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## The Rutha affair and the trial against the Werner Weiss group in autumn 1937

On 13 August 1937, Liberec police detained the young Sudetendeutsche Partei (Sudeten German Party – SdP) radical Wilhelm Purm.<sup>1</sup> A search of his home revealed a number of subversive documents including material to prepare boys for induction into the Hitlerjugend (Hitler Youth) as well as the organisation’s belt and knife. Seeing as he served as a youth instructor for the Deutscher Turnverband (German Gymnastics Union – DTV), there were justified grounds for believing he was illegally providing the young men under his tutelage with paramilitary training. For this reason, he was charged under paragraph 2 of Law No. 50/1923 Sb. on the Protection of the Republic with the criminal offence of making preparations for a plot against the state. The penalty ranged from one to five years’ imprisonment, or from five to ten years if the crime had been committed in particularly aggravating circumstances. The young SdP paramilitary – who despite a full police record had only ever spent 24 hours behind bars – was evidently taken aback by the prospect of such a long sentence. During questioning on 25 August, he denied accusations of homosexual activity – at that time a crime – which he was accused of indulging in as a member of the DTV. In his emphatic denials, however, he informed the police that during a DTV gathering in 1935 he had been told by a person whose identity was unknown to him that the then leader of the Jeschenken-Iser Turngau (the Ještěd-Jizera chapter of the DTV), an architect by the name of Heinrich Rutha, was *ein warmer Bruder*, literally a “warm brother” – German slang for an older gay man who makes advances on younger men.<sup>2</sup>

1 Wilhelm Purm, born 27 April 1918 in Mladá Boleslav. He was officially registered as residing in the village of Rückersdorf (now Dolní Řasnice in the district of Frýdlant). He lived with his parents at No. 3, Zámecká street, Liberec. Purm was not unknown to police in Liberec – as early as 1934 he was detained for painting Sudetendeutsche Heimatsfront (Sudeten German Homeland Front – SHF) slogans and on 5 April 1936 he was given 24 hours’ administrative detention for making an anti-Czech remark in a tram. In 1937, he was written up for wearing a banned DTV uniform in public and for leading a DTV youth trip to Italy, Yugoslavia and Austria. On 26 August 1937 he was formally charged on suspicion of violating Law No. 50/1923 Sb. on the Protection of the Republic. *Státní okresní archiv (National District Archive, hereafter referred to as SOkA) Liberec*, f. (fund) Liberec police headquarters, Reference cards – unsorted section.

2 Unless stated otherwise, information from the trial comes primarily from this source. The court file has been preserved in a relatively coherent fashion and using it, it is possible to reconstruct the course of the police investigation, the preparations for the prosecution and the trial itself. The impartiality of the trial was monitored by higher police and judicial bodies and it was (despite efforts by the lawyers

This, at least according to the police files, was the beginning of what later entered the history books as the “Rutha Affair”. The course of events has been described in brief on several occasions by both Czech and foreign historians.<sup>3</sup> In light of later events, it has come to be regarded as a symbolic breaking point after which the SdP embarked on an offensive with a single goal – the tearing off of Czechoslovakia’s borderlands and their incorporation into Nazi Germany. The following study is devoted to how the affair unfolded, the results of the police investigation and the fate of the individual protagonists.

### Heinrich Rutha and the Kameradschaftsbund

At the time of his arrest, Heinrich Rutha was one of the most senior and most influential members of the Sudetendeutsche Partei. He was one of a close circle of founding members, and a personal friend of SdP leader Konrad Henlein. Like Henlein, he refused in May 1935 to take up his seat in parliament, a fact which made things substantially easier for the police when they came to arrest him two years later.

Rutha was born on 20 April 1897 (he celebrated the same birthday as Adolf Hitler, eight years his senior) in Lázně Kundratice<sup>4</sup>, into the family of the mill and sawmill

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of some of those convicted to claim otherwise) regarded as free and fair. *Státní oblastní archiv* (National Regional Archive, hereafter referred to as SOA) *Litoměřice*, f. Česká Lípa Regional Court, court file kept in boxes 242 and 360, Box 360, file symbol Tk 665/1937. This is evidently the reason why the file has in the past been regarded as incomplete.

- 3 The most detailed description of the affair published by Czech historians before 1989 can be found in the biography – unusually objective for the period – of Konrad Henlein by Stanislav Biman and Jaroslav Kokoška-Malíř – BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku /Career of a Gym Teacher/*. Severočeské nakladatelství, Ústí nad Labem 1983, pp. 170–183. The most comprehensive examination of Rutha’s personality has been conducted by Professor Mark Cornwall of the University of Southampton in his in-depth monograph CORNWALL, Mark: *The Devil’s Wall. The Nationalist Youth Mission of Heinz Rutha*. Harvard University Press, Cambridge 2012. He further examined the topic in other works including CORNWALL, Mark: Heinrich Rutha and the Unraveling of a Homosexual Scandal in 1930s Czechoslovakia. *Journal of Lesbian and Gay Studies*, 2002, Vol. 8, No. 3, pp. 319–347, and SAME AUTHOR: The Qualities of the Ideal Youth Leader: The Example of Heinrich Rutha. In: BRENNER, Christiane – BRAUN, Karl – KASPER, Tomáš (eds): *Jugend in der Tschechoslowakei. Konzepte und Lebenswelten (1918–1989)*. Vandenhoeck – Ruprecht, Göttingen 2016, pp. 81–99. A Czech synopsis of Cornwall’s monograph was published as CORNWALL, Mark: Homoerotika v sudetoněmeckém mládežnickém hnutí. Teorie a praxe Heinze Ruthy /Homoeroticism in the Sudeten German Youth Movement – The Theory and Practice of Heinz Rutha/. In: HIML, Pavel – SEIDL, Jan – SCHINDLER, Franz (eds.): *Milují tvory svého pohlaví<sup>6</sup>. Homosexualita v dějinách a společnosti českých zemí /“I Love Creatures of My Own Sex”*. Homosexuality in the History and Society of the Czech Lands/. Argo, Prague 2013, pp. 175–203. In his text Cornwall concentrates on what he refers to as Rutha’s “homosocial mission” – i.e. the activities that preceded his arrest in 1937. Rutha and the affair have also been covered in several more comprehensive works by German academics. See for example HOENSCH, Jörg Konrad: *Der Kameradschaftsbund, Konrad Henlein und die Anfänge der Sudetendeutschen Heimatfront*. In: MÜHLE, Eduard (ed.): *Mentalitäten – Nationen – Spannungsfelder*. Herder Institut, Marburg 2001, pp. 101–135; KATZER, Franz: *Das grosse Ringen. Der Kampf der Sudetendeutschen unter Konrad Henlein*. Grabter Verlag, Tübingen 2003 and ARNDT, Veronika: *Die Fahne von Saaz, Konrad Henlein in seiner Zeit*. H-Block Verlag, Magdeburg 1998.
- 4 In 1930, Lázně Kundratice (Bad Kunnersdorf in German) had 617 inhabitants, 595 (96.43 %) of whom were of German nationality. Since 1881 the town had been home to a mudbath spa which in the early

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owner Adolf Rutha and his wife Anastasie, neé Storchová. The mill was located at house number 45, Lázně Kundratice. Rutha's mother died shortly after he returned from the war in 1919, and his father died ten years later. He had three sisters – Margareta, Friedl and Marie.

Rutha attended the German primary school in his home town. He was forced to repeat the fifth year; not for bad grades, but because his parents sent him to a Czech school in Mnichovo Hradiště so he could learn the second language of the land. This was a logical step: Kundratice lay not far from the Czech-German linguistic border, and economic and family relationships commonly spilled across it. He then began studying at the German Realschule in Prague. Two years later, in 1911, Rutha transferred to the Realschule in Česká Lípa. In 1916, he successfully passed his school-leaving exam. He left once again for Prague, where the following year he completed an Abitur preparatory course at the German Business Academy. At the same time, he was enrolled as an external student at the Arts Faculty of what was then the k. u. k. Deutsche Karl-Ferdinands-Universität (the Imperial and Royal German Charles-Ferdinand University), where he attended lectures in both German studies and English studies.<sup>5</sup>

In early October 1917, like millions of his peers, Heinrich Rutha was enlisted to fight in the Great War. He joined the k. u. k. Feldkanonenregiment Nr. 24 (24<sup>th</sup> Imperial and Royal Field Artillery Regiment) of the Austro-Hungarian Army garrisoned at Čtyři Dvory (now part of the city of České Budějovice). As a secondary school student he was enrolled as a trainee in the one-year volunteer school, a reserve officer school in Linz, where thanks to his excellent marks he graduated with the rank of one-year volunteer – corporal cadet.

Rutha spent a period of time at the Spengenberg Artillery School (now Spilimbergo in Italy) and in May 1918 he left for the Italian front, where he was deployed to the area around Asiago. In June he was overcome by poison gas in battle and had to spend several months in hospital, from where at the end of the summer he volunteered to return to the front, spending the remainder of the war there. He received his first officer promotion – to officer cadet – on 16 October 1918. At the end of the war, his artillery unit managed to retreat and evade Italian captivity. By 18 November 1918 he was already back in Kundratice. He kept a diary, in which he recorded not only his wartime experiences but also the dawning realisation of his sexual orientation. The Czechoslovak police would later use these entries as evidence against him.

Following his return from the front, Rutha began working in his father's mill. He joined the Czechoslovak Army as a reservist in the autumn of 1919, and was appointed

1930s was regarded as one of the most modern in the country. Lázně Kundratice also featured three mills, a sawmill and a factory making felt shoes. *Ottův slovník naučný nové doby* /Otto's Encyclopaedia of the New Era/, Part III, Vol. 2. J. Otto, Prague 1935, p. 975. House No. 45 in what is now Truhlářská street is currently owned by the Vasun, s. r. o. company based in Brno. Kundratice is now part of the village of Osečná, which lies some 20 km southwest of Liberec.

5 The Realschule was a secondary school focusing mostly on the natural sciences. Unlike a Gymnasium, students spent just seven years there and afterwards, graduates were only permitted to proceed to a technical university. To study at a more prestigious academic university, Realschule graduates had to take a graduation exam in Latin or another academic subject. The one-year Abitur course allowed secondary school graduates to obtain a second graduation exam certificate.

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not as an officer but as an NCO. In 1921, following mobilisation, he was enlisted as a corporal in the 102<sup>nd</sup> Artillery Regiment and around four years later he underwent military training, after which his army health classification was downgraded from “A” to “B”.

1925 was an important year for Rutha. He set up his own business, starting a firm making designer furniture – *Moderne Wohnräume* – in the family home. He was evidently successful; the firm survived the Great depression that hit northern Bohemia with particular severity, and by 1937 he was employing 15 people. By this time, he was also using the title “Architect”, despite apparently having no formal training in the field. By his own estimate, at the time of his arrest he was worth some 300,000 Czechoslovak crowns (Kč), which was a considerable sum of money for the period.

Since his student years, Rutha had been involved in the Sudeten German branch of the *Wandervögel* or *Wandering Birds*<sup>6</sup> movement. During the war he had been temporarily appointed leader of their North Bohemia chapter and was a regular contributor to the organisation’s publications. In 1919, under the auspices of Litoměřice Realschule professor Karl Metzner, a founding member of the *Wandervögel* in the Czech Lands, a meeting of young *Wandervögel* functionaries was held at Střekov castle, where they agreed the so-called *Böhmerland* programme which set down the movement’s priorities in the new state of Czechoslovakia. These priorities were primarily “the renewal of Germanness” and remaining neutral.<sup>7</sup> One of the participants was Heinrich Rutha.

