly. Walter Stark, Max Maetzig, Walter Kraus, Joseph Grund, Polizeimeister Sebranke, his deputy Orlet, and so on. Two of them were willing to make out false papers and send me as a Pole to work in Germany, apparently knowing what was coming. . . . As I mentioned before this whole company came from the town of Waldenburg. As faith [sic] wants it, in October 1944 I was taken to the KZ Waldenburg. In January 1945 we were taken to dig so-called Panzergraben [anti-tank ditches] on the outskirts of town in the direction of Breslau. One evening going back to the camp a child was playing on the sidewalk. I recognized him as Horst Maetzig, who[m] I met with his parents in Auschwitz. His father Max Maetzig was one of the

² United States Holocaust Memorial Museum (hereafter cited as USHMM), Record Group 15.033m, 8 reels (from Glowna Komisja Badnia Zbrodni Przewicko Narodowi Polskieni Instytut Pamieci Narodowej, Archival Nr. 171), especially files 17, 31, and 32.

³ Ludwig Eiber, ed., "... ein bisschen die Wahrheit": Briefe eines Bremer Kaufmanns von seinem Einsatz beim Reserve-Polizeibattillon 105 in der Sowjetunion 1941," 1999: *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, 19/1, pp. 58–83.

⁴ USHMM, Record Group 53.004m, reel 1 (from Grodno Oblast Archive, fond 1, opis 11, folder 59).

police. Of course, you know we were guarded by SS. I could not help it as we lined up with the boy, I exclaimed Horst. He took a look and ran away. The next day he was standing there with his mother Elisabeth, and [she] just nodded with her head. I appreciated that now very much. For the next two months, she and her boy stood there, it was a tremendous boost for my morale. I will never forget it. I wonder what happened to this police company, if they wound up to do what you describe in our book. Maybe you can find out for me, I would be grateful.⁵

I do not in fact know what this company of middle-aged policemen from Silesia did subsequently. But the newly accessible files of the Schutzpolizei police precinct in Czeladz indicate that the behavior of the policemen in Silesia was indeed atypical in comparison to elsewhere on occupied Polish and Soviet territory in ways that are very suggestive.

When East Upper Silesia was annexed to the Third Reich in October 1939, a network of German Schutzpolizei precinct stations was quickly established in the urban areas, including Sosnowiec and its industrial suburb of Czeladz. The Sosnowiec Schutzpolizei operated on the assumption that fully 70 percent of these men would be married and need family housing.⁶ A roster from August 1942 reveals that fully one half of the men in the Czeladz police station had family names of Polish origin.⁷ And the police commander in Sosnowiec had to make explicit that it was forbidden for his men to speak Polish in public while in uniform because this was damaging to the image of the police.⁸ Thus it is likely that, as in the case of the Katowitz Schutzpolizei, the Czeladz police were reservists from Silesia. They lived with their families in a milieu with which they were relatively familiar. They were not an isolated group of men living alone far from family and home in an alien environment. Their situation was far closer to that of reservists serving in precinct service near home in Germany than of those serving on occupied Polish and Soviet territory.

From the surviving documents of the Czeladz police station, we see that the commander of the Schutzpolizei in Sosnowiec was a stickler for

ideological training and indoctrination. In this regard, he was extremely disturbed by the attitude of these men. For instance, he complained about the "previous indifference" ("*bisherige Gleichgiltigkeit*") of the men toward meetings and written materials devoted to ideological indoctrination.⁹ He also voiced his obvious disappointment in related matters as well. When the singing of the SS-Treue lied had to be abandoned because the men did not know the words, he ordered special hours of singing practice until the words were mastered. "In the future at all official and social occasions as well as at the conclusion of the monthly ideological training sessions, the SS-Treue lied must be sung. Because of our close organizational ties with the SS, this song is also the basic hymn of the police," he ordered.¹⁰

Concerning the attitude of these reservists toward Jews, it should be noted that the experience of the 90,000-100,000 Polish Jews of East Upper Silesia was significantly different from that of their fellow Jews in the Warthegau and the General Government. Many were moved into certain towns and Jewish residence areas within East Upper Silesia,¹¹ but only a few were expelled into the General Government.¹² Though their freedom of movement was curtailed by curfews as well as prohibitions against use of public transportation and entering certain streets and buildings in 1941,¹³ the Jewish quarters of East Upper Silesia were not transformed into sealed ghettos until the spring of 1943.¹⁴ Unlike the rest of Poland but instead as in pre-1939 Germany,

⁵ USHMM, RG 15-033m, reel 1, folder 17, pp. 79-80 (KdSchuppo Sonderbefehl Nr. 1, Sosnowiec, 20.7.42).

⁶ USHMM, RG 15-033m, reel 1, folder 17, Sonderbefehl Nr. 2, 10.11.42.

⁷ The Jews were concentrated in the eastern strip of East Upper Silesia that had not been German territory even before 1919. USHMM, RG 15-033m, reel 1, file 32: p. 4; KdSchuppo Katowitz, 16.4.40, Umsiedlung der Juden aus dem altschlesischen Raum, and p. 41; KdSchuppo Sosnowitz, 25.11.41, betr.: Umsiedlung der Juden.

⁸ Two Jewish transports left Katowitz for Nisko on October 20 and 28, 1939, before that operation was halted. Alfred Komieczny, "Die Zwangsarbeit der Juden im Schlesien im Rahmen der 'Organisation Schmelt,'" *Beiträge zur nationalsozialistischen Gesundheits- und Sozialpolitik*, V (1987), p. 94.

⁹ USHMM, RG 53-004m, reel 1: on the public transportation ban, file 31, p. 1; Polizeipräsident Sosnowiec, 19.3.41, betr.: Ausschaltung der Juden aus den öffentlichen Verkehr; and p. 15; KdSchuppo, Sosnowiec, 30.4.41, to 44; Polizeiwier Czeladz, betr.: Benutzung der Züge durch Juden; on the curfew, file 32, p. 22, Schupo-Abschnittskommando I, Sosnowiec, 13.6.41, to all agencies; on banning Jews from certain streets and conducting business with German officials outside early morning hours, file 32, pp. 8-9; Polizeipräsident Sosnowiec, 18.1.41, to all authorities.

¹⁴ For the ghetto in Czeladz: USHMM, RG 15-033m, reel 1, file 31, p. 12; Polizeipräsident Sosnowiec, 14.4.43, an die Zentrale der jüd. Ältestenräte in Oberschlesien.

⁵ Personal letter of J. H. to the author, 21.11.95.

⁶ USHMM, RG 15-033m, reel 1, folder 4, p. 18 (KdSchuppo in house, 16.1.41).

⁷ USHMM, RG 15-033m, reel 6, folder 208, p. 61 (roster of 4. Polizeiwier, Czeladz, 31.7.42).

