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## **How Hitler Became a Dictator**

**by Jacob G. Hornberger**

Whenever U.S. officials wish to demonize someone, they inevitably compare him to Adolf Hitler. The message immediately resonates with people because everyone knows that Hitler was a brutal dictator.

But how many people know how Hitler actually became a dictator? My bet is, very few. I'd also bet that more than a few people would be surprised at how he pulled it off, especially given that after World War I Germany had become a democratic republic.

The story of how Hitler became a dictator is set forth in *The Rise and Fall of the Third Reich*, by William Shirer, on which this article is based.

In the presidential election held on March 13, 1932, there were four candidates: the incumbent, Field Marshall Paul von Hindenburg, Hitler, and two minor candidates, Ernst Thaelmann and Theodore Duesterberg. The results were:

Hindenburg	49.6 percent
Hitler	30.1 percent
Thaelmann	13.2 percent
Duesterberg	6.8 percent

At the risk of belaboring the obvious, almost 70 percent of the German people voted against Hitler, causing his supporter Joseph Goebbels, who would later become Hitler's minister of propaganda, to lament in his journal, "We're beaten; terrible outlook. Party circles badly depressed and dejected."

Since Hindenburg had not received a majority of the vote, however, a runoff election had to be held among the top three vote-getters. On April 19, 1932, the runoff results were:

Hindenburg	53.0 percent
Hitler	36.8 percent
Thaelmann	10.2 percent

Thus, even though Hitler's vote total had risen, he still had been decisively rejected by the German people.

On June 1, 1932, Hindenburg appointed Franz von Papen as chancellor of Germany, whom Shirer described as an "unexpected and ludicrous figure." Papen immediately dissolved the Reichstag (the national congress) and called for new elections, the third legislative election in five months.

Hitler and his fellow members of the National Socialist (Nazi) Party, who were determined to bring down the republic and establish dictatorial rule in Germany, did everything they could to create chaos in the streets, including initiating political violence and murder. The situation got so bad that martial law was proclaimed in Berlin.

Even though Hitler had badly lost the presidential election, he was drawing ever-larger crowds during the congressional election. As Shirer points out,

In one day, July 27, he spoke to 60,000 persons in Brandenburg, to nearly as many in Potsdam, and that evening to 120,000 massed in the giant Grunewald Stadium in Berlin while outside an additional 100,000 heard his voice by loudspeaker.

### **Hitler's rise to power**

The July 31, 1932, election produced a major victory for Hitler's National Socialist Party. The party won 230 seats in the Reichstag, making it Germany's largest political party, but it still fell short of a majority in the 608-member body.

On the basis of that victory, Hitler demanded that President Hindenburg appoint him chancellor and place him in complete control of the state. Otto von Meissner, who worked for Hindenburg, later testified at Nuremberg,

Hindenburg replied that because of the tense situation he could not in good conscience risk transferring the power of government to a new party such as the National Socialists, which did not command a majority and which was intolerant, noisy and undisciplined.

Political deadlocks in the Reichstag soon brought a new election, this one in November 6, 1932. In that election, the Nazis lost two million votes and 34 seats. Thus, even though the National Socialist Party was still the largest political party, it had clearly lost ground among the voters.

Attempting to remedy the chaos and the deadlocks, Hindenburg fired Papen and appointed an army general named Kurt von Schleicher as the new German chancellor. Unable to secure a majority coalition in the Reichstag, however, Schleicher finally tendered his resignation to Hindenburg, 57 days after he had been appointed.

On January 10, 1933, President Hindenburg appointed Adolf Hitler chancellor of Germany. Although the National Socialists never captured more than 37 percent of the national vote, and even though they still held a minority of cabinet posts and fewer than 50 percent of the seats in the Reichstag, Hitler and the Nazis set out to consolidate their power. With Hitler as chancellor, that proved to be a fairly easy task.

### **The Reichstag fire**

On February 27, Hitler was enjoying supper at the Goebbels home when the telephone rang with an emergency message: "The Reichstag is on fire!" Hitler and Goebbels rushed to the fire, where they encountered Hermann Goering, who would later become Hitler's air minister. Goering was shouting at the top of his lungs,

This is the beginning of the Communist revolution! We must not wait a minute. We will show no mercy. Every Communist official must be shot, where he is found. Every Communist deputy must this very day be strung up.

The day after the fire, the Prussian government announced that it had found communist publications stating,

Government buildings, museums, mansions and essential plants were to be burned down... . Women and children were to be sent in front of terrorist groups.... The burning of the Reichstag was to be the signal for a bloody insurrection and civil war.... It has been ascertained that today was to have seen throughout Germany terrorist acts against individual persons, against private property, and against the life and limb of the peaceful population, and also the beginning of general civil war.

So how was Goering so certain that the fire had been set by communist terrorists? Arrested on the spot was a Dutch communist named Marinus van der Lubbe. Most historians now believe that van der Lubbe was actually duped by the Nazis into setting the fire and probably was even assisted by them, without his realizing it.

Why would Hitler and his associates turn a blind eye to an impending terrorist attack on their national congressional building or actually assist with such a horrific deed? Because they knew what government officials have known throughout history — that during extreme national

emergencies, people are most scared and thus much more willing to surrender their liberties in return for “security.” And that’s exactly what happened during the Reichstag terrorist crisis.