At that time, he began to develop an educational framework of his own, which was increasingly focused on shaping young people to become future leaders of the nation. For three years, from 1919 to 1922, he published the magazine *Blätter vom frischen Leben*. In 1922, he founded – still within the *Wandervögel* organisation – a group that came to be known as the Rutha Circle. In June 1924, this was transformed into the autonomous *Sudetendeutsche Jugendschaft* (Sudeten German Youth Organisation), which broke away completely from the *Wandervögel* in 1926.<sup>8</sup>

6 The *Wandervögel* movement, which called for a return to a natural way of life free from alcohol and cigarettes, in tune with nature and relying on romantic and mystic elements, had its origins in late 19<sup>th</sup> century Germany. It was formally created as an organisation in 1901. An equivalent for German-speaking areas of the Czech Lands was founded in 1910 by the student Hans Moutschka, and it ended up attracting far greater interest there than in Germany itself, especially in the period following the Great War. The *Bund Sudetendeutscher Wandervögel* (BSdW), based in Liberec, was officially registered as an organisation by the Czechoslovak Interior Ministry on 23 August 1920. The early 1930s saw the movement experience a slow decline; most of the local chapters were absorbed into the *Deutscher Turnverband*. The last issue of the magazine *Sudetendeutscher Wandervögel* was published in 1935. Following Germany’s annexation of the Sudetenland in 1938 the remaining members were inducted into the *Hitlerjugend*. BURIAN, Michal: *Sudetendeutsche nationalistické organizace a československý stát v letech 1918 až 1938* / Sudeten German Nationalist Organisations and the Czechoslovak State between 1918 and 1938/. Karolinum, Prague 2012, pp. 176–185. The *Wandervögel* actually enjoyed something of a renaissance in West Germany after the war and is still active in Germany today.

7 The *Böhmerlandbewegung* is sometimes referred to as an independent movement or organisation. However, logically speaking it is more likely to have been an early incarnation of the *Wandervögel* before the formal creation of the BSdW.

8 For a comparison see CORNWALL, Mark: *Homoeroticism in the Sudeten German Youth Movement. The Theory and Practice of Heinz Rutha*, pp. 182–184. To Plato and Stefan George – the cornerstones of his

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Since 1920, Rutha had also been involved in the Deutscher Turnverband. Over four years, until 1924, he had served variously as leader and chairman of the local DTV organisation in Osečná. He later became chairman of the IVth District Organisation. It was in the DTV, in the mid-1920s, that he first met his contemporary Konrad Henlein (1898–1945). Rutha became not only a friend to Henlein but also an adviser, and in 1926 he was even best man at Henlein's wedding.

In 1931, Henlein, who had recently become head of the DTV, appointed Rutha as his chief advisor for youth education. It appears Rutha also brought his Sudeten-deutsche Jugendschaft into the DTV, and it was likely he was also behind the pressure on the Bund Sudetendeutscher Wandervögel to merge with the DTV in the interests of the "unification" of the Sudeten German youth movement. In February 1934, he was made head of the DTV's Ještěd-Jizera chapter. The following October, however, Rutha was forced to give up the position.<sup>9</sup> The underlying reason was a conflict between members of the Kameradschaftsbund (KB) and the so-called "Old Nazis" over influence not only within the DTV but in the whole Sudetendeutsche Partei. Rutha's homosexuality was to prove his downfall.

But we're getting ahead of ourselves. Another key event should first be mentioned. In 1926, Rutha, together with Dr Walter Heinrich, one of the chief proponents of state corporatism as advocated in Czechoslovakia by the Austrian philosopher Othmar Spann, founded the so-called Arbeitskreis für Gesellschaftswissenschaften (Working Group for Social Principles) in Liberec. Two years later Rutha summed up the effort as follows: *Its creativity is ground-breaking in that it has united and brought together various divided wills into one, with maturing and mature people from various disciplines realising from their own knowledge that alone they would only be capable of fragmentary achievements. In this alone they were already unified. If over the last two years of the existence of the Working Group for Social Principles it has been possible to bring together various people who, independently of each other, have managed to fight to achieve leading positions in their fields, people who perhaps had heard about one another before but remained rather sceptical about one another, if it has been possible to get these people to commit themselves to conclude voluntary covenants and to maintain these covenants even if they impinged on the interests of their own group, then that is a sign of personal dedication and a society based on corporatist principles.*<sup>10</sup> This was a sum-

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thinking on sexuality – Rutha added the concept of "Männerbund", thanks to which his Sudeten-deutsche Jugendschaft was framed in homoerotic terms. *Ibid.*, p. 188. It must be mentioned, however, that homoeroticism was not automatically a feature of youth organisations at that time. One need look no further than the Czech Scouting Movement and most of all at the Sokol, which without doubt fulfilled a similar mission in the interwar period (in their case, however, in the service of civil society) to that of the Wandervögel and the DTV amongst Sudeten Germans – in other words to help defend the nation and provide a form of early paramilitary training.

9 *Ibid.*, pp. 194–195.

10 B. H. Z.: *Kameradschaftsbund a jeho historie /The Kameradschaftsbund and its History/*. *Přítomnost*, 1936, Vol. 13, No. 24 (17. 6. 1936), pp. 369. A report issued by the Česká Lípa District Authority on 25 March 1935 claimed that Rutha had also been a member of the pro-Nazi Deutsche Nationalsozialistische Arbeiterpartei (German National Socialist Workers' Party – DNSAP). A report by the Osečná Gendarmerie on 3 April 1935, however, states that he had not in fact been a member of the party. He had found himself on the gendarmes' watch list since May 1934, due to his contact with Konrad Henlein

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mary of the group's aims. Individual members were to gradually take over leading positions in Sudeten German political parties (with the exception of Marxist ones, as they were considered "un-German") and other important organisations with a view to the later "unification" of the Sudeten Germans and the creation of a corporatist state organised according to the teachings of Othmar Spann.

The working group was a small, elite organisation. In 1929, when it was renamed the Kameradschaftsbund für gesellschaftswissenschaftliche Bildung (The Comradely Association for Education in the Social Sciences) it had around 400 members, not only in Czechoslovakia, but in Austria, Germany and Romania as well. Throughout its existence the leading personalities of the Kameradschaftsbund were Heinrich Rutha, Walter Heinrich and later also Dr Walter Brand. One member was Rutha's friend Konrad Henlein, who was at that point still relatively unknown to the public. In 1936, Czech readers of the liberal *Přítomnost* (Presence) weekly were introduced to the activities and aims of the KB in the following words, penned by an author writing under the initials B. H. Z.: *It has organised meetings and educational camps, and apart from public activities which are monitored by the authorities, it has also developed the already strong campaign against the existence of Czechoslovakia [...]. The ultimate aim of Spann's teachings is the creation of a New Greater German Empire. What the Kameradschaftsbund added to Spann's teachings was first and foremost the idea of a "distinctive tribe" organised along corporatist lines and led according to the Führer principle, which would become part of the aforementioned "Reich".*<sup>11</sup>

The KB's moment of truth came in the autumn of 1933, with the outlawing of the pro-Nazi Deutsche Nationalsozialistische Arbeiterpartei (German National Socialist Workers' Party – DNSAP) and the suspension of the nationalist Deutsche Nationalpartei (German National Party – DNP), when DTV leader and KB member Konrad Henlein was appointed to lead the newly-formed Sudetendeutsche Heimatsfront (Sudeten German Homeland Front – SHF).<sup>12</sup> The new SHF was created almost exclusively from KB members. From the movement's very beginnings before the 1935 election, when it won the largest number of votes not just amongst the ethnic German electorate but across the country<sup>13</sup> and was renamed the Sudeten German Party, there was a conflict between the Kameradschaftsbund members and the so-called "Old Nazis" – ex-members of the DNSAP – over positions within the SdP leadership. The KB was officially disbanded in 1934, but continued to exist in secret after that date.

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and Walter Brandt, and had been on the radar of the Czechoslovak security services since 1930. *The National Archives Prague* (hereafter referred to as NA), f. Presidium of the State Authority in Prague, Box 851, sign. (signature) 207-851-2 and 207-851-4.

11 B. H. Z.: *Kameradschaftsbund a jeho historie*, p. 370.

12 According to Stanislav Biman and Jaroslav Kokoška, from the mid-1920s onwards Henlein was to all intents and purposes Rutha's political "protégé". BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku*, pp. 25–35.

13 The SdP won a total of 1,249,530 votes (15.18 %) in the 1935 elections to the lower house of parliament, and only thanks to parliamentary mathematics did they command one seat fewer than the Czechoslovak Agrarian Party, which in absolute terms won around 73,000 fewer votes. After merging with the Farmers' League and the German Christian Social People's Party in the spring of 1938, the SdP became the strongest party in parliament.

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In February 1935 it was recreated under the name Bund für politische und gesellschaftswissenschaftliche Bildung und Erziehung (Union for Education and Enlightenment in Politics and Social Sciences), but this was to be a secret society, meant to exist out of sight of both the public and the authorities. The Bund was led by a 15-member leadership, half of whom were Sudeten Germans (the remaining seven members were foreign citizens). Heinrich Rutha was one of them.<sup>14</sup>

It is quite wrong to assume that Spann's followers represented some sort of alternative to the National Socialism that won increasing support in Austrian and Sudeten society after 1933. Between 1932 and 1936, Spann's theories were in essence part and parcel of Nazi ideology. Inside the NSDAP in Germany there was even talk of Spannism being accepted as a second source of Nazi teaching. It was only rejected once and for all in 1936, largely thanks to the efforts – in Germany too – of the so-called “Old Nazis”. The official reason given was differences in understanding of the concept of nation and the position of the Führer. The same year saw the first great crisis within the SdP, which ended with the “fall” of one of the leading lights of the KB and Spannism; Dr Walter Brand. He was later dispatched to London as a correspondent of the party newspaper, *Die Zeit*.<sup>15</sup>

As has already been mentioned, in 1935 Rutha gave up the position of leader of the Ještěd-Jizera regional association of the DTV. The official reason was that he had been called to a career in politics by Konrad Henlein. He was appointed as a member of the SdP leadership and named as the head of the department for minority issues (Abteilung Minderheitenfragen) as well as the SdP's office for nationality and League of Nations questions (Amt für Nationalitäten- und Völkerbundsfragen), and as such he became the party's unofficial “Foreign Minister” (his official party title read Sonderbeauftragter der Sudetendeutschen Partei für Völkerbund- und Nationalitätsfragen [Sudeten German Party special representative for League of Nations questions and nationality]). In this position he presented the “Sudeten German problem” to minority organisations affiliated with the League of Nations and first and foremost helped Henlein lay the groundwork in Great Britain. The position also led to his appointment as Vice President of the Congress of European National Minorities, a board member and later Vice President of the German League at the League of Nations in Geneva and a board member of the League of German National Minorities in Europe. Rutha's charisma and intelligence proved to the party that he was of inestimable value beyond the borders of Czechoslovakia.

14 The others were Walter Brand, Hans Neuwirth, Oskar Kuhn, Friedrich Köllner, Wilhelm Sebekowski, Franz May and Ernst Kundt (B. H. Z.: *Kameradschaftsbund a jeho historie*, pp. 369–371). Neuwirth, Köllner, May and Kundt were deputies in the Czechoslovak National Assembly.

15 Compare for example CESAR, Jaroslav – ČERNÝ, Bohumil: *Politika německých buržoazních stran v Československu v letech 1918–1938. Část II. (1930–1938)* /The Politics of German Bourgeois Parties in Czechoslovakia between 1918 and 1938), Part II (1930–1938)/. ČSAV, Prague 1962, pp. 357–373. For more recent work see for example ZIMMERMANN, Volker: *Sudetští Němci v nacistickém státě. Politika a nálada obyvatelstva v říšské župě Sudety (1938–1945)* /Sudeten Germans in a Nazi State. Politics and the Public Mood in the Sudeten Reichsgau (1938–1945)/. Argo – Prostor, Prague 2001, pp. 40–51, and others. For the connection between National Socialist ideology and Nazism see the works for example by Volker Zimmermann.