⁸ USHMM, RG 15-033m, reel 4, folder 175, p. 42 (Abschnitts-Kommando-Befehl Nr. 31, 6.6.40).

the Jews here were not marked until September 1941.¹⁵ By the spring of 1942 some 6,500 Silesian Jews had been rounded up and interned in the Jewish labor camps of *Organisation Schmelt*, but prior to the deportations the majority continued to work in privately owned shops.¹⁶ The strongest single indicator of the stark contrast between Lodz and Warsaw on the one hand and East Upper Silesia on the other is that despite the discrimination, expropriation, and forced labor roundups, in the first 2 years of the German occupation of East Upper Silesia there was no significant rise in the natural death rate among the Jewish population.¹⁷

In short, the reserve police in the "incorporated territory" of East Upper Silesia were more like German police serving at home than on occupied territory. And the Jews they encountered were treated more like German than Polish or Soviet Jews. How did the German Schupo of East Upper Silesia react toward a Jewish population that was not stigmatized by marking, isolated by ghettoization, emaciated by starvation rations, and decimated by epidemic? Scattered references in the surviving documents hint at a very different atmosphere and rank-and-file police behavior than in the rest of German-occupied Poland. In November 1939 the commander of the Schutzpolizei in East Upper Silesia warned all of his men that "the greeting of a Jew is not to be acknowledged at all," and that any police engaged in contact with Jews outside official business could be expected to be sent to a concentration camp.¹⁸ This was not simply a one-time setting of policy, for the following spring, the commander of the Schutzpolizei felt compelled

¹⁵ USHMM, RG 15.033m, reel 1, file 31, p. 2, Schutzpolizei-Abschnittskommando I, Sosnowiec, 17-9-41, Polizeiverordnung über die Kennzeichnung der Juden vom 1. Sept. 1941.

¹⁶ Nuremberg Document NO-1386: Schmauser to Himmler, 20.4.42; Komieczny, "Die Zwangsarbeit der Juden im Schlesien," pp. 97-100. Though Jewish businesses were taken over by German trustees, at least initially they often continued to employ the former Jewish owners and workers. As the young survivor Abe Kimmelman remembered in 1946 about German-Jewish business relations in the early months of the occupation: "... during the first winter, the cruelty of the Germans was not yet recognized. . . . They were not so much Germans on the *inside* as on the *outside*. And when they were together with the Jews they could get along." USHMM, David Bodet Collection, vol. I, pp. 9-10 (interview of Abe Kimmelman).

¹⁷ Ariana Ronen, English abstract of "The Jews of Zaglemble during the Holocaust," Ph.D. thesis (Hebrew), Tel Aviv University, 1989, p. 7.

¹⁸ USHMM, RG 15.033m, reel 3, file 144, pp. 1-3, circular Kdschupo Scheer, Katowitz, 20.11.39.

once again to warn his men. He had repeatedly witnessed how Jews did not promptly and sufficiently make way for Germans on the sidewalks, which he deemed to be intentionally provocative. The police were told to demand respect from the Jews and Poles, not chat with them. "An even more regretful case has come to my attention," he continued, "that a police official has extended his hand to greet a Jew." The police were to watch for and report any such "abuses."¹⁹ There were also complaints that the curfew and ban on use of public transportation were not being enforced.²⁰

On the eve of the May 1942 deportations, the Schutzpolizei commander felt the need to exhort his men to be tough: "You must proceed ruthlessly in the Jewish actions. . . . Racial struggle is harsh - sentimentalism is out of place."²¹ In July 1942, however, even after the first deportation action of May-June 1942 and on the eve of the second deportation action of August, the unthinkable had happened once again - "A German police official was said to have greeted a Jew. . . . Jews should not be greeted on the open street at all." Thus, all the men and noncommissioned officers were to be reminded once again about the exact fulfillment of duties. "In case of lapses, especially in dealings with Jews and Poles, they can reckon with no consideration."²²

Although the Schupo commander continued to see disturbing signs of insufficient harshness and disdain toward the Jews on the part of his men, between the first and second deportation actions (May-June and

¹⁹ USHMM, RG 15.033m, reel 4, file 175, p. 15, Major Nowack, Schutzpolizei-Abschnittskommando V, Sosnowiec, 10.4.41, Abschnitts-Kommandobefehl Nr. 10.

²⁰ USHMM, RG 15.033m, reel 1, file 32: p. 15, Major Nowack, Kdschupo, Sosnowiec, 30.4.41, betr. Benutzung der Züge durch Juden; p. 22, Schutzpolizei-Abschnittskommando I, Sosnowiec, 13.6.41, an alle Dienststellen. Even more disturbing for the police commanders were instances of police dereliction making use of Jews. In February 1941 a policeman entered a fabric store accompanied by a Jew. The latter - acting as an expert adviser and allegedly behaving "very impudently" - found fault with goods on the shelves and asked for those kept in the back of the store. The store owner refused to show him these goods, and the policeman "very rudely" left store. Despite an investigation, his identity was not discovered. USHMM, RG 15.033m, reel 3, file 144, p. 24, Schutzpolizei-Abschnittskommando I, Sosnowiec, 13.2.41 (sehr frech . . . sehr unhöflich). In May 1942, a Schupo accompanied by a Jew entered the apartment of a Polish woman. He confiscated her food supply without receipt, which the Jew then carried off for him. This case too remained unsolved. USHMM, RG 15.033m, reel 1, file 52, pp. 7-11, Kdschupo Gerichtsfizier, Sosnowiec, 8.5.42.

²¹ USHMM, RG 15.033m, reel 6, file 209, Dienststellenleiter-Besprechung, 14.5.42.

²² USHMM, RG 15.033m, reel 6, file 209, Dienststellenleiter-Besprechungen, 16.7. and 30.10.42.

August 1942) in East Upper Silesia, for the first time he had also to give his attention to another phenomenon – namely, the curbing of unseemly and public police violence. In July 1942 – after some 17,000 Jews had been sent to their deaths in nearby Auschwitz-Birkenau – he advised his men that beating Poles or Jews in public was “in no way permissible.” “This is freebooter behavior that has no place in the German police.”²³ (“*Dies sind Landsknechtmanieren, die nicht in die Deutsche Polizei gehören*”).

These are admittedly quite fragmentary references, but they are suggestive. In East Upper Silesia, where the police were still living as at home rather than as occupiers in a foreign land and the dehumanization of the Jews through marking, ghettoization, and starvation proceeded well behind the pace set in the Warthegau and General Government, the brutalization of the police seems also to have been a much slower process. This would suggest that imposing racial imperialism was corrupting. Acting as a “master race” on occupied territory changed attitudes and behavior, and each step in degrading and mistreating victims made the next step easier. For the policemen stationed in East Upper Silesia this process went relatively slowly, in sharp contrast to those involved in Operation Barbarossa. Let us turn to the letters from Reserve Police Battalion 105 in the Baltic.

A 40-year-old Bremen salesman who had previously served as a reservist in Norway wrote his wife about the battalion’s orientation on the eve of the invasion: “The major said that every suspect is to be shot immediately. Well, I’m in suspense,” he noted sarcastically. (“*Der Major sagt, jeder Verdächtige ist sofort zu erschiessen. Na, ich bin gespannt*.”) Not hiding his antipathy toward his officers, he suggested that they might shoot as they had in the comfort of the officers’ casino in Oslo, where they had been previously stationed. “The gentlemen fancy themselves as very important and martial,” he concluded.²⁴ (“*Die Herren kommen sich sehr wichtig und kriegerisch vor*.”)