### **Suspending civil liberties**

The day after the fire, Hitler persuaded President Hindenburg to issue a decree entitled, “For the Protection of the People and the State.” Justified as a “defensive measure against Communist acts of violence endangering the state,” the decree suspended the constitutional guarantees pertaining to civil liberties:

Restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press; on the rights of assembly and association; and violations of the privacy of postal, telegraphic and telephonic communications; and warrants for house searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed.

Two weeks after the Reichstag fire, Hitler requested the Reichstag to temporarily delegate its powers to him so that he could adequately deal with the crisis. Denouncing opponents to his request, Hitler shouted, “Germany will be free, but not through you!” When the vote was taken, the result was 441 for and 84 against, giving Hitler the two-thirds majority he needed to suspend the German constitution. On March 23, 1933, what has gone down in German history as the “Enabling Act” made Hitler dictator of Germany, freed of all legislative and constitutional constraints.

### **The judiciary under Hitler**

One of the most dramatic consequences was in the judicial arena. Shirer points out,

Under the Weimar Constitution judges were independent, subject only to the law, protected from arbitrary removal and bound at least in theory by Article 109 to safeguard equality before the law.

In fact, in the Reichstag terrorist case, while the court convicted van der Lubbe of the crime (who was executed), three other defendants, all communists, were acquitted, which infuriated Hitler and Goering. Within a month, the Nazis had transferred jurisdiction over treason cases from the Supreme Court to a new People’s Court, which, as Shirer points out,

soon became the most dreaded tribunal in the land. It consisted of two professional judges and five others chosen from among party officials, the S.S. and the armed forces, thus giving the latter a majority vote. There was no appeal from its decisions or sentences and usually its sessions were held

in camera. Occasionally, however, for propaganda purposes when relatively light sentences were to be given, the foreign correspondents were invited to attend.

One of the Reichstag terrorist defendants, who had angered Goering during the trial with a severe cross-examination of Goering, did not benefit from his acquittal. Shirer explains:

The German communist leader was immediately taken into “protective custody,” where he remained until his death during the second war.

In addition to the People’s Court, which handled treason cases, the Nazis also set up the Special Court, which handled cases of political crimes or “insidious attacks against the government.” These courts

consisted of three judges, who invariably had to be trusted party members, without a jury. A Nazi prosecutor had the choice of bringing action in such cases before either an ordinary court or the Special Court, and invariably he chose the latter, for obvious reasons. Defense lawyers before this court, as before the Volksgerichtshof, had to be approved by Nazi officials. Sometimes even if they were approved they fared badly. Thus the lawyers who attempted to represent the widow of Dr. Klausener, the Catholic Action leader murdered in the Blood Purge, in her suit for damages against the State were whisked off to Sachsenhausen concentration camp, where they were kept until they formally withdrew the action.

Even lenient treatment by the Special Court was no guarantee for the defendant, however, as Pastor Martin Niemoeller discovered when he was acquitted of major political charges and sentenced to time served for minor charges. Leaving the courtroom, Niemoeller was taken into custody by the Gestapo and taken to a concentration camp.

The Nazis also implemented a legal concept called *Schutzhaft* or “protective custody” which enabled them to arrest and incarcerate people without charging them with a crime. As Shirer put it,

Protective custody did not protect a man from possible harm, as it did in more civilized countries. It punished him by putting him behind barbed wire.

On August 2, 1934, Hindenburg died, and the title of president was abolished. Hitler’s title became Fuehrer and Reich Chancellor. Not surprisingly, he used the initial four-year “temporary” grant of emergency powers that had been given to him by the Enabling Act to consolidate his omnipotent control over the entire country.

## **Accepting the new order**

Oddly enough, even though his dictatorship very quickly became complete, Hitler returned to the Reichstag every four years to renew the “temporary” delegation of emergency powers that it had given him to deal with the Reichstag-arson crisis. Needless to say, the Reichstag rubber-stamped each of his requests.

For their part, the German people quickly accepted the new order of things. Keep in mind that the average non-Jewish German was pretty much unaffected by the new laws and decrees. As long as a German citizen kept his head down, worked hard, took care of his family, sent his children to the public schools and the Hitler Youth organization, and, most important, didn't involve himself in political dissent against the government, a visit by the Gestapo was very unlikely.

Keep in mind also that, while the Nazis established concentration camps in the 1930s, the number of inmates ranged in the thousands. It wouldn't be until the 1940s that the death camps and the gas chambers that killed millions would be implemented. Describing how the average German adapted to the new order, Shirer writes,

The overwhelming majority of Germans did not seem to mind that their personal freedom had been taken away, that so much of culture had been destroyed and replaced with a mindless barbarism, or that their life and work had become regimented to a degree never before experienced even by a people accustomed for generations to a great deal of regimentation.... The Nazi terror in the early years affected the lives of relatively few Germans and a newly arrived observer was somewhat surprised to see that the people of this country did not seem to feel that they were being cowed.... On the contrary, they supported it with genuine enthusiasm. Somehow it imbued them with a new hope and a new confidence and an astonishing faith in the future of their country.

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