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### Rutha's arrest for suspected homosexual activity

Let us return, then, to the late summer and early autumn of 1937. During September, Liberec police probably came to the conclusion that Rutha's political rivals – recruited primarily from the ranks of the “Old Nazis” and their radical sympathisers – had already carried out their own investigation into Rutha's sexual orientation but for some reason had chosen not to make their findings public.<sup>16</sup> The trail led them to functionaries of the Liberec chapter of the Deutscher Turnverband, where the same battle for influence raged between former supporters of the DNSAP and followers of Othmar Spann. There are no surviving documents from this stage of the police investigation, so we can only assume that in the weeks that followed, police succeeded in gathering sufficient information that could be regarded as incriminating evidence. The moment officers set out to arrest him, police were sure they had him in their grasp.

The last day in September saw officers search the home in Záskalí, house No. 48 of Rudolf Hein<sup>17</sup>, an official with the Bund der Deutschen (Union of Germans – BdD), who was the former head of the Liberec chapter of the Wandervogel organisation and the district head of the DTV youth association in Vratislavice.

The following day Hein was brought in for questioning, during which he confirmed the veracity of the reports about Rutha. In 1933 he had brought his “Wandering Birds” group into the German Gymnastics Union (DTV) where he met Rutha, who became leader of the DTV's Ještěd-Jizera regional association in 1934. Hein soon started to disagree with Rutha on matters of ideology, and began gathering compromising material on him. He quickly focused on his private life, as there were already unconfirmed rumours about the unusually warm friendships with the well-built blond youngsters Rutha liked to surround himself with. The rumours led him to Rutha's apprentice Franz Veitenhansel<sup>18</sup>. The apprentice confided in Hein that at Christmas 1932, Rutha had forced him to carry out not entirely voluntary homosexual acts, and that these encounters continued on several occasions until 1933. Veitenhansel was just 15 years old at the time. In early October 1935, Veitenhansel repeated

16 What the Czechoslovak police did not know was that the German consul in Liberec, Walter von Lierau, had been acquainted with the results of the investigation as early as 1935: BRÜGEL, Johann Wolfgang: *Češi a Němci 1918–1938 / Czechs and Germans 1918–1938/*. Academia, Prague 2006, pp. 433, 776.

17 Rudolf Hein, born 19 June 1907 in Liberec. Despite belonging to the “swastika” wing of the SdP, on 12 October 1937 – immediately after testifying against Rutha – Liberec police granted him a gun licence. His role in the Rutha case did not remain secret and in early November 1937 he was called to appear before the central leadership of the SdP in Prague, where he was questioned in the presence of Konrad Henlein and MP Rudolf Sandner. In 1938, police discovered that he was being sent anonymous leaflets on the circumstances of Rutha's death (*SOkA Liberec*, f. Liberec police headquarters, Reference cards – unsorted section). Záskalí is now part of the town of Hodkovice nad Mohelkou.

18 Franz Veitenhansel, born 23 September 1917 in Planá u Mariánských Lázní, where his parents lived at house No. 74/II. After attending elementary and lower secondary school in 1932, he began working as an office assistant in Teplice-Šanov. A year later he began an apprenticeship with Rutha. He was recommended by Heinrich Wohak from Planá u Mariánských Lázní, who was not only an active member of the SdP but at the time of the police investigation was involved in the leaders' programme of the Sudeten German labour service in Stráž pod Ralskem (see below).

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his allegations before the Liberec lawyer Dr Ernst Berndt, who took them down as notarised testimony and locked the document in his safe.

The following day, 2 October 1937, Dr Berndt himself was questioned by police. He confirmed Veitenhansel's testimony. He also claimed that he had chosen not use it against Rutha because there had only been a single witness, which was not entirely true. However, both Hein and Berndt declared that they believed Veitenhansel had been telling the truth. Their claims were later confirmed by Hans Heinl, another former employee of Rutha's furniture company<sup>19</sup>, who claimed that Veitenhansel had told him even before his apprenticeship had finished that Rutha had sexually abused him. Heinl also largely cleared up the circumstances of Rutha's resignation from his post in the DTV. Heinl told police that Veitenhansel had initially seemed *like a cheerful boy, full of life*, but later he appeared to have been suffering *particular mental distress*.<sup>20</sup> He said he had gone to Rutha to demand an explanation, and receiving none, had taken the matter to Dr Rudolf Wolf (by chance Rutha's fellow student from the Česká Lípa Realschule). After listening to Dr Wolf's legal counsel, he had taken the allegations to the committee of the DTV's Ještěd-Jizera regional association – a committee of which Rutha was at that point still chairman. Within days, the entire committee had been acquainted with Heinl's accusations. Dr Wolf also confirmed Heinl's claims about Veitenhansel's mental health, saying the apprentice had been in *a state of complete mental dislocation*<sup>21</sup> adding that Veitenhansel had told him that Rutha was sexually abusing him and that he was frightened of him. On 29 September 1935, Wolf had recorded this as legal testimony, sealed it and filed the document away at his home at Osečná No. 98. Dr Wolf later handed over this document – which to all intent and purposes contained identical allegations to those contained in the testimony kept by the lawyer Dr Berndt – to the police during the 1937 investigation.

Further investigation revealed that Veitenhansel was now living either in Bad Cannstadt, near Stuttgart, or in Stuttgart itself, so his testimony could only be used at trial as indirect evidence. The document stored by Dr Berndt, however, made it clear that Rutha's relationship with Veitenhansel had not been a momentary lapse. The young apprentice had claimed that a large number of young men had been brought to the mill at Kundratice for the same purpose, naming five of them: Adolf Wagner, Werner Weiss, Wilhelm Hoffmann, Walter Rohn and Kurt Gansel.

Even though Rutha had after several months finally agreed to Veitenhansel's appeals to cease the sexual contact and the two now remained "just friends", the whole experience had been extremely traumatic for the teenage boy. Their relationship deteriorated sharply in the years that followed, and Veitenhansel left Rutha's mill as soon as he had served his apprenticeship. This was in October 1935 – just days after he had testified before two witnesses about his experiences – and he left despite Rutha's pleas

19 At the time of the investigation Heinl was a gymnastics teacher in Moravský Šumperk. He worked for Rutha in 1927 and then again from 1932 until 1933. At this point he was a DTV functionary in the town of Jablonné v Podještědí and later became youth leader for the DTV Ještěd-Jizera regional association.

20 SOA *Litoměřice*, f. Česká Lípa Regional Court, Box 360, file symbol Tk 665/1937.

21 *Ibid.*

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for him to stay on. He even wrote to his parents informing them of his intentions. Veitenhansel left his former employer, in private leaving no doubt what he thought of him: *Von dem Schwein will ich nichts wissen.*<sup>22</sup>

The real breakthrough in the case came with the questioning of Werner Weiss and Adolf Wagner on Monday, 4 October 1937. Weiss admitted that he had indulged in repeated homosexual contact with Rutha. Adolf Wagner made the same confession. The pair also admitted to having had a homosexual relationship with each other since 1932, a relationship in which Wagner was apparently the initiator. Wagner admitted having sexual relations with Rutha between 1933 and 1934 and also confirmed Veitenhansel's testimony, describing for example how Rutha and Wagner had once had sex in a room in Rutha's house while Veitenhansel was asleep in the same room.

Following questioning both men were taken into custody and three days later the police in Liberec filed charges with the Česká Lípa prosecutor's office for an offence under paragraph 129 (b) of the Czechoslovak Criminal Code.<sup>23</sup> The suspects were then taken from Liberec and placed on remand by the Česká Lípa Regional Court.

Now nothing stood in the way of Rutha's arrest. On 6 October 1937, he was detained in his office at SdP party headquarters in Prague, located at No. 4, Hybernská street, by request of Liberec police headquarters. He was subsequently taken to Liberec to be questioned. At the same moment police were carrying out a thorough search of his home in

Lázně Kundratice. Two days later, Liberec police headquarters filed criminal charges against him with the Česká Lípa prosecutor's office.

The Liberec police had to wait several days for the key to the safe that Rutha kept at home. Eventually, the waiting paid off. On 12 October 1937, documents were discovered in a "fireproof" safe that amounted to clear evidence – in the context of the time – of Rutha's homosexuality. The most incriminating evidence was found in an addendum to his will dated 6 December 1930, a diary he kept as a soldier in 1918, notes about a trip he made to Greece with several young friends (*Die Reise nach Griechenland 1931*)<sup>24</sup>, a poem on a homoerotic theme and personal correspondence.

22 *I no longer want to know anything about that bastard.* This according to Veitenhansel's father was his son's frame of mind at the beginning of 1936, when Rutha sent him 70 Kč owed to him as part of his final pay packet. With the aforementioned remark, Veitenhansel sent the money back.

23 This was a carry-over from Austro-Hungarian Law No. 117/1852, paragraph 129 – the crime of debauchery. I. against Nature. Other forms of debauchery are also punishable as crimes: 1. debauchery against Nature, which is: a) with animals; b) with persons of the same sex. According to paragraph 130 the punishment ranged from between one and five years' imprisonment. In the case of proof that violence had been used, the sentence ranged from between five and ten years' imprisonment. If the act resulted in the person's death, the accused could face up to life in prison under paragraph 126. The same punishment was handed down for sexual intercourse with persons under the age of fourteen. See <https://www.epravo.cz/vyhledavani-aspi/?Id=17&Section=1&IdPara=1&ParaC=2> (quoted version dated 22. 7. 2019).

24 He first visited Greece in September 1931 and again three years later. For the second trip he was joined by Dr Walter Heinrich, a student from Děčín named Karl Hanke, a student from Karlovy Vary named Anton Funke and Wolfgang Heinz.

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In a letter addressed to a certain Walter<sup>25</sup> for example he wrote that: [...] *I feel that even my last lover, who while he did not fill me with hope of a son-and-heir did in his pure boyish heat provide the food and the seal of my own strength, has been torn from me.* Initially investigators even suspected that this Bund of which Rutha spoke in his letters (he was most likely referring to the Kameradschaftsbund) was a secret society of homosexuals.

In the “personal wish” attached to his will he expressed a preference for cremation. He described in detail how his body should be prepared (shaved, washed and dressed in the uniform of the Sudetendeutsche Jugendenschaft). His friends were to prepare his body. His shiny spruce coffin was to be borne by six of the best and most beautiful young men who would remain alone with his body for one hour or one night (*I will still be among them, as if I were alive, even if my body is dead*). The ashes were to be placed in the family grave, or “a more beautiful place.” In June 1935, while at the Stráž pod Ralskem labour camp, he wrote that his final resting place should be somewhere where youngsters would gather to meet with men. Even though he did not say so specifically, it is clear he meant the camp. He also asked for “Walter H” (evidently Walter Heinrich) to recite lines over his coffin by “George” (most likely the homosexual German poet Stefan George) which were always most dear to Rutha when he was alone.<sup>26</sup>

As an aside, it is worth stating that in his will, drawn up in 1930, Rutha mentioned several heirs indicated by Christian name only, including “Wolfgang”, “Wolf”, “Artur” and “Hans”, whom his family were unable to identify. It was also discovered that Rutha rented another apartment at No. 433/3, Strojnická street, Prague-Holešovice,<sup>27</sup> which he used when staying in Prague. Nothing found there, however, was deemed relevant to the investigation.

On 9 October 1937, the day after criminal charges were filed, Rutha – like his fellow accused – was taken into remand by Česká Lípa Regional Court and locked up in cell No. 20. He filed a request to be released on bail, but this was rejected by the court’s judges.

The central figure however was not – in formal terms at least – Rutha, but a 20-year-old bank clerk and SdP member from Františkov u Liberce named Werner Weiss<sup>28</sup>. Since the age of 15 he had enjoyed numerous homosexual relationships not only with

25 There is a theory that this “Walter” was Dr Walter Brand, who, like Rutha, was (probably with justification) accused within the SdP movement of being a homosexual. Brand was not involved in the trial itself, but in a report to the German minister Wilhelm Frick dated 8 October 1937, Hans Krebs, the former “Führer” of the pro-Nazi Sudeten German DNSAP party, states that Rutha’s arrest was prompted by British police reports revealing Rutha’s intimate relations with Brand. These reports were then published in the Czech and British press. (BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku*, pp. 177–178.) There is however no evidence for the claims and it is likely this was simply disinformation designed to deflect suspicion that the “Old Nazis” had denounced Rutha to the Czechoslovak police and simultaneously discredit another senior KB member. Another possibility is that “Walter” was (or was meant to be) Walter Heinrich.