Two days later, after the first execution of seven civilians, his tone changed abruptly. “In comparison to our present action,” he admitted,

“Norway was nothing at all.”²⁵ He assured his wife that he would tell her “a little bit of the truth”; otherwise, she would perhaps get “a false picture” from others. However, he warned: “Only you must give it no thought, there’s no point to it.”²⁶

Initially he made detailed references to the Jews he encountered. Sent to a village to arrest all communists, the police rounded up 19 men and 6 Jewish girls. He fully expected to be part of a firing squad. However, after interrogation, the 6 Jewish girls and 11 men were released. The 8 remaining men – none of them Jews, he noted specifically – were taken away amidst the “terrible wailing and howling” (“*furchterliches Gejammer und Gejaule*”) of their mothers, wives, and children.²⁷ Clearly Reserve Police Battalion 105 did not enter Soviet territory with prior instructions to kill all Jews but had received the *Kommissarbefehl* concerning the liquidation of communist functionaries.

In early July his company was lodged in commandeered Jewish houses, where every morning the “chosen people” (“*ausgewählte Volk*”) had to appear and work. He himself had two young Jews, a 15-year-old boy and 19-year-old girl, as his servants, but they had to be provided with identification cards or otherwise someone else would grab them. “The Jews are free game. Anybody can seize one on the streets for himself. I would not like to be in a Jew’s skin.” (“*Die Juden sind Freiwild. Jeder kann sich auf der Strasse einen greifen, um ihn für sich in Anspruch zu nehmen. Ich möchte in keiner Judenhaut stecken*.”) The Jews had no food, he noted. “How they actually live, I don’t know. We give our bread and more. I cannot be so tough,” he confessed. (“*Von was die eigentlich leben, weiss ich nicht. Wir geben unser Brot und auch sonst was ab. Ich kann nicht so hart sein*.”) In addition to food, he noted: “One can only give the Jews some well-intended advice: bring no more children into the world. They have no future.”²⁸ (“*Mann kann den Juden nur noch einen gut gemeinten Rat geben: Keine Kinder mehr in die Welt zu setzen. Sie haben keine Zukunft mehr*.”)

Two weeks later, when the company moved to Mirau, the reserve policeman noted that there were “no more Jews” in town to act as

²³ USHMM, RG 15.033m, reel 6, file 109, Dienststellenleiter-Besprechung, 2.7.42.

²⁴ “. . . ein bisschen die Wahrheit? Briefe eines Bremer Kaufmanns von seinem Einsatz beim Reserve-Polizeibattalion 105 in der Sowjetunion 1941” ed. by Ludwig Eiber, 1999. *Zeitschrift für Sozialgeschichte des 20. und 21. Jahrhunderts*, 1991, p. 67 (letter of 24.6.41).

²⁵ *Ibid.*, 68 (letter of 26.6.41).

²⁶ *Ibid.*, p. 70 (letter of 4 or 5.7.41).

²⁷ *Ibid.*

²⁸ *Ibid.*, pp. 70–1 (letter of 7.7.41).

servants. "They must be working, I suppose, in the countryside," he wrote once again with a possible tone of sarcasm.²⁹

In early August he wrote first on a theme that dominates much of the correspondence – namely, the most recent packages of food that he had sent home to his wife and mother, in this case butter and cheese, which he hoped "will taste good to you." He then added cryptically: "Here all Jews are being shot. Everywhere such actions are underway. Yesterday night 150 Jews from this place were shot, men, women, children, all killed. The Jews are being totally exterminated" ("Hier werden sämtliche Juden erschossen. Überall sind solche Aktionen in Gange. Gestern nacht sind aus diesem Ort 150 Juden erschossen, Männer, Frauen und Kinder, alles umgelegt. Die Juden werden gänzlich ausgerottet"). He advised his wife once again not to think about it – "it must be" – and at least for the moment to "say nothing about it" to their eldest child.³⁰ ("Liebe H., mache Dir keine Gedanken darüber, es muss sein. Und dem R. nichts davon erzählen, später mal!")

In short, in the first month of Operation Barbarossa the Bremen reserve policeman wrote about Jews in two distinct ways. When referring to Jews in general, his tone was sarcastic and unsympathetic: "the chosen people" had had their houses commandeered, and they were presumably "working in the countryside." But when he wrote of the Jews that he actually encountered, the tone was quite different. The first Jews arrested by his company were released, and he was relieved not to be part of a firing squad. The Jewish youths working as his servants were portrayed as victims facing a pitiless future, and he confessed himself not tough enough to deny them a few handouts. One month later, when systematic killing of all Jews was clearly underway, he shifted to yet another voice – what I would call the "anonymous passive" that is so prevalent in postwar testimony as well. He openly wrote that all Jews were being shot, but without mentioning in any way his own or even his unit's participation. He expressed no feelings of his own except acceptance of the inevitable – "it must be." He urged willful indifference on his wife and silence before his eldest child. There was no celebration or boasting and even a hint of shame.

The reserve policeman wrote of Russians, especially partisans, quite differently. The partisans were "beasts" (*Bestien*),³¹ "dogs" (*Hunde*),³² and "trash" (*Lumpen*) who had to disappear.³³ He provided vivid descriptions of executions that were "the order of the day." For example, "The arrested communists and snipers are made to lie facedown in graves that they have dug themselves and then shot in the neck from behind."³⁴ The sight of partisans whose bodies were left hanging for "deterrence" was so common it no longer affected the men, he admitted.³⁵ Concerning one execution that he missed following a "partisan hunt," he wrote explicitly: "It was said to have been fun"³⁶ ("Es soll toll gewesen sein").

It is clear from the letters that the civilian population at large was not spared. His company had burned down every house and barn within 25 kilometers to deny lodging to the partisans. "We were 'arsons' in the true sense of the word," he confided.³⁷ Russians were forced to march in front of patrols to set off possible mines.³⁸ Any Russian found in the forest was shot out of hand.³⁹ When his unit suffered casualties, he and his comrades become angry; they "would like best of all to shoot down all Russians"⁴⁰ ("möchte am liebsten alle Russen über den Haufen schiessen").

He complained that the retreating Russians had burned everything in their flight, leaving nothing to be plundered. "For that their own prisoners must go hungry, yes, that is quite clear," he wrote. And he left no doubt as to what that meant. "When one sees a prisoner camp, one can see miserable scenes. The people would be better off dead"⁴¹ ("Hungern müssen die eigenen Gefangenen dafür, das ist ja ganz klar. Wenn man mal Gefangenenlager sieht, kann man trostlose Bilder sehen. Die Leute wären besser tot").

³¹ Ibid., p. 68 (letter of 3.7.41).

³² Ibid., p. 77 (letter of 28.9.41).

³³ Ibid., p. 82 (letter of 25.10.41).

³⁴ Ibid., p. 74 (letter of 22.8.41). Other executions are described on pp. 81–3 (letters of 25.10 and 18.11.41) as well.

³⁵ Ibid., p. 79 (letter of 8.10.41).

³⁶ Ibid., p. 81 (letter of 8.10.41).

³⁷ Ibid., p. 77 (letter of 28.9.41).

³⁸ Ibid., p. 78 (letter of 3.10.41).

³⁹ Ibid., p. 76 (letter of 7.9.41).

⁴⁰ Ibid., p. 81 (letter of 8.10.41).

⁴¹ Ibid., p. 75 (letter of 7.9.41).

²⁹ Ibid., p. 72 (letter of 20.7.41)

³⁰ Ibid., p. 73 (letter of 7.8.41).

Now there is no "anonymous passive" voice and certainly no hint of shame. On the contrary, he was "proud of" what he had gone through and experienced. He openly regretted that he missed filming an execution, in which the company's so-called revolver hero (*Revolverheld*) had shot three people "before the eyes of the company"⁴² ("vor den Augen der Kompanie"). Subsequently, however, he was able to film at least one execution. "In the future my film will be a document and of great interest for our children,"⁴³ he assured his wife. ("Mein Film wird später nochmal ein Dokument sein und für unsere Kinder hochinteressant.")

If the Bremen reservist fully identified with the regime's antipartisan policies and passively accepted the mass murder of the Jews, he maintained a critical stance in regard to the behavior of his officers. Although the company posted placards announcing that "whoever plunders will be shot," his captain filled his suitcase with whatever he could lay his hands on in the houses of the villagers, despite the tearful pleas of distraught mothers at least to leave their children's winter clothing. "Well, that's what we go through along the way, and it reflects on our officers. I can't bring myself to take anything from the poor people. But the career policemen don't even question it."⁴⁴

In comparison to the very gradual and belated brutalization of the reserve police in the less violent environment of East Upper Silesia, this Bremen reservist initially mocked the murderous exhortations of his officers but then adapted himself to the viciousness of the "war of destruction" on Soviet territory with breathtaking speed. Though he referred briefly and in passive voice to the mass murder of the Jews, he proudly and enthusiastically detailed and filmed his unit's antipartisan activities. Where does he fit into the spectrum of reaction among the German police? Indeed, was there even a spectrum? Let us turn to two cases in which we can identify with some precision both the entire range of behavior and the proportional distribution of the individual perpetrators along this spectrum: the village of Mir in Byelorussia (what the Germans called Generalkommissariat Weissruthenien) and the village of Marcinkance in the district of Biaystok near the Lithuanian border.

For the village of Mir there is the testimony of a survivor, Oswald Rufeisen.⁴⁵ The special quality of his testimony derives from two factors. First, he had a unique vantage point. Born and educated in Silesia, Rufeisen spoke Polish and German without a detectable accent. Following his escape from Vilna, he was passing as a person of mixed Polish-ethnic German parentage when in November 1941 he was ordered to serve as the interpreter for the chief of the regional auxiliary police living in the village of Mir. Two months later, he was commandeered to serve as translator at the German Gendarmerie station in Mir under the command of Sergeant Reinhold Hein. For the next 7 months, until August 1942, Rufeisen slept in the house of the Byelorussian police commander at night. By day he worked at the German police station across the street and took his meals seated next to Sergeant Hein.

Second, Rufeisen's formidable memory has been tested and proved in an unusual way. He had given a detailed account of his escape from the Mir police station on several occasions. When the archives in Brest-Litovsk were finally made accessible to the west, a contemporary report by Sergeant Hein on Rufeisen's escape was found.⁴⁶ The coincidence between Rufeisen's postwar recollections and the written report is remarkable to say the least.

The German Gendarmerie unit in Mir was composed of 2 career policemen – Sergeant Hein and his second in command, Corporal Karl Schultz⁴⁷ – and 11 reservists from the north German region of Pommern. Hein was the only Catholic. Virtually all the men were in their forties. Relations among them were formal. They addressed one another by their last name. Mealtime conversation was dull and humorless. There was no political conversation either, and Rufeisen had no idea who was or was not a party member. Hitler's name was mentioned only on the Führer's birthday. The only anti-Semitic expression Rufeisen

⁴² This account of Oswald Rufeisen is based on three sources: his interviews with Nechama Tec, recorded in her book, *In the Lion's Den* (Oxford, 1992); his pretrial testimony in the case of *Crown v. Semon Serefnowitz*; and my own interview with him on June 17, 1998, just 6 weeks before he died on August 1.

⁴³ USHMM, RG 19996-A-169, reel 22 (Brest Archive, M-41/1021): Hein to Gend.-Gebietsführer in Baranowitsche, 20.8.42.

⁴⁴ In his account to Nechama Tec, Rufeisen identified Schultz as a baker by trade. In his interview with me, he corrected Tec's account and stated that Schultz was an *Aktiv*, or career policeman.

⁴² *Ibid.*, p. 74 (letter of 22.8.41).

⁴³ *Ibid.*, pp. 75 and 83 (letters off 7-9. and 18.11.41).

⁴⁴ *Ibid.*, p. 80 (letter of 8.10.41).

could remember was when one of the Protestants once referred to Mary, mother of Jesus, as an "old Jewess" – a remark that was as anti-Catholic as it was anti-Semitic.

Among the 13 German Gendarmes, Hein's deputy Karl Schultz was a notorious sadist and drunkard, whom Rufeisen described as "a beast in the form of a man." He kept a notebook listing all those he had killed, a tally that reached more than 80 before Rufeisen escaped. His closest companions were Rothe and Schmelzer, whom Rufeisen did not characterize as sadists. But they also killed "without remorse or conscience." A fourth policeman, Steinbach, was also placed by Rufeisen in this group of those he considered the "worst" policemen.

In contrast, identified as the "best" policemen were the *Volksdeutscher* from the Netherlands, Roth, and a man named Proksch. In his interview with me, though not in other accounts, Rufeisen also added to the list of the "best" policemen the man in charge of the kitchen, whom he remembered only by the first name of Adolf. These men did not take part in the killing of Jews, and their absence on these occasions was accepted without incident or repercussion. As Nechama Tec summarized Rufeisen's account: "No one seemed to bother them. No one talked about their absences. It was as if they had the right to abstain."⁴⁸

The remaining policemen were characterized by Rufeisen as "passive executors of orders," who killed without hate or ideological motivation. Concerning the spectrum of attitudes, Rufeisen noted:

It was clear that there were differences in their outlooks. I think that the whole business of anti-Jewish moves, the business of Jewish extermination they considered unclear. The operations against the partisans were not in the same category. For them a confrontation with partisans was a battle, a military move. But a move against the Jews was something they might have experienced as "dirty."⁴⁹

Sergeant Hein was the most enigmatic figure among the 13 Germans. He, too, did not take part in the anti-Jewish expeditions

and flatly told his young interpreter that he would never shoot a Jew. However, he added: "But someone must do it. Orders are orders." Thus he meticulously organized the killing expeditions that he left to Schultz to carry out. According to Rufeisen, Hein was always "very gentle" and even "reverent" toward the *Judenrat* members, whose community he would eventually liquidate. When delegates of the *Judenrat* attempted to bribe Hein to spare the ghetto, he refused their gifts on the grounds that he could promise them nothing in return. When one of the Jewish leaders then asked him to see that they at least would "die a humanitarian death," Hein replied affirmatively: "I can promise you this," and showed them respectfully to the door.⁵⁰

Let us turn to the second example of Marcinkance, a small village and customs station in the district of Bialystok just west of the Lithuanian border. The Einsatzgruppen and police battalions that passed through the district of Bialystok in the first month of Operation Barbarossa carried out numerous killings of Jews, but thereafter an eerie calm settled over the district. During the same months in which the bulk of Soviet and Polish Jewry were being destroyed, the Jews of the Bialystok district were being ghettoized and put to work. Finally, on November 2 and 3, 1942, all the Jews in the district except those in the two major ghettos of Grodno and the city of Bialystok itself were simultaneously rounded up and placed in transit camps, from which they were subsequently deported to Treblinka and Auschwitz-Birkenau.