26 SOA Litoměřice, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

27 The adjacent building, the so-called German House (Strojnická No. 1430/7), housed the Prague apartment of Dr Walter Rohn. Strojnická street was also home to another defendant, Wolfgang Heinz.

28 Werner Weiss, born 23 March 1917 in Liberec. He studied at the German Realschule in Liberec and

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Rutha but by his own admittance at least thirteen other men. It was Weiss who became the “uniting” figure of the group who were later put on trial; ten of the eleven accused were between 1932 and 1936 his regular or occasional (and not always wholly consensual) sexual partners. Since 1928, Weiss had – like the others arrested – been a member of the Sudeten German scouting movement (Verband der sudetendeutschen Pfadfinder)<sup>29</sup> and of course the DTV. Rutha had thus known him since he was a boy.

Certainly one of the more “interesting” arrests was of Adolf Wagner, a textile worker from Janův Důl, near Liberec, who before his national service in 1935 had worked (on Rutha’s recommendation) as a secretary at Konrad Henlein’s office in Aš.<sup>30</sup>

The investigation, however, was far from over, and throughout October more and more young men were arrested on suspicion of committing homosexual acts, based largely on police questioning of Werner Weiss.

Another prominent detainee was Dr Walter Rohn<sup>31</sup>, editor-in-chief and publisher of the magazine *Volk und Führung*, and also a member of the inner circle (Der engere Kreis)

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then completed an Abitur course at the German Business Academy. In April 1935 his father – a bank clerk – died, apparently thanks to which he was able in July 1936 to start working as a clerk at the Liberec branch of the Böhmisches Eskompte Bank und Credit Anstalt. Apart from German he was fully or partially fluent in five languages. He lived with his mother at house No. 174, Františkov u Liberce.

29 From the context it is not totally clear whether the Liberec branch of Rutha’s Sudetendeutsche Jugendschaft operated under this name. However, Rutha had certainly studied scouting and had found much inspiration in the movement. In 1921, for example, he organised the first Sudeten German Youth camp. Members of his outfit later wore uniforms bearing the fleur-de-lys – the insignia of the worldwide Scout movement. For most of the accused, an important ritual of membership in Rutha’s outfit was the “initiation ceremony”. However, despite some outer similarities, Rutha’s organisation (and others similar to it) was not a product of Baden-Powell’s international scouting, but was instead based primarily on the traditions and ideology of the Wandervögel movement. Even some of the Wandervögel’s own theorists admitted it had a homoerotic character, such as Hans Blüher, in his works *Wandervögel, Geschichte einer Jugendbewegung* and *Die Wandervogelbewegung als erotisches Phänomen*. The only German scouting movement that belonged to the Czechoslovak Association of Scouts and Guides and therefore a member of the international body headquartered in London was the German Catholic Scouts Association of St George (Deutsche Pfadfinderschaft Sankt Georg).

30 Adolf Wagner, born 18 August 1913 in Liberec, did four years of middle school and two years of Technical School (textiles), finishing in 1930. He lived with his parents (his father worked for Czechoslovak Railways) at house No. 156, Janův Důl. From 1930 until 1934, he worked as an article clerk at the Löwy firm in Liberec. During this he took over the local Scouts group from Rohn. From November 1934 until the end of September 1935 he worked at Henlein’s office. From October 1935 until September 1937 he did his military service with the 10<sup>th</sup> Brigade of the 32<sup>nd</sup> “Gardy” Infantry Regiment in Košice. During his military service he was awarded the badge of an elite marksman. He was described by his superiors as *intelligent, serious, aspiring, well-disciplined, energetic, reliable, interested in his service*. (*Vojenský historický archiv* /Archive of Military History/ Bratislava, Personnel records of Adolf Wagner, born 1913). Before 1933, Wagner was a member of the Gewerkschaft der Deutscher Arbeiter union organisation, which was part of the DNSAP and banned at the same time as it. Wagner was a member of both the SHF and SdP since its foundation and a very agile member at that. *SOkA Liberec*, f. Liberec police headquarters, Reference cards – unsorted section.

31 Walter Rohn was from Liberec. He was born there on 12 November 1911, and was a graduate of the Law Faculty of the German University of Prague. His father was the headmaster of the German middle school and from 1931, the deputy mayor of Liberec for the German National Party (DNP). From 1934, Rohn wrote for the magazine *Die Junge Front*, published in Varnsdorf. After the magazine fell under the influence of the so-called “Old Nazis”, he became editor and publisher of *Volk und Führung*, which followed the “official” line of the SdP.

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of the Union for Education and Enlightenment in Politics and Social Sciences, the secret successor organisation to the KB.<sup>32</sup> *Volk und Führung* shared its editorial offices with the SdP's Prague headquarters at No. 4, Hybernská street, where Rutha also worked.

Rohn had been a member of the nationalist Sudeten German scouting organisation since the mid-1920s, and as a university student was in charge of the Liberec chapter, which he brought into the DTV in its entirety around the year 1932. His charges included Adolf Wagner and Werner Weiss. Both admitted that between 1932 and 1933 they had had intimate relations with him,<sup>33</sup> accusations for which Rohn had a somewhat unusual explanation. He had, he said, *been driven by an attempt to bring the adolescents from their carefree youth to a state of mature manliness, in order that they developed a heartfelt friendship, whereby they would fall asleep with their arms around each other's necks and kiss each other.*<sup>34</sup> He did not, he said, regard such behaviour as a sign of homosexuality. Rohn denied enjoying intimate relations with Rutha, though he admitted that Rutha had kissed him in a "fatherly" fashion.

Rohn was arrested 5 October 1937 in his Prague office. The following morning saw the arrest in Liberec of Leo Wagner<sup>35</sup>, a medical student at the German University of Prague. Several hours earlier another man had been arrested in Liberec – Wilhelm Hoffmann, a twenty-year-old chemist from Frývaldov (now Jeseník).<sup>36</sup> The authorities in Liberec received the following report from the Frývaldov police: *During his stay here he was a member of the Deutscher Turnverein association, in which he held the position of Bezirksjungturnwart. He is a nationalist. He expressed biased opinions towards fellow citizens of Czech nationality. He is politically organised in the SdP.*<sup>37</sup>

There were arrests beyond Liberec too. In Prague, four more suspects were arrested as well as Rohn and Rutha; Prague German University students Wolfgang Heinz (8 October)<sup>38</sup> and Anton Funk (11 October)<sup>39</sup>, then Franz Helmuth Becker (13 Oc-

32 B. H. Z.: *Kameradschaftsbund a jeho historie*, p. 371. The Union had three tiers of membership. It was run by a 15-member leadership, then a closer circle made up not just of the leadership but around two dozen members from across Czechoslovakia (including K. H. Frank among others), and finally a wider circle consisting of the remaining members.

33 It was Rohn who allegedly "initiated" Wagner, who subsequently seduced Weiss. Wagner and Weiss both admitted to having a parallel sexual relationship with Rutha at the same time, i.e. 1932–1934.

34 Summary Report of Liberec police headquarters in Liberec to the State Prosecutor's Office in Česká Lípa, 9 October 1937. SOA *Litoměřice*, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

35 Leo Wagner, born 13 October 1917 in Prague into the family of a doctor. After graduating from the German Gymnasium in 1936 he enrolled to study medicine.

36 Wilhelm Hoffmann, born 17 December 1916 in Liberec into the family of a businessman. He studied at the lower Realschule and then the higher Industrial School, from which he graduated. He was a member of the scouts' group run by Rohn and later Wagner. He worked first as a chemist in the Textilana factory in Chrastava and from October 1936 in Frývaldov. His parents lived in Liberec. He was a member of the SdP. From confiscated letters, police in Liberec discovered during their investigation that Rutha had extended regular invitations to Hoffman to visit him; Hoffman, however, persistently declined them.

37 Letter from the State Police Authority in Frývaldov to Liberec police headquarters, 19 October 1937. SOA *Litoměřice*, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

38 Wolfgang Heinz, born 30 September 1914 in Bruntál into the family of a district judge. After graduating from Gymnasium he studied at the Law Faculty of the German University in Prague. Rutha later subsidised his studies in Vienna. Wolfgang Heinz's father was the chief judge at Bruntál District

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tober)<sup>40</sup> and Kurt Franzke<sup>41</sup>. In Chomutov, 18-year-old Arts Academy student Fritz Gelinek<sup>42</sup> was arrested and on 7 October handed over to the police in Liberec. In the early hours of the morning of 21 October 1937, Heinrich Hermann<sup>43</sup> a sales trainee at the town laundry in Nejdek was arrested. The same day, at the other end of the country, police also arrested Karl Kudlatsch, a teacher at the German school in the village of Kendereshiv near Mukachevo in sub-Carpathian Ruthenia.<sup>44</sup>

Among those detained was Kurt Gansel<sup>45</sup>, who was however released from pre-trial custody on 15 November 1937 and proceedings against him were halted. Gansel was another of the apprentices at Rutha's mill and at the time of the investigation worked for Anton Richter & Sons in the village of Mildenau (now Luh) in the Frydlant Hook. From his youth, he was a member of the Wandervögel and the DTV. He joined Rutha's mill as an apprentice in 1926, and worked there until 1934, when he left for Weimar, Germany, to study at the town's Specialist Joiner's School. During his time in Kundratice he was given various benefits. Rutha lent him books and (as Gansel himself said) generally treated him like a son. In 1931, he took him to

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Court. Heinz was a member of the *Wandervögel* from a young age. He met Rutha sometime around 1934 at a meeting of the German Teaching Society (Pädagogische Gesellschaft) in Prague.

- 39 Anton "Fritz" Funk, born 20 April 1916 in Karlovy Vary, was the son of the owner of Karlovy Vary's Hopfenstock Hotel. After attending middle school, he trained as a cook in his father's hotel. He then studied at the German higher reform Realgymnasium in Frývaldov, graduating in June 1937. In the autumn of that year he enrolled at the Arts Faculty of the German University in Prague. During his time in Silesia he was the youth leader for the Altvater-Turngau (the Praděd chapter of the DTV).
- 40 Helmut Becker, born 19 February 1919 in Prague. At the time of his arrest he was a student in the eighth year of the German Gymnasium in Zborovská street in Smíchov. His father was a successful lawyer and the family lived at No. 5, Na Kolínské street (today's Gabčíkova street) in Prague VIII, where they had moved from Liberec in 1934.
- 41 Kurt Franzke, born 3 March 1918 in Hošťálkovy, near Krnov, registered as living in Bruntál. In May 1937, he graduated from the German Realgymnasium in Bruntál and in October of that year enrolled at the Law Faculty of the German University in Prague.
- 42 Friedrich Gelinek, born 15 April 1919 in Slaný, registered as living in Chomutov, where he lived with his parents. In Chomutov he attended lower Gymnasium and afterwards the School of Ceramics in Karlovy Vary. At the time of his arrest he was a student at the Academy of Arts in Berlin.
- 43 Heinrich Hermann, born 14 December 1918, allegedly in "Treisenort", Austria (most likely Theisenort, Bavaria - now part of the town of Küps). He graduated from the German state Realgymnasium in Ústí nad Labem in June 1937. He was registered as living in Teplice-Šanov and lived with his mother at house No. 820, Nejdek, where he worked as a clerk in the local laundry. It was Rutha - who knew his parents - who helped him find the job. He was arrested on 21 October 1937 at the gendarmerie in Nejdek. During the investigation the authorities seized personal letters written by Rutha between 1931-1936 to Hermann's older brother Julius, who was at the time doing his compulsory military service.
- 44 Karl Kudlatsch, born 28 February 1918 in the village of Rádlo. After middle school he attended the German Teaching Institute in Liberec, graduating in 1937. In the autumn of that year he began work as a teaching assistant at the German private village school in Kendereshiv, Sub-Carpathian Ruthenia. According to the 1930 census, the village had a population of 248 people, 71 of whom (28.63 %) were ethnic Germans. *Statistický lexikon obcí v zemi podkarpatoruské* /Statistical Encyclopaedia of Villages in Sub-Carpathian Ruthenia/. Orbis, Prague 1937, p. 9.
- 45 Kurt Gansel (also written as Ganzel), born 11 April 1911 in Desná, near Tanvald. He was however an Austrian citizen, registered as living in Villach, Carinthia. He was arrested on 8 October 1937 in the village of Mildenau. *SOkA Liberec*, f. Liberec police headquarters, Reference cards - unsorted section.

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Greece and also subsidised his studies in Germany, sending him 60–80 Reichsmark per month, which was no small amount.<sup>46</sup> He even paid off the debts that Gansel had nonchalantly racked up in Germany. Following Gansel's return, however, the two appear to have fallen out. Rutha criticised his apprentice for not having completed his master's exam, and Gansel left, first to Krásná Lípa, where he spent several months unemployed, before starting at the Mildenau joiner's firm in November 1936. Relations between them appear to have improved, seeing as he got the job on Rutha's recommendation. During questioning, Gansel vehemently denied having a relationship with Rutha. He did, however, admit that he had enjoyed a degree of intimacy with his former boss from about 1930 onwards: *I don't consider it homosexual contact simply because Rutha sometimes put his arm around my shoulder or waist in a friendly fashion, or because I sat in his lap in a rocking chair.*<sup>47</sup>

In questioning, however, Rutha appeared to lie about his relationship with Gansel. At first he claimed he had hardly known him. Only later did he "remember" that the two had in fact been friends. Gansel's former co-workers, however, claimed that the apprentice enjoyed protégé status; he wore Rutha's clothes, slept at Rutha's parents' house<sup>48</sup>, ate with them at the same table and was on first name terms with his boss. Neither did he seem to do a great deal of work, often sleeping until noon. *He behaved in Rutha's house like he owned the place. When Rutha tried to talk to him, he would ignore him or sometimes get angry. Rutha would then go to him and make it up to him,*<sup>49</sup> remarked Rudolf Schröter, for example. Others told a similar tale. It is unclear whether Gansel was released from custody because he had fallen out with Rutha and from the moment he lived in Osečná pursued exclusively heterosexual relationships, or whether he had in some way helped the police with their investigation.

Detectives suspected that Rutha had enjoyed sexual relations with other young men in this circle, such as Wilhelm Hoffmann, and that some of them were trying to cover for him.

Apart from Weiss and Wagner, another suspect who admitted to having sexual relations with Rutha was Kurt Franzke, a member of both the Wandervögel and the DTJ and the son of a district judge from Bruntál. Franzke was also one of the first to take a course at the labour service leaders' school in Stráž pod Ralskem (see below). According to the police file, the "romance" between them had begun in July 1937 during a trip through Austria and Italy. They had known each other since late 1934, when Rutha visited his parents in Bruntál. Franzke dated his most recent sexual contact with Rutha as having taken place on 18 September 1937.

46 In 1932 the official exchange rate on the currency markets was 1 Reichsmark to 8.02 Czechoslovak crowns. VENCOVSKÝ, František: *Vzestupy a propady československé koruny. Historie československých měnových poměrů 1918–1992* / The Rises and Falls of the Czechoslovak Crown. The History of Czechoslovak Currency Rates 1918–1992/. Oeconomica, Prague 2003, p. 63.

47 Questioning of Kurt Gansel at Česká Lípa Regional Court, 12 October 1937. SOA Litoměřice, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

48 This privilege was also enjoyed by Franz Veitenhansel and a certain Ikrath. The other employees were accommodated and fed separately.

49 Questioning of Rudolf Schröter at Česká Lípa Regional Court, 12 October 1937. SOA Litoměřice, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

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After three weeks of gathering evidence against Rutha, police had at their disposal the confessions of Weiss, Wagner and Franzke, plus the written testimony of Veitenhansel and Gansel. Further indirect evidence was provided by the contents of Rutha's safe and indications that his circle of "acquaintances" could be much wider. Rutha himself, however, stubbornly denied the accusations, claiming he was "normal" and was even considering marriage. Between 13 October and 15 October, Rutha was confronted by Weiss, Wagner and Franzke, who repeated their confessions in front of him. He, however, swore by his innocence.

### The intelligence consequences of Rutha's arrest

There is no easy answer as to why the Liberec police chose to act against one of the most senior officials in the Sudeten German Party. One factor was that Rutha was something of a man in the shadows, known to a relatively small circle of SdP members. It was also significant that (like Henlein) he did not enjoy parliamentary immunity.<sup>50</sup> For the police it was certainly important that he was accused of a "general" crime which had the potential to significantly damage the image of both the SdP and Henlein himself, who was trying to present himself as a defender of "traditional values", family and morality. The fact that the denunciation had come from the ranks of the Kameradschaftsbund's opponents within the SdP seemed to have played a minor role. Indeed, the opposite side used the same tactics: *The attacks that are currently being carried out in [party newspaper] "Rundschau" against the Aufbruch lot, and which affect only a small portion of the Sudeten German Party structures, are simply an attempt to denounce to the authorities these opponents of the unpleasant Kameradschaftsbund.*<sup>51</sup>

Certainly there was no doubt that the investigation – at least in its attitude to Rutha – was also a political one. Evidence of this can be found in the fact that police investigating a crime of morality spent weeks poring over documents seized from Rutha's safe.

Liberec's Chief of Police, government counsel Dr Stanislav Benda<sup>52</sup>, played a key role in the decision as to whether to use such means against the SdP. Benda advocated taking a hard line against extremist political groups, of which he had substantial experience. He had served in the police force since the end of the First World War, initially in the city of Košice in eastern Slovakia, where he had been involved in suppressing Hungarian and Polish irredentist efforts and consolidating this troubled region. In 1927 he became Chief of Police of Bratislava, and already then showed no

50 According to the confiscated correspondence, however, it was clear that his influence inside the SdP even before the parliamentary elections of May 1935 was such that he could demand to be placed on an electable position in the SdP's list of candidates.

51 B. H. Z.: *Kameradschaftsbund a jeho historie*, p. 371.

52 Stanislav Benda was born on 14 November 1886 in the village of NĚmčičky in the district of Hustopeče. In 1913 he graduated in law at the Czech Charles-Ferdinand University of Prague. He joined the police in 1919. See PLACHÝ, Jiří: Z archivu liberecké státní policie. Předvolební kampaň Sudetonoěmecké strany v květnu 1938 /From Archives of the Liberec National Police. Sudeten German Party election campaign of May 1938/. *Paměť a dějiny*, 2018, Vol. 12, No. 1, pp. 106–115.

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fear of cracking down harshly against those politicians who were trying to abuse the Czechoslovak Republic's democratic rule of law. He played a major role in the arrest and conviction on charges of high treason of Vojtech Tuka, a representative of the radical anti-Czechoslovak wing of Hlinka's Slovak People's Party. In the early 1930s, Benda was transferred to Prague, where he again advocated a hard line, this time against provocations by Czech fascists and Communists who were trying to exploit the extreme poverty brought about by the global economic recession.

Benda also earned something of a reputation in Liberec, where he was sent as Chief of Police in July 1935. He acted vigorously to suppress the paramilitary units (the so-called *Ordnersgruppe*) that the SdP tried to create along the lines of Nazi Germany's SA, under the guise of providing "organisation" for the party. On 16 January 1937 he issued a memo for the officers under his command<sup>53</sup> containing grounds for the authorities to intervene at SdP meetings, in which he wrote: *The use of black-white-red armbands and decorations at meetings will not be tolerated. If organisers are wearing such armbands, especially if done in a corporatist fashion, it must be considered as a provocation and an expression of Greater German ideology and as such incompatible with our legal norms. [...] The same goes for black-red colour combinations, which were in the past the official colours of the Sudeten German movement. The so-called "organisational service" must be treated in the same way; ordners must not organise themselves in a corporatist fashion and must be dressed in civilian clothes that do not create the impression of a uniform<sup>54</sup>, and they must not wear banned armbands. Their organisation into massed ranks, especially in military formation around the speaker's tribune to create a bigger impression, will likewise not be tolerated.*

Even Konrad Henlein himself soon found that the rules applied to everyone. On 21 May 1937, he was meant to deliver a speech at the Liberec trade fair grounds. Organisers apparently believed that the authorities would turn a blind eye, and arranged dozens of uniformed SdP paramilitaries<sup>55</sup> to assemble in ranks in front of the podium. But despite the presence of the SdP's Führer, police acting on Dr Benda's orders acted decisively, arresting some 106 people. Their punishment was far from drastic, this still being a democratic state; on the findings of Liberec police headquarters they were handed fines ranging from 50 to 100 Kč (if they had no cash on them they were held in a police cell from between two to four days). It was, however, a clear signal that such provocations would not be tolerated in future.<sup>56</sup>

53 The National Police Authority in Liberec was formally in command of the police forces of Chrastava, Frýdlant, Nové Město pod Smrkem and Hrádek nad Nisou.

54 Undated communication from Liberec police headquarters to the State Authority in Prague. NA, f. Stanislav Benda, Box. 11, sign. 520-11-1. This is a non-inventorised fund, comprised of papers confiscated from Stanislav Benda in the 1950s following his arrest and conviction, which were given to the Study Institute of the Ministry of the Interior and later transferred to the National Archives.

55 The uniform of the SdP paramilitaries – the ordners – consisted of a dark grey tunic, white shirt with black tie, riding breeches, riding boots and a dark-blue cap with a black badge and chin-strap. According to the police records a total of 214 ordners took part in the ceremonial gathering, although some were in civilian clothes. Ibid.

56 Ibid.

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From most of the surviving documents it is clear that Dr Benda realised the true role played by the SdP and was aware of the gradual radicalisation of its relations with the Czechoslovak state during 1937. By and large, there is no doubt that Rutha's arrest was to serve a number of aims, of which the prosecution of his unlawful activities was but one – albeit not insignificant. The most important aim was in all probability an attempt to see what the Sudeten German Party had to hide. The Czechoslovak authorities presumed that with a little luck the safe of the SdP's "Foreign Minister" would yield documents belonging to the highest echelons of the party, documents that even police informers working undercover in the party structures could not hope to obtain. Because of the nature of Rutha's offences there was no chance of protesting against the search of his home. As we have seen, police seized documents that were later used as proof during their investigation of him for homosexuality, but many other documents of a political nature were taken too.

On 17 November 1937, Liberec police headquarters sent the first large cache of material marked "confidential" to the State Authority in Prague, with a copy sent to the Interior Ministry. The material had been produced based on police analysis. This was the first of four volumes of documents thematically divided into three sections. The first section examined affairs of an internal political character, specifically Rutha's activities within the SdP: *Rutha's activities in the party have been extremely intensive and have affected all areas of the party's work; written documents provide countless proof that Rutha was actively involved in the foundation of the SHF, that he enjoyed an influential position with the party and that his consent was sought in all decisions of a fundamental character. The most diverse array of political questions passed through his hands; he also paid considerable attention to finding positions, mostly for persons loyal to him, in order to consolidate his position and to penetrate every key institution in the party.*<sup>57</sup>

The documents included substantial amounts of material dating from the time of the Sudeten German movement's formation and the period following the May 1935 election victory. From these it is clear that Rutha truly played a leading role in the party, and the counsel he gave Konrad Henlein was generally heard. Together with Dr Fritz Köllner, for example, he ruled authoritatively in the matter of whether the freshly-elected SdP MPs and senators should be paid a salary; he decided that one should not be compensated financially for serving one's nation.<sup>58</sup>

Rutha gathered various reports and information, which were sometimes almost tabloid in nature. According to one report, for example, at a Reich gathering of students in Heidelberg in August 1937 the former Volkssport functionary Dr Rudolf Meckel was said to have told him that *Henlein, in a drunken state, once confided that he*

57 *SOkA Liberec*, f. Liberec police headquarters (supplements), Box 1. According to the various stamps, this material was originally kept in the archives of the Historical Institute of the Communist Party of Czechoslovakia. It is clear that several copies of the documents were made.