This simultaneous roundup throughout the district stretched German manpower to the limit. In the case of Marcinkance, two career policemen from the Gendarmerie station in Sobakince – 47-year-old Sergeant (Hauptwachmeister) Albert Wietzke and 35-year-old Corporal (Oberwachmeister) Paul Olschewski – were sent to Marcinkance, where they joined two reserve policemen stationed there – 44-year-old Wilhelm Pohl and 43-year-old Fritz Thomsch. By order of the local *Amtskommissar*, Czapon, virtually every German official in town had to report for duty, in order to form a squad of 17 men, who were assigned the task of clearing a ghetto of some 200 Jews. Unlike further east, in the district of Bialystok large numbers of native auxiliary police or *Schutzmänner* had not been recruited to help the

⁴⁸ Tec, *In The Lion's Den*, p. 102.

⁴⁹ Tec, *In the Lion's Den*, p. 104.

⁵⁰ Tec, *In the Lion's Den*, p. 134.

Germans in such activities, and thus the ghetto-clearing squad in Marcinkance was composed of Reich Germans.

Included were eight officials from the customs office, two officials of the forestry office, the local agricultural officer, and a railway employee. At least two were so-called old fighters, or *Alte Kämpfer* – Corporal Olschewski and the 41-year-old chief forester Hans Lehmann – who had both joined the party in March 1932. The secretary of the customs office, 40-year-old Emil Marguardt, was a 1937 joiner. The railway man, Otto Fahsing, also claimed party membership. The most recent membership of 1940 belonged to the overall commander, Sergeant Wietzke.⁵¹

In short, of the 17 Germans assigned to the ghetto-clearing commando, 2 were career policemen and 2 were reserve police. The remaining 13 were drawn from five sectors of the civil administration: the *Amtskommissar*, customs office, railway, forestry office, and agricultural office. Of the 7 known by full name, 5 were party members, including 2 “old fighters.” The average age of these 7 was 40 years. These men were not a cross-section of German society in either age or party affiliation, but they were probably not untypical of Gendarmerie and civil administration personnel serving far behind the lines in the occupied eastern territories.

In fact, the ghetto-clearing squad was ultimately composed of only 15 men. After the Germans had assembled early on the morning of November 2, the *Amtskommissar* and the police sergeant ordered the Jewish council to assemble all Jews at the ghetto entrance by 8 A.M. to be transported for “labor.” The *Amtskommissar* then left to check on transportation but was unable to return “because he was summoned to a suicide of a customs official.”⁵² In the entire file this suicide is referred to only once, without elaboration. Given the fact that this customs official took his life at the very moment when all customs officials were to report for the ghetto-clearing operation strongly suggests, however, that the suicide was not purely coincidental or unrelated to the task at hand.

⁵¹ For party membership, see: National Archives, Berlin Document Center microfilms, Ortsgruppenkartei and Zentralkartei. I could find no card for Otto Fahsing, but in the investigation, he proudly claimed party membership.

⁵² USHMM, RG 53.004m, reel 1 (Grodno Oblast Archives, fond 1, opis 1, folder 59, p. 3; Hauptwachmeister Wietzke to Gendarmetrikreis in Grodno, 6.11.42) (*Da er zu einem Selbstmord eines Zollbeamten geführt wurde*).

What actually happened at Marcinkance on the morning of November 2, 1942, was the subject of a German investigation triggered not by the suicide, however, but rather by a complaining letter of the chief forester Hans Lehmann, written that very day to the *Kreiskommissar* of Grodno. According to Lehmann, when the 15 Germans took up their positions around the ghetto of Marcinkance at 5 A.M., the Jews were totally unsuspecting. With the break of dawn, individual Jews who attempted to leave were easily turned back without resort to weapons. After the *Judenrat* had been informed that the ghetto was to be cleared, the Jews assembled quietly at the ghetto entrance. Then, according to Lehmann:

Without any visible reason (*Ohne jeden ersichtlichen Grund*) the two Gendarmes suddenly opened fire on the densely packed mass of people. All broke into wild flight, leaving the dead and wounded behind. In panicked fright the Jews then naturally tried to break through the ghetto fence. Here they came under fire from the guards outside the fence, and there were many dead and wounded. Nevertheless given the general confusion and very thin cordon a very considerable number of Jews managed to flee into the nearby forest. . . . I am convinced that the entire shoot-out, in which above all we Germans were also greatly endangered, was completely senseless and without any reasonable cause (*vollkommen sinnlos und ohne jeden vernünftigen Grund*).

Lehmann further noted that his deputy, Gemmer, had been injured in a hand-to-hand scuffle with a fleeing Jew. Once things had quieted down, Lehmann had taken him for medical treatment. Lehmann then returned to his forestry work, “all the more because it cannot be my task as head of the forestry office here in the east to shoot Jews dead”⁵³ (“*zunächst da es hier im Osten nicht meine Aufgabe als Forstamtsvorstand sein kann, Juden tot zu schießen*”).

An investigation of Lehmann’s complaint was launched immediately. Wietzke was asked to submit a written report, and a two-man commission composed of a local official of the civil administration and a lieutenant of the Gendarmerie interviewed five other participants on November 6. In his written report, Wietzke noted that before the action he had been warned that the ghetto was near the forest and

⁵³ *Ibid.*, p. 1. Forstmeister Lehmann to Kreiskommissar Grodno, 2.11.42.

poorly fenced, and he was explicitly instructed to counter any attempt at flight with use of weapons. *Amtskommissar* Czapon and he had ordered the Jewish council to assemble all Jews at the ghetto entrance for "labor" ("*Arbeitseinsatz*"), but only some 80 Jews initially appeared as ordered. Therefore, Wietzke continued, after Czapon departed to check on the train, he entered the ghetto again with Corporal Olschewski and the railway man Fahsing. They ordered the Jews they encountered to go to the assembly point, where the total number of Jews increased to some 150. When Olschewski ordered them to form up in rows of 6, the Jews "with one accord" ("*wie auf ein Kommando*") scattered in all directions, some trying to escape to the woods and others fleeing again to the houses. "Before this not a single shot had been fired," Wietzke claimed, but now he, Olschewski, and Fahsing opened fire with automatic weapons to prevent the attempted escape.

After the shoot-out, the same three men, joined by the customs head Marquardt, went on a house-to-house search through the ghetto, uncovering bunkers under five houses with disguised entrances sawed in the floorboards. This was proof, Wietzke wrote, that the Jews had prepared their hiding places long before. As not a single Jew could be induced to leave the bunkers either through coaxing or threat, "only the use of weapons remained to carry out the measures that had been ordered." In the end a total of 132 Jews were "shot trying to escape" ("*beim Flucht erschossen*").

When *Amtskommissar* Czapon finally returned, Wietzke continued, Lehmann left his post without orders, openly accused him of shooting "peaceful Jews" ("*friedliche Juden*"), and then went home even though 2 hours of obligatory service remained. Lehmann had admitted that many Jews had escaped through the fence near him, but Wietzke had never heard a shot fired in this area. Thus Lehmann, who in any case had not brought a rifle but only a small pistol with him, had not obeyed orders to use his weapon to prevent escape. Moreover, Wietzke charged, Lehmann's position was 800 meters from the ghetto entrance, so he could not possibly have seen what had actually happened. Everyone else except Lehmann had kept their nerve and done their best to prevent "the scum of humanity, the Jews" ("*der Abschaum der Menschheit, die Juden*") from fleeing. In conclusion, Wietzke again

asserted, all his actions were in accordance with orders and no "unauthorized actions" had occurred.⁵⁴

The visiting commission interviewed only five men: the two reserve policeman – Pohl and Thomsch – who had been in the cordon and who were subordinate in rank to Wietzke, the two men – Olschewski and Fahsing – who had been inside the ghetto with Wietzke and taken part in the very actions for which Wietzke was being investigated, as well as the customs man Marquardt, who had joined the hunt for hidden Jews. In short, the commission did not interview anyone likely to contradict Wietzke's account and confirm Lehmann's. The strong suspicion must exist that this investigation was not an evenhanded search for the truth but from the beginning was aimed at collecting the testimony necessary to dismiss a bothersome complaint.

Reserve policeman Pohl had been in charge of the cordon on the north side of the ghetto. Around 8 A.M., he said, two or three shots rang out, and the Jews attempted to break through the dilapidated ghetto fence. As ordered, he opened fire to prevent escape and shot four Jews. "Subsequently," there was a burst of fire from automatic weapons, but he could not see who was shooting from his vantage point.⁵⁵ Reserve policeman Thomsch was still in the police station in Marcinkance when he heard gunfire from the ghetto. He rushed to the unguarded west side of the ghetto where Jews were streaming through the fence. As previously instructed, he opened fire to prevent escape and shot eight Jews.⁵⁶ Each volunteered that he had undertaken another task after the breakout had ended; Pohl had supervised the burial of bodies and Thomsch had returned to man the police station in town. Neither had joined the killing in the house-to-house search, and neither expressed any anti-Semitic sentiment to the investigators.

Fahsing and Olschewski – the two men in addition to Wietzke who had been equipped with automatic weapons and were inside the ghetto – gave such similar accounts in near identical language that it is difficult to avoid the conclusion that their testimony was coordinated

⁵⁴ *Ibid.*, p. 2-5: HWM Wietzke, Gend.posten Sobakince, to Lt. Porzig, Gendarmeriekreis Grodno, 6.11.42.

⁵⁵ *Ibid.*, p. 12: Statement of WM Wilhelm Pohl, 6.11.42.

⁵⁶ *Ibid.*, p. 13: Statement of WM Fritz Thomsch, 6.11.42.

beforehand. Each emphasized that no shots had been fired until "with one accord" the Jews scattered. By Olschewski's estimate, 50-60 Jews were shot at the assembly point by the three Germans within the ghetto. He gave no estimate for how many had been shot at the fence by those forming the cordon. During the subsequent search of the ghetto, the Jews had stubbornly refused to come out of their hiding places and bunkers despite "soothing assurances," so that "the customs man" ("der Zoll" - i.e., Marquardt) had had to throw in hand grenades. The well-prepared hiding places were proof, they noted, of long-held Jewish intentions to escape the roundup. Each emphasized that Wietzke's behavior had been "composed" ("ruhig") and "sober" ("besonnen"). And each emphasized that from Lehmann's assigned post, the chief forester could not possibly have seen the ghetto entrance. If he had not left his post, he could not have seen what happened; if he had seen what happened, then he had against orders left his post and thereby helped Jews to escape.⁵⁷

The two men also made no attempt to hide their anti-Semitic credentials. Fahsing testified that while guarding the fence before entering the ghetto, he had warned one Jew who approached the fence to turn back or he would fire. The Jew had, as he put it, "impudently" ("frech") answered that "it was no great feat to shoot at defenseless human beings" ("es wäre kein Kunststück auf wehrlose Menschen zu schießen"). Concerning Lehmann's accusation that they had shot upon "peaceful" Jews, he noted: "I am a party member, and was dumbfounded by the behavior of Lehmann regarding the Jews." Lehmann's accusation of Wietzke was not only "fully unjustified" and "uncomradely" but "proved Lehmann's comical attitude to the Jewish question." In the same vein, Olschewski testified, "Personally I cannot rid myself of the impression that Lehmann sympathized with the Jews and even protected them. Apparently Lehmann does not yet understand the racial question . . ." ("dass Lehmann die Juden bedauerte order sogar in Schutz nahm. Scheinbar ist Lehmann über die Rassenfrage noch nicht im Bilde . . ."). In contrast, as an old party member, Olschewski proudly claimed to be "fully aware" of it.

Emil Marquardt testified that from his post in the cordon he saw the Jews milling around and pressing toward the fence when, like Pohl, he heard two shots. A burst of automatic gunfire then erupted, and many Jews broke through the fence. As ordered beforehand, he opened fire on the fleeing Jews. Twenty-four Jews were killed along the fence line where he was stationed. He, too, testified that the breakout appeared to have been "planned and organized." Marquardt then joined the search of the ghetto, where any Jews found hiding were shot. As not a single Jew would leave the bunkers, hand grenades were thrown in. In short, all Jews were killed and not a single prisoner was taken. In Fahsing and Olschewski, Marquardt did not identify himself as the one who threw the hand grenades, though he did state: "I don't see myself being made to look ridiculous by Jews, but rather take the standpoint that any order of any German official, if resisted even only passively, must be carried out energetically."⁵⁸

Wietzke was fully backed by the investigating police officer, Lieutenant Porzig, who added his own report to the file. Porzig alluded to previous unspecified quarrels between Wietzke and Lehmann, implying that the latter was habitually quarrelsome and had acted out of personal spite. Furthermore, he questioned Lehmann's "scruples" ("Hemmungen"). How could Lehmann speak of "peaceful" Jews, Lieutenant Porzig queried. "As a National Socialist he [Lehmann] must know that there is no such thing as peaceful Jews, otherwise we would have been spared the present war." In contrast, Porzig noted, Wietzke was "no novice" in the Jewish Question.⁵⁹

On the following day, the investigative commission, joined now by yet another police officer, Lieutenant Müller, confronted Lehmann, who initially reiterated his charge that the Gendarmes had fired on peaceful Jews for no visible reason. When pressed, Lehmann admitted that he was 300-350 meters away, too far to see what had caused the Gendarmes to open fire. Lehmann maintained that "he had worked very well together with the Jews for 9 months and without complaint, and he did not want to make himself responsible for the shooting." To Lieutenant Müller's accusation that Lehmann should view the matter

⁵⁷ Ibid., pp. 9-11, 14-16; Statements of Otto Fahsing and Paul Olschewski, 6.11.42.