58 A directive passed by the SdP leadership on 1 June 1935 set the monthly salary of an SdP MP or senator at 1,200 Kč, which was by no means excessive. He would receive a further 600 Kč if he was married and 300 Kč for each child. If, however, his regular income was higher than that to be paid to him under this directive, he would receive the token sum of 1,000 Kč. The remainder of his parliamentarian's salary would be paid into the party coffers. *Ibid.*

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would never had married his wife – who was of a lower social status than he was – if he had known that he would one day become the leader of the Sudeten Germans.<sup>59</sup>

Another important document was the outline of a letter to Dr Walter Brand, who was sent to London during the party's internal crisis in 1936 as a correspondent of the party's *Die Zeit* newspaper, containing instructions on Rutha and Henlein's forthcoming visit to Great Britain, which was planned for October 1937 (in the end Henlein made the journey without Rutha). As we know, the trip was seen as being of vital importance to the SdP's relations with Czechoslovakia.

Officers also seized and analysed papers devoted to local political leadership, on which the SdP placed particular emphasis, and the organisation of Sudeten German economic life. One interesting document was the text of a speech that Rutha had given to a gathering of functionaries from the SdP's Česká Lípa regional association on 23 May 1937, which opened a window into their way of thinking. Obviously mindful of the need to avoid coming into conflict with the law, Rutha left no doubt as to his true thoughts – first attacking the system introduced under the Peace of Versailles, which he described as *incapable of keeping order in Europe*. He then went on to praise fascist Italy, and also touched on Hitler's Germany, for whose political system he naturally had nothing but superlatives: *The greatest contribution made by National Socialism in Germany is that it has drawn attention to the Bolshevik threat facing all of Europe*. In foreign policy the Nazi regime was, Rutha said, driven by nothing but a desire for peace: [...] *German proposals for disarmament have been met with absolute incomprehension in France. The speaker says that Germany had only resorted to rearmament and two years of military service after all other means of restricting the rearmament of its opponents had failed*, wrote the police official analysing the document. Rutha also rejected the League of Nations, which he claimed had failed completely. *It is important to understand the dynamic policies of Italy and Germany as the policies of a young nation fighting for its right to life*. He also spoke of the position of Czechs. *The position of Czechs in Central Europe, on the other hand, will be hopeless for as long as they try to oppose the Germans, because the Germans, with their numbers, geographical location and history, are the decisive actors in Central Europe, and they will determine its order*. He also cast doubt upon Czechoslovak parliamentary democracy, which he said was “two-faced” and concealed a policy of *internal Czech imperialism*.<sup>60</sup>

Private correspondence with leading members of the SdP including Konrad Henlein gave the Czechoslovak police an idea of the informal mechanisms and personal relationships upon which the party leadership functioned. Rutha intervened in almost all personnel matters: he exerted influence on the choice of candidates for parliament and regional assemblies and it was evident that Henlein (whom he referred to in his letters – somewhat unimaginatively – as “K”) took note of his recommendations. The confiscated correspondence then proved the connection between the SdP and “certain circles” (i.e. Nazis) in Germany and Austria. As the report conceded, the material was not in this respect *so rich that one can make an accurate and safe judgement*.<sup>61</sup>

59 Ibid.

60 Ibid.

61 Ibid.

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Rutha's influence on the filling of positions naturally also extended to state employees and various public tenders.

Investigators were perhaps surprised by the revelation that Rutha and a close colleague of Rudolf Heider, a man named Rudolf Staffen, were tasked with mediating reconciliation between the party leadership (i.e. those loyal to the Kameradschaftsbund) and the "Old Nazis!" connected to the magazine *Aufbruch*<sup>62</sup>. In 1935, Rutha was also entrusted with acquiring buildings and furnishing rooms for the party's central leadership in Prague and other towns. As part of this task, Rutha would ascertain whether the firms commissioned to provide the party with furniture were "truly" German and only employed German workers (the firms concerned were Rudolf in Ústí nad Labem and Drucker in Brno). He also assigned himself the task of overseeing various accessories and other aesthetic aspects of running a political party. Among other things, it was Rutha who designed the striking logo for the SHF and possibly also the SdP.

The second section of police analysis – divided into two volumes and dated 30 November 1937 – was devoted to the SdP's foreign policy. The first of these two volumes contained an analysis of Rutha's correspondence with important foreign officials, while the second consisted of "matters of a fundamental nature" such as memoranda and various analyses conducted by Rutha on the foreign policy situation.

One interesting letter, dated 22 June 1936, was addressed to the British historian Robert Seton-Watson (1879–1951), one of the Czechoslovak nation's greatest friends in Britain and a firm advocate of Czechoslovak independence, something for which – in cooperation with T.G. Masaryk – he had done a great deal during the First World War. Rutha's letter to Seton-Watson is a good example of the style and tactics adopted by the politician when dealing with people abroad. In it, the SdP is presented as the only true representative of the will of the Sudeten Germans, whom he claims are solely interested in a fair solution in the national question – such as that demanded by Czechs in the Austro-Hungarian Empire before 1918. However, all the SdP got from the Czechs, whom he said preferred the "smaller" German parties, were unfair accusations of unreliability or groundless claims of SdP hostility towards the Czechoslovak Republic. *The author [i.e. Rutha] asks, whether there will ever be found some brave men on the Czech side who will abandon this unsuccessful method and decide to pursue a new form of internal politics. If this fails to happen, there is a fear that the German-speaking population's faith in the powers to find mutual understanding will in practice be shaken and in this way the country will miss the suitable moment to find consolidation.* At the close of the letter he has a slight dig at the Czech side. *Accusations and printed lies are not published in our press, but in some Czech publications. [...] Neither are the grand ceremonies held by Czech border guards in German (sic) territory very appropriate towards finding understanding between*

62 *Aufbruch* was a magazine favoured by an "opposition" group within the SdP, who were made up of former members of the outlawed DNSAP party. In the summer of 1935, the Czechoslovak authorities ordered the magazine to cease publication. The so-called "Old Nazis" subsequently succeeded in gaining control over the newspaper *Die junge Front*, which had up until that time been dominated by the KB. In return, the magazine *Volk und Führung* (see above) was founded with Rohn as editor-in-chief.

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nations.<sup>63</sup> The “brave men” on both sides of the divide must put an end to such things, he wrote. In closing he asks Professor Seton-Watson for help in gaining an audience with the Czechoslovak Foreign Minister, Kamil Krofta.

Naturally Rutha also corresponded with well-known British Germanophiles, such as Colonel M. C. Christie. In the summer of 1936, he asked an acquaintance from Glasgow to organise a visit to Scotland by four or five young men between the ages of 17 and 22 – “members of Czechoslovakia’s German Scouting Movement” – who wanted to get to know Britain and learn English. In exchange, he offered the opportunity of organising a similar trip for young Britons who would be given the chance to stay with German families in Czechoslovakia.

Of fundamental significance, however, was a report on the results of Rutha’s talks in Great Britain (probably held in 1937) entitled *Bericht über die Durchführung der Londoner Aktion* and marked “*Streng Vertraulich*”, or strictly confidential. In it, Rutha writes that *England has become aware of the danger for European peace in neglecting international law. The ground was successfully prepared for England to be ready to intervene in minority questions in view of its interest in making sure peace in Central Europe is not threatened.*<sup>64</sup>

In a further document, the enemies of German efforts are listed as the Vatican, the Catholic Church, and its policy towards Austria, which had a direct influence on the position of the Sudeten Germans: *We appreciate the old Austrian tradition, but we do not want to have anything to do with Germans who wish to turn the Austrian nation [!] into subjects of the House of Habsburg hostile to Germany.*<sup>65</sup>

The second volume was devoted exclusively to Rutha’s activities in the League of Nations and the Congress of European National Minorities. The latter was created in 1925 and was a non-governmental organisation with observer status at the League of Nations. From 1927 it was based in Vienna. Even though it represented national minorities from virtually the whole of Europe (including ethnic Czechs living beyond the borders of Czechoslovakia), from the early 1930s – and especially after the Nazis’ rise to power – it became little more than a platform for ethnic Germans living outside the borders of Germany. This became abundantly clear from the penultimate pre-war meeting held in London in July 1937. By now the organisation had shrunk to representatives of just ten countries (in 1930 there were 33). With the exception of representatives from Austria and Spain, all participants were German. Rutha served as the Congress’s committee member as well as its deputy president. From the confiscated documents it is evident that Rutha indulged in various forms of intrigue at the London meeting in an effort to restrict the participation of other ethnic German parties from Czechoslovakia, especially the Social Democrats. The participation of the German Agrarian Party, however, suited the SdP for tactical reasons. Germans abroad were highly organised within the Congress and even had their own association (*Verband der deutschen Volksgruppen in Europa*), with its headquarters – where else – in Berlin. Ethnic Germans from Czechoslovakia were extremely active within

63 SOkA Liberec, f. Liberec police headquarters (appendices), Box 1.

64 Ibid.

65 Ibid.

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the association. In August 1935, for example, representatives of the German minority in Europe met in Jablonec nad Nisou.

The last thematic section of analysis, completed by Liberec police on 18 January 1938, concerned the various Sudeten German organisations in which Rutha played a role. Apart from the Turnverein these were primarily the Association of Germans, the Deutscher Kulturverband (German Cultural Association) and the Arbeitsdienst (Labour Service). Police were also able to examine stenographer's notes from a meeting dated 7 June 1937 between the chairman of the DTV and the parliamentary deputy K. H. Frank, which served as evidence of the close connection between the Turnverein and the SdP. Other confiscated documents shed light on the dispute between the DNSAP "veterans" and Henlein's supporters within the DTV. Others concerned the aforementioned affair of 1935, following which Rutha was removed as leader of the Ještěd-Jizera chapter of the DTV, one of the largest and most influential in the entire Turnverein, and a position he had enjoyed since February 1934.

In the spring of 1935 Rutha ordered the expulsion of eleven "rebellious" local organisations from the DTV, in effect the entire district of Vratislavice. There were two competing Turnverein groups in Vratislavice – the Erster deutscher Turnverein, controlled by supporters of the Aufbruch, and Turnverein Eintracht, loyal to the DTV's Ještěd-Jizera chapter. Unhappy with Rutha's leadership of the chapter, several functionaries defected to the Erster deutscher Turnverein. The dispute proved impossible to resolve and it seemed the two rival factions would split irrevocably into two.

On 30 May 1935, just days after the victorious parliamentary elections, the DTV called a special meeting of the leadership in Liberec. At this meeting, Rutha received the support of DTV chairman Richard Bernhard, who rejected the criticism of Rutha's stewardship. Bernhard also addressed the allegations of homosexuality that had been made against Rutha during the dispute, and challenged his accusers to provide proof – if they had any. In his address, Rutha declared that the allegations had *shocked and threatened* [his] *physical health*, and categorically denied them. His position was safe, for now.

But not for long. In early October 1935, Rutha stepped down from his position of leader of the Ještěd-Jizera chapter of the DTV.<sup>66</sup> The official reason given was that Henlein had named him as the SdP's chief adviser for foreign affairs. In truth, however, Rutha had been forced to take the step by the testimony of Franz Veitenhansel, which had fallen into the hands of his opponents. Police discovered, however, that even after his resignation he continued to exercise influence over the running of the chapter, which was taken over by his deputy Franz Engel of Rýnovice. Engel, together with the chairman of the SdP Arbeitsamt Richard Lammel, appear to have succeeded in persuading Rutha to step down before the compromising material was made public.