Although Wietzke and Olschewski spoke only of Marquardt or the customs man in the house-to-house search, Fahsing did speak of "customs men" in the plural.

⁵⁸ Ibid., pp. 6-8; Statement of Emil Marquardt, 6.11.42.

⁵⁹ Ibid., pp. 117-18; Schlussbericht of Lt. Porzig, Gendarmereibteilung Porzeczke, 6.11.42.

from the "National Socialist standpoint," the forester allegedly replied that "if occasionally one were shot, that would not be so bad, but he could not do it. In that case he should be transferred; in that case he was not suited for this territory" ("*Man solle ihn dann versetzen; dann würde er sich für dieses Gebiet nicht eignen*"). Lieutenant Müller then concluded in his report that according to convincing testimony, the Jews had not assembled peacefully as claimed by Lehmann but instead had milled around trying to find openings in the fence. When several shots had been fired against individual attempts to break out, the Jews had scattered in mass. As ordered beforehand to prevent escapes, the Gendarmes had then opened fire. To Lehmann's allegation that the agricultural officer shared his view, Müller cited *Amtskommissar* Czapon to the contrary. There is, however, no written record of testimony by either. Müller ruled that his fellow Gendarmes had behaved properly, and he recommended action be taken against Lehmann for his "frivolous and totally unjustified false accusation and defamation" ("*Leichtfertig und durch nichts gerechtfertigten falschen Anschuldigung und Beleidigung*") against them.⁶⁰

Further up the hierarchy, *Landrat* Dr. von Ploetz added to the charges against Lehmann. Not only had he made a frivolous and false accusation, which if true was of sufficient gravity to have led to Wierzke's conviction in a SS court, but Lehmann had also not performed his duty properly: he had not brought a rifle with him, he had not fired on the escaping Jews, and he had left his post early. Furthermore, he had displayed an attitude toward the Jews that was "not worthy of a high official serving in the east." *Landrat* Dr. von Ploetz concluded that Lehmann, who already had a record of run-ins with other officials, had this time gone too far. He recommended that Lehmann be taken into custody.⁶¹

Lehmann was astonished, for the report of the two investigators, he said, "must have confirmed the full truth of my report." Indeed it was true that he had not been able to see who fired the first shot and for what reason, but he could see perfectly well that the Jews had offered no resistance until shooting by Gendarmes "within the ghetto fence" had caused panic and mass flight. He then elaborated on his previous

account to protect himself against the countercharges that had now been made. The charges against him, he concluded, were not only unjustified but an attack upon his honor as an official and party comrade.⁶²

On December 15, 1942, Lehmann and the head of the Bialystok forestry administration met with Dr. von Ploetz and the head of Grodno Gendarmerie, Lieutenant Haag. In the interests of sparing time on further investigation and restoring cooperation between the forestry office, the Gendarmerie, and the *Amtskommissar*, all sides agreed to drop their various accusations.⁶³ Although quarrels between the German occupiers continued and von Ploetz was soon demanding the troublesome Lehmann's removal once again,⁶⁴ the Marcinkance massacre was no longer at issue.

For the historian, it is not unuseful that the investigation was conducted by outspoken anti-Semites who made no secret of their dismay over Lehmann's complaint. Only those likely to confirm the account of the accused sergeant were interviewed. And as was not the case in post-war judicial investigations, they had every incentive to boast of their anti-Semitic motivation, exaggerate their role in the killing, and provide evidence that Lehmann was an isolated troublemaker. Despite all of these biases in the investigation, what do we discover? Of the 17 Germans assigned to clear the ghetto at Marcinkance, 1 committed suicide and 1 protested openly. In addition to Lehmann, 2 other men on one side of the ghetto – the agricultural officer and one customs official

⁶² Ibid., p. 22: Lehmann to Ploetz, 21.11.42. Lehmann's elaboration and defense was as follows: Two other witnesses – customs officer Kanis and agricultural officer Grafke – could confirm that Jews had not escaped through his sector of the cordon, which was not the point of any breakout attempt. He had not brought a rifle with him because he had received no instructions to that effect, but like several others – including *Amtskommissar* Czapon – he had been armed with a pistol. When the shooting and breakout occurred, he, along with the customs officer and the agricultural officer, had rushed to help two other customs officials at a point where the Jews were fleeing through the fence in mass. At this point they had been greatly endangered by the automatic fire coming from within the ghetto and had been forced to take cover. He had fired his pistol twice but then stopped because the distance was too great. When the shooting and breakout were over, he had approached *Amtskommissar* Czapon and asked if he was still needed. Receiving no answer, he had left the ghetto to take his deputy for medical attention.

⁶³ Ibid., n.p.: Niederschrift, Grodno, 15.12.42.

⁶⁴ USHMM, RG 53.004m, roll 3 (Grodno Archive, fond 1, opis 1, folder 271, pp. 2-4); Ploetz to Brix, 22.1.43.

⁶⁰ Ibid., pp. 19-20: Müller report, Grodno, 10.11.42.

⁶¹ Ibid., pp. 26-8: Ploetz to Dr. Brix, Ploetz to Forstmeister Lehmann, 12.11.42.

—refrained from shooting at escaping Jews. And Lehmann's subordinate, the other forester, suffered a shoulder injury while trying to tackle an escaping Jew, which would indicate he, too, had been unwilling to shoot unarmed, fleeing Jews at point-blank range. Once the shooting was over, only 2 men — the senior customs official and the railway man but not the 2 reserve policemen — joined the 2 career policemen in the hunt for hidden Jews with the opportunity to continue killing. The 4 eager killers were indeed all Nazi Party members and avowed anti-Semites. It is hard to imagine that others could not have joined in the "Jew hunt" if they had wished. And it is hard to imagine that others would not have joined in the anti-Semitic denunciation of Lehmann if they, too, had found his views so alien and his behavior so objectionable.

From postwar testimony of Marcinkance survivors we learn additional relevant information. First, there is not a single reference to a planned and organized breakout, as alleged by the eager, ideological killers during the investigation. Those who survived spoke only of escape and hiding. Indeed, if there had been any such plan, the Jews would hardly have assembled at the gate first, presenting a compact target for the three Germans with automatic weapons, before making their breakout attempt. Second, 105 Jews were killed that day (Wierzke had claimed 132). Nearly 100 Jews escaped, out of whom 45 survived the war. And finally, in the winter of 1943 Jewish partisans derailed a German train in the forests of eastern Bialystok. Among those taken prisoner was Hans Lehmann. Identified by a Marcinkance escapee as having "actively" helped in the liquidation of the ghetto, Lehmann was promptly executed.⁶⁵

This evidence that offers rare and unusually precise insight into the behavior and attitudes of individual participants of two groups of German perpetrators suggests several conclusions. First, in each group there was a significant core of eager and enthusiastic killers — 4 of 13 in Mir and 4 of 17 in Marcinkance — who required no process of gradual brutalization to accustom themselves to their murderous task. And certainly in Marcinkance, though less in Mir, the evidence for their strong anti-Semitic convictions is clear.

In both cases there was a middle group that followed orders and complied with standard procedures but did not evince any eagerness to kill Jews. The evidence from Mir and Marcinkance does not indicate any transformation over time into eager killers, though certainly the evidence from the Czeladz Schutzpolizei and Reserve Police Battalion 105 suggests that such a process was at work among the German perpetrators elsewhere.

And finally in both Mir and Marcinkance there was a significant minority of men who did not participate in the shooting of Jews — 3 or 4 of 13 in Mir and at least 3 and perhaps as many as 5 of 17 in Marcinkance. Abstinence from shooting by itself did not have disciplinary consequences for these men. Nor did the presence of this minority of nonshooters create significant tensions within the group. Their nonparticipation was both tolerated and brushed aside as inconsequential. The killing went on without them.

What did create tension and invoke disciplinary consequences was crossing the line from abstinence to protest. What made the Marcinkance case so unusual was not that a number of the Germans did not fire their guns during the breakout but that one German committed suicide on the morning of the action and a second wrote a strong letter of protest. Passive abstinence was one thing; an open and official challenge to the system was another. The eager killers and their supportive superiors banded together to discredit and crush their upstart accuser.

Emphasizing once again the fragmentary nature of the evidence that is therefore more suggestive than conclusive, what else can one nevertheless hazard to infer from these unusual and rare documents? In East Upper Silesia, where the pace of Jewish persecution was slower than elsewhere in eastern Europe, the hardening of police attitudes also took longer. In contrast, plunged into the murderous environment of Operation Barbarossa, the transformation of the men in Reserve Police Battalion 105 took place much more quickly. Both in this battalion and among the policeman stationed in Mir, the men were far more eager to kill those who could be classified as partisans than Jews. In Reserve Police Battalion 105 the Bremen reservist was proud of his unit's anti-partisan actions, which he documented on film for his children. And at times he expressed a murderous bitterness toward the Russian prisoners of war and the Russian people as a whole. These attitudes

⁶⁵ Yad Vashem Archives, 0.33/2112: Collective eyewitness report of Shloyme Perez, Kahne Garfing, Leyb Kobrowsky, and Khayen Kobowsky, written down by Leyb Konythosovsky, Ulm, August 25, 1948.

stood in contrast to his willed indifference toward and muted acceptance of the mass murder of the Jews, about which he did not want his child to hear. Likewise in Mir, the men did not speak about the killing of Jews, which was viewed as a "dirty" task, but they spoke eagerly and proudly about their antipartisan actions.

What also emerges more starkly in these documents than in postwar testimony is the difference between career police and reservists.⁶⁶ From the documents we see that in East Upper Silesia the commander of the Schutzpolizei was disturbed by the insufficient hostility toward and enforcement of measures aimed at Jews and furious about occasional instances of public fraternization. In Reserve Police Battalion 105 the reservist from Bremen criticized both the pompousness and hypocrisy of his officers. In Marcinkance the reserve police found things to do other than join the "Jew hunt," and their testimony was both devoid of anti-Semitic comment and less than effusive in providing support on behalf of their sergeant.

Career policemen like Sergeant Hein in Mir or Major Wilhelm Trapp of Reserve Police Battalion 101 were the exception. They clearly had no great liking for their task of killing Jews and personally distanced themselves from these actions. But simultaneously they ensured that the men under their command carried out the policies of their government and the actions that had been ordered by their superiors.

At the opposite extreme of Hein and Trapp were career Order Police officers like Fritz Jacob, the commander of 25 Gendarmerie and 500 *Schutzmänner* in Kamenetz-Podolsk in the south Ukraine, who wrote a series of revealing letters to one of the very highest ranking Order Police officers, Generalleutnant Rudolf Querner.⁶⁷ Jacob's virulent hatred of Jews and commitment to the Final Solution were total. The Jews he characterized as "venerable, deformed, and feeble-minded" ("*Venerische, Krippel, und Blöde*"). They were "not humans but

rather ape men" ("*keine Menschen, sondern Affmenschen*") whom he killed "without the slightest prick of conscience" ("*ohne Gewissensbisse*"). But Jacob was not limited to Jews in his appetite for killing. "We do not sleep here," he wrote. "Weekly 3-4 actions. One time Gypsies and another time Jews, partisans, or other riffraff."

In addition to his ideological commitment to do "practical work" for his Führer, Jacob was also an ambitious careerist. He welcomed his assignment in the east because "hopefully" he would "finally" receive advancement, for in Saxony "the promotion path is really slow and scarcely conceivable without favor from above" ("*der Beförderungsgang wirklich schleppend und ohne Protektion kaum denkbar*"). The sycophantic and obsequious tone of his letters to Generalleutnant Querner were hardly indicative of someone unmindful of his future career. Even avowedly anti-Semitic killers could act from more than one motive.

Clearly the German Order Police was not monolithic, but in the end the diversity of attitudes and motives made little difference. Even if the "ordinary Germans" who were conscripted as reserve policemen did not go to the east exuding ideological commitment to National Socialism and eager for the opportunity to kill Jews, when the deportations and killing began, most did as they were told and many were changed by the actions they undertook. Both the men of the Reserve Police battalions — such as 101 in Lublin, 133 in Galicia, and 45 in the Ukraine, to name several of the most notorious — as well as the countless Gendarmerie and Schupo stations throughout the German empire in the east became efficient perpetrators of the Final Solution. A core of eager and committed officers and men, accompanied by an even larger block of men who complied with the policies of the regime more out of situational and organizational rather than ideological factors, was sufficient. Unfortunately, the presence of a minority of men who sought not to participate in the regime's racial killing had no measurable effect whatsoever.

⁶⁶ For example, in Reserve Police Battalion 101 one noncommissioned officer (NCO) hinted at "certain tensions" between the older reservists and the younger NCOs who were career policemen — so-called *Aktivien*. Because he fraternized with and played cards with the reservists, he testified, he was disliked by his fellow NCOs for his unseemly behavior in this regard. Staatsanwaltschaft Hamburg, 141 Js 1957/62, testimony of August W., p. 3304.

⁶⁷ "*Schöne Zeiten*," *Judenmord aus der Sicht der Täter und Gaffer*, ed. by Ernst Klee, Willi Dressen, and Volker Riess (Frankfurt/M., 1988), pp. 148-51 (letters of Fritz Jacob to Generalleutnant Querner: 24.4.41, 29.10.41, and 21.6.42).