66 Members were informed of his resignation in a notice sent out on 4 October 1935. It is feasible that his resignation was also related to the dispute between members of the Liberec chapter of the DTV that took place in the same year. For instance, the groups led by Werner Weiss and Willy Hoffmann left the DTV during the dispute and defected to the "rival" Deutsche Turnverbindung Jahn.

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In his capacity within the DTV and BdD, Rutha strove to bind the associations as closely as possible – in personnel terms and otherwise – to the SdP.<sup>67</sup> His real pet project, however, was the model Sudeten German labour camp<sup>68</sup>, set up in March 1935 in Stráž pod Ralskem called Arbeitsdienstlager Wartenberg. It quickly became clear that there would be a need to train leading cadres to run the “regular” labour camps which would soon be set up in great numbers. Rutha chose the facility at Stráž himself; it was just a few kilometres from his home in Kundratice. He strove to turn the camp into an elite training facility, which – in true Spannist fashion – would produce the Sudeten German elite of the future. The camp was to become a Turn- und Jugendmannschaftschule, with a meeting house, sports field, ceremonial hall and study rooms. The draft training materials produced by the camp leader Theo Hauke in early October 1936, which were also seized by police from Rutha’s safe, devoted great attention to Sudeten German history, culture, the “homeland” (Heimatboden), industry, social matters and also the Czech nation (Das tschechische Volk). The trainees were also expected to attend a whole range of practical lectures and exercises devoted to oratory, organisational and leadership skills, topography and so on. The additional educational evenings (Leseabende) were apparently the work of Rutha himself. The camp was usually attended by some 30 men who spent eight weeks there. In 1936, a total of 120 men attended it in four consignments. The camp commander was Bohdan Hauk. At the time of his arrest, Rutha was the camp’s technical director and visited Stráž about once a week.<sup>69</sup>

### Rutha’s death and the trial against “Werner Weiss et al.”

Let us return, however, to the autumn of 1937. By late October, police and prosecutors had more than enough evidence against Heinrich Rutha to convict him. What they did not have, however, was a confession.

As could be expected, from the outset the case attracted the attention of the country’s Czech and German press, from tabloid newspapers to serious periodicals, and naturally there was also reaction abroad, mainly in Germany. Authors mostly made

67 Both organisations were very closely intertwined – and not just through the figure of Rutha. The chairman of the DTV, Professor Richard Bernhard (born 4 June 1882) was also the deputy chairman of the BdD.

68 Der Sudetendeutsche Freiwillige Arbeitsdienst was created in late 1934 as the fruits of a collaboration between the DTV and the BdD. According to the approved plan, labour camps would be established across the Sudetenland to help unemployed Sudeten Germans. The plan was clearly inspired by similar camps set up by Nazi Germany, and although activist political parties were also involved in the early stages, the project soon came under the sway of the SdP. By 1936, there were already 25 labour camps, almost exclusively in western and northern Bohemia. From the beginning of 1938 onwards they had a primarily “educational” emphasis. Despite their paramilitary atmosphere the camps even received funding from the Czechoslovak authorities as part of the battle against unemployment. BALCAROVÁ, Jitka: „Jeden za všechny, všichni za jednoho!“ *Bund der Deutschen a jeho předchůdci v procesu utváření „Sudetoněmecké identity“* / “All for one, one for all!” The Bund der Deutschen and its predecessor in the process of creating a “Sudeten Identity”/. Karolinum, Prague 2013, pp. 314–323.

69 *SOka Liberec*, f. Liberec police headquarters (appendices), Box 1, Rutha, Jindřich – Activities in the DTV, BdD and Arbeitsdienst associations, 18 January 1938.

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sarcastic comments about the connection between an authoritarian movement defending conservative values and a man whose private life represented the very opposite. The Social Democrat *Večerník Práva lidu* newspaper, for example, remarked that Rutha was meant to be a “vůdce” (leader) of the young men but instead had become their “svůdce” (seducer).<sup>70</sup>

Many, however, realised that this problem was far more fundamental. For instance, Josef Krejčí in Peroutka’s liberal *Přítomnosti* wrote: [...] *if fascism develops any lifestyle of its own then it is the style of “manhood”. This fact remains despite the “normalness” of several fascist leaders, or the fascist propaganda surrounding childbirth, or the execution of various lesser leaders who were homosexual. Homosexuals feel irresistibly drawn to fascism. Neither 30 June 1934<sup>71</sup>, nor Henlein’s “distancing” from Rutha will make any difference to that fact. On the contrary, the livid denials of homosexuality we hear now and then from the fascist camp only succeed in confirming that fascism itself senses how close it is to homosexuality. [...] This also explains why people like Rutha and Rohn – not exposed to outer pressure – dared to stay on in their senior foreign positions within German Nazism, even after 30 June 1934. They identified (correctly!) that the publicly stated justification for the executions of the opposition figures on 30 June 1934 (the homosexuality of Röhm et al.) was merely an excuse. The instinct of homosexuals leads them correctly if they end up at fascism. Perhaps not everyone has noticed that the organisational forms of fascist life are typically “männerbunds”? The “Arbeitslager”, the “SA”, the “SS”, the “Miliz”, the “Schulungslager”, the “Ordensburgen”, the “Sturmscharen”, the “Blutbrüdenschaften” – nothing but associations of men who are finally permitted to enjoy and imprint on the whole of society their mark. What else but conscious or suppressed homosexuality can explain the passion for the army, the indescribable vanity in the selection and wearing of various uniforms, the fundamental expulsion of women from public and social life?*<sup>72</sup> Such articles, of course, did not go down very well in Aš or in Liberec, to say nothing of across the German border.

Henlein, however, despite his initial hesitation did not turn away from his friend and mentor. Instead, in an unusually aggressive and emotive speech delivered on 10 October 1937 in Litoměřice, he launched a tirade against the opposition within his party. Amongst other things, he told the assembled crowd: *We have known for a very long time, including in this very strange case, about the influence of political intriguers, resorting to methods that should be seen as a criminal aid to the enemy camp. I find that in the ranks of our own camp [...] there are still rascals who, with no shame, are merely serving the objectives of our national adversary.*<sup>73</sup> He went on to describe Rutha as *the most high-profile colleague and most successful fighter* for Sudeten German national unification, who had *fought for*

70 CORNWALL, Mark: *Homoeroticism in the Sudeten German Youth Movement – The Theory and Practice of Heinz Rutha*, p. 197.

71 On the night of 30 June 1934, almost the entire leadership of the SA – including its commander Ernst Röhm – were murdered in a Nazi purge that became to be known as the Night of the Long Knives. Röhm and many of his colleagues were homosexual.

72 KREJČÍ, Josef: *Triumf mužství /The Triumph of Manliness/. Přítomnost*, 1937, Vol. 14, No. 42 (20 October 1937), pp. 669–671. It is very much a reflection of the times, which does not however attempt to make light of the actions of the Nazi regime’s homosexual opponents or the suffering of its victims.

73 Cited according to BRÜGEL, Johann Wolfgang: *Češi a Němci 1918–1938*, p. 433.

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the Sudeten German problem to become an international matter and was now being smeared with defamatory accusations and was fighting for his honour.<sup>74</sup> As Johann Wolfgang Brügel, one of the Sudeten German opponents within Henlein's party later recalled in his memoirs: *It really wasn't terribly loyal language anymore...*<sup>75</sup>

The panic amongst the SdP leadership following Rutha's arrest<sup>76</sup>, however, did not last long. Henlein departed on his planned trip to London, without Rutha of course. He made several public appearances and in an interview with the influential *Daily Telegraph* declared that he did not want to change the Czechoslovak constitution, merely to perfect it. He also held a number of meetings – meetings that would in future prove extremely important. He allegedly received reassurance from the Permanent Under-Secretary at the Foreign Office, Sir Robert Vansittart, that Great Britain would support the widest possible autonomy for the Sudeten Germans. He also met the German ambassador Joachim von Ribbentrop. He handed Henlein new instructions from Berlin, under which the Sudeten German Party was to force the situation in Czechoslovakia “to a knife edge”.<sup>77</sup>

Following his return, the SdP launched a counterattack. On Sunday 17 October 1937, the party held a regional congress in Teplice-Šanov, attended by the top leadership including Konrad Henlein and Austrian Nazi leader Arthur Seyss-Inquart. That afternoon, after the congress had ended, there were scuffles on Tržní náměstí between a crowd of SdP members and the police. Fighting broke out, and the parliamentary deputy Karl Hermann Frank was arrested. During the incident, as he had done the previous week, Henlein left for Litoměřice, where he visited a working meeting of Sudeten German lawyers. The same evening, he sent an open letter to the President of the Republic, Edvard Beneš, which was already being quoted by German radio before it had even been delivered to Prague. In it, he challenged the Czechoslovak authorities *to grant the autonomy demanded by me and my colleagues*.<sup>78</sup> The Nazi press in Germany launched an unprecedented campaign against Czechoslovakia [...] *as if Germany was readying itself to launch a punishment raid against the country*, as the rather taken aback Czechoslovak Foreign Minister Kamil Krofta put it.<sup>79</sup>

All this temporarily distracted the public's attention from the “Rutha Affair”. The SdP offered half a million crowns for Rutha's release on bail and hired the best lawyers in Liberec to defend him and Walter Rohn<sup>80</sup>, paying them a deposit of 50,000 Kč out of the party funds. The judicial authorities refused the bail request, however, and Rutha remained in custody. After being confronted by Weiss, Wagner and Franzke, moreover, it must have been clear to him that the case was not going in a favourable direction.

74 BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku*, p. 34.

75 BRÜGEL, Johann Wolfgang: *Češi a Němci 1918–1938*, p. 433.

76 Biman and Kokoška, writing under the name Malíř, state that *Rutha's arrest caused justifiable terror and uncertainty, not just in SdP circles, but also in Berlin*. BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku*, p. 177.

77 BRÜGEL, Johann Wolfgang: *Češi a Němci 1918–1938*, p. 434.

78 *Ibid.*, pp. 435–436.

79 BIMAN, Stanislav – MALÍŘ, Jaroslav: *Kariéra učitele tělocviku*, p. 179.

80 Rutha's defence was handled by Dr Rudolf Herzog.

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This is evidently why he opted for the most extreme solution: on 5 November 1937, Heinrich Rutha hanged himself in his cell.<sup>81</sup> Immediately there was speculation that he had been “liquidated”. Evil tongues whispered that that the Czechs were responsible, despite a dead Rutha being of no value to the Czech authorities. Suspicious circumstances were unequivocally ruled out by two official reports compiled by ethnic German doctors who examined the body. Rutha had performed his final service to the SdP...

Now nothing stood in the way of Rutha being declared a martyr of the Sudeten German movement and plans were drawn up for a grandiose funeral. The ceremony was held in Osečná on 10 November 1937, with a guard of honour made up of trainees from the labour camp at Stráž pod Ralskem. His body was then transported to Liberec crematorium and his ashes subsequently interred in the family grave.

Rutha’s death, however, did nothing to halt the prosecution of the remainder of those arrested, even though it was clear that the trial would be different now there was no longer a senior member of the SdP leadership sitting on the defendants’ bench.<sup>82</sup> Security in the remand prison was increased, to prevent a repeat of Rutha’s suicide.<sup>83</sup> The criminal case was finalised by the Česká Lípa State Prosecutor’s Office two days after Rutha’s funeral, on 12 November 1937. A total of twelve men between the ages of 18 and 26 were formally charged to appear in court. All twelve were accused of *carrying out an act against Nature with persons of the same sex*.<sup>84</sup> *The confessions of the accused are also credible because they are law-abiding, educated men of good repute, the confession of one defendant essentially corresponds to the confession of the other co-defendant in question, and the defendants were not and are not on unfriendly terms with each other; on the contrary, they are connected by a profound friendship*, read the criminal suit against them.<sup>85</sup> Eight of them had only had sexual relations with Werner Weiss, and Weiss had generally initiated the contact. In the end not even all of Weiss’s “friends” had been charged, most likely because in some cases Weiss had clearly exploited their youth and inexperience in order to persuade them into homosexual activity as defined by the law. It should be noted that mere mutual masturbation was sufficient to count as a violation of the law and the police investigation did not in this case (and indeed neither had it done so in others) go into a great deal of detail of what exactly had taken place.

However, even in those charges of debauchery that were not directly connected to Rutha, the illegal sexual activity between the young men had often taken place

81 The terse official announcement stated: *On 5 November 1937 the accused Jindřich Rutha died in his cell, cause of death, hanging*. The costs of his custody – 85 Kč and 80 hellers – were waived, as was the 40 Kč fee for examining his corpse. SOA Litoměřice, f. Česká Lípa Regional Court, Box 360, file symbol Tk 665/1937, Official record of 12 November 1937.

82 Rutha had formally relinquished his position in the party as soon as he was arrested.

83 Germany’s ambassador to Czechoslovakia, Ernst Eisenlohr, reported to Berlin on 6 November 1937 that one of those in custody had suffered a nervous breakdown following Rutha’s death and had indicated he wanted “to follow him”. Justice Minister Ivan Dérer informed the cabinet about the whole affair at a meeting of the Czechoslovak government. NA, f. German Foreign Office in Berlin, Box 75, sign. 136-75-1.

84 SOA Litoměřice, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

85 Ibid.

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at his home at Lázně Kundratice No. 45. Groups of nationalist scouts, Wandervögel members and youths from the DTV's Liberec chapter were frequent visitors to Rutha's mill. While the younger boys ate refreshments in the courtyard or in the mill buildings, Rutha would become better acquainted with the older youths, whom he invited into the mill's living quarters. If someone "interested" him, both in a physical and intellectual sense, he would invite them to pay him a private visit. This attention from an older, charismatic man, whose contribution to the Sudeten German movement was unquestioned, made an impression on some of the boys. They were subsequently invited to attend Rutha's literary evenings, which were filled with talk of ancient Greece or readings from homoerotic literature. In this febrile atmosphere, one thing often led to another.

Another suitable "opportunity" for making contact with young men were events held by the nationalist scouting movement or the DTV. For instance, Weiss's relationship with Rohn began at their group's summer camp in Yugoslavia in 1932. Amongst other locations used for grooming young men, the most popular was Fries's mountain hut in the Krkonoše mountains, a common destination for DTV hikes.<sup>86</sup>

The struggle between the "Kameraden" of the KB and the "Old Nazis" was obviously not the subject of the investigation, but it was a clear subtext in the whole case. Some youths were at least supporters of the Kameradschaftsbund, which is clear, for example, from Wilhelm Hoffmann's correspondence with a certain Rudolf Kahl, a student of the Liberec Industrial School, in which he called on him to defend the KB against the Aufbruch.

Owing to the fact that many of the accused were minors when the offences were alleged to have been committed (at this time a minor was a person between the ages of 14 and 18), prosecutors used not just criminal law but also law No. 48/1931 Sb. on criminal jurisprudence governing minors. The High Court in Prague also decided, on 19 October 1937, to try the two minors (Gelinek and Becker) together with the others.

The trial itself began at Česká Lípa Regional Court on 2 December 1937. It was covered by the media, although public interest had waned now that Heinrich Rutha himself was no longer sitting on the defendant's bench. The German periodicals *Sozialdemokrat* and the Communist *Die Rote Fahne* sent their correspondents to cover the trial. The SdP press also kept readers informed in some detail.

The proceedings were overseen by chief judge Dr Bohuslav Janoušek, accompanied by Dr Richard Wagner and Dr Edvard Hubáček. The case was brought by Dr Bohumil Kotek.<sup>87</sup> As has already been mentioned, Rutha's defence was handled by leading German lawyers. Walter Rohn and Karl Kudratsch were defended by Dr Max Kriegelstein von Sternfeld, a former deputy in the Habsburg-era Czech parliament and the chairman of the Bund der Deutschen. At the defence's request, proceedings were moved to the great hall, as the original courtroom was too small for all who

86 In some documents Fries's mountain hut is described as "the permanent camp of the Sudeten German Scouts".

87 After the Second World War Dr Kotek headed the state prosecutor's office at Česká Lípa Regional Court.

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wished to attend it. Some of the defence lawyers, however, requested that the public be excluded from the initial proceedings for reasons of “decency” and to protect the minors amongst the accused. After the charges had been read out, therefore, members of the public had to leave the courtroom and the trial continued in closed session, with only those chosen by defendants allowed to stay. Wolfgang Heinz, for example, chose the architect Gustav Knöchel, an SdP deputy and the former chairman of the Kameradschaftsbund.

As could be expected, some of the defendants retracted their original testimony or tried to water it down or cast doubt on the impartiality of the police investigation. Some said they had been promised immunity from prosecution or release on bail in return for testifying. The defence also attempted to exploit what they claimed were formal inconsistencies in the police investigation, although to little avail. Both the Liberec police and the examining judge at the Česká Lípa court, Dr Jaroslav Blažek, had meticulously prepared the case in order to avoid such accusations in court.

The most aggressive defence came from Dr Hubert Jurna, representing Adolf Wagner and Wilhelm Hoffmann, who was even fined 500 Kč during his closing statements for gratuitously maligning the state prosecutor.

The case for the prosecution continued for the next two days, i.e. 3 and 4 December 1937. Proceedings were then adjourned until Monday, 6 December, when the defence requested that the court call the police officers who had investigated the case. These were Commissioner Pravomil Racek, Dr Arnošt Pech, Inspector (II class) Vilém Klement<sup>88</sup> and Inspector Josef Maxa. The examining judge, Dr Blažek, was also called to appear, who told the court: *The first to appear before me were [Werner] Weiss and Adolf Wagner. Weiss said everything exactly how it appears in the official record. I then questioned Adolf Wagner. Both described the course of events to me in the form it appears in the record, without me filing criminal charges.* He went on to describe whom he had challenged with the testimony and further questioning. None of the accused cast doubt on his testimony; on the contrary, those concerned confirmed it was accurate.

After cross-examination the proceedings were once again opened to the public. There followed closing statements. Dr Kriegelstein-Sternfeld spoke for the defence team, while Werner Weiss spoke for his co-defendants. A representative of the district youth care authority, Emil Seidl, called for the minors to be freed of all the charges against them.

The verdict was read out on 9 December 1937. Seven of the 12 accused were found guilty of debauchery in committing a crime against Nature. The sentences, however, were far from heavy. Walter Rohn was sentenced to eight months in prison, Adolf Wagner five months, Werner Weiss four months, Kurt Franzke two months, Friedrich Gelinek and Heinrich Hermann one and a half months each, and Anton Funk one month. Rohn, Weiss, Wagner and Franzke were ordered to serve their sentences

88 Vilém Klement, born 6 October 1896 in Amberg, was taken into captivity as an Austro-Hungarian soldier on 2 July 1917 at the Battle of Zborov. He subsequently joined the Czechoslovak Legions, serving in the 6th Artillery Regiment and fighting against Germany in what is now Ukraine and against the Bolsheviks on the Trans-Siberian Railway – see <http://www.vuapraha.cz/soldier/14059573> (quoted version dated 22. 7. 2019).

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in high security prisons with a monthly fast. Funk was sent to regular prison, and Gelinek and Hermann as minors to simple incarceration. All the sentences, however, were suspended. For Weiss, Wagner, Rohn and Franzke they were suspended for three years, for the remainder, two years. Weiss, Wagner, Rohn and Franzke would be deprived of their right to vote for the duration of their suspended sentences. The court declared that *the defendants had up unto this point been law-abiding citizens, they had confessed to their crimes and the trial uncovered no aggravating circumstances; on the contrary, the impression they made on the court was excellent. According to the overall result of the investigation, most of the defendants can be considered as having been led into carrying out the acts.*<sup>89</sup>

Leo Wagner, Wilhelm Hoffmann, Wolfgang Heinz, Franz Becker and Karl Kudlatsch were set free. The charges against Wilhelm Hoffmann, which dated back to 1932, were barred under the statute of limitations, while Wagner and Becker had consistently rebuffed Weiss's advances (Becker was also just 13 years old at the time, so could not be held criminally responsible). Heinz consistently denied having sexual intercourse with Weiss, and even Weiss himself seemed unsure in court as to what exactly had transpired between them. Kudlatsch, meanwhile, was found by the court not to be fully aware of his behaviour, which took place when Weiss seduced him at Christmas 1933. Weiss, Wagner and Rohn as self-employed persons were ordered to pay their court costs, while the others were spared any financial charges.

All twelve youths walked free from the courtroom.<sup>90</sup> Two days later, the state prosecutor's office filed a plea to annul the verdict as well as a formal appeal. Of the convicted, Adolf Wagner filed a nullity plea and an appeal immediately via his lawyer, while Heinrich Hermann, Anton Funk, Friedrich Gelinek, Kurt Franzke, Walter Rohn and Werner Weiss later filed appeals within the allotted period.

### Sentences handed down in the “Werner Weiss et al.” trial

Name and surname	Date and place of birth	Occupation	Sentence
Werner Weiss	23 March 1917, Liberec	clerk	4 months
Adolf Wagner	18 August 1913, Liberec	technician	5 months
Leo Wagner	13 October 1917, Prague	student	freed
Friedrich Gelinek	15 April 1919, Slaný	student	6 weeks
Dr Walter Rohn	12 November 1911, Liberec	journalist	8 months
Wilhelm Hoffmann	17 December 1916, Liberec	chemist	freed
Wolfgang Heinz	30 September 1914, Bruntál	student	freed
Anton Funk	20 April 1916, Karlovy Vary	student	1 month
Kurt Franzke	3 March 1918, Hošťálkovy	student	2 months
Franz Helmuth Becker	19 February 1919, Prague	student	freed
Karl Kudlatsch	28 February 1918, Rádlo	teacher	freed
Heinrich Hermann	14 December 1918, Thiesenort	clerk	6 weeks

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### Wartime and post-war conclusions

Detailed writs of appeal were delivered to Česká Lípa Regional Court by the defendants' lawyers during January 1938. On 25 January, the Court rejected Dr Rohn's nullity plea on formal grounds, though his writ of appeal was heard. In early February, Heinrich Hermann's mother withdrew her appeal.

In the tumultuous year of 1938, the High Court in Brno did not have enough time to rule on the appeals. In the wake of Munich, the authorities were forced to wait for the signing of the Czechoslovak-German Agreement which would resolve the matter, seeing as all those convicted were from the Sudetenland and therefore from now on citizens of a foreign state. On 5 April 1939, shortly after the Nazi occupation of what remained of Czechoslovakia, the whole case was formally handed to Česká Lípa's new Landsgericht (German regional court). By this point the only defendants still formally involved were Anton Funk, Friedrich Gelinek, Kurt Franzke and Walter Rohn. Wagner and Weiss had apparently given up their appeals.

The "Rutha Affair" did little major damage to the Sudeten German Party at either a national or regional level. In April 1938, Senator Carl Kostka, chairman of the Deutsche Demokratische Freiheitspartei (German Democratic Liberal Party - DDFP), which had been part of the Sudetendeutscher Wahlblock (the Sudeten German electoral coalition) in the May 1935 parliamentary elections, was forced to step down as mayor of Liberec under pressure from the SdP.<sup>91</sup> In the local elections of 12 June 1938, the Sudeten German Party scored an overwhelming victory in Liberec, winning 33 of the 42 seats in the city assembly. The last pre-war mayor, elected on 8 July 1938, was Eduard Rohn, the father of Dr Walter Rohn.<sup>92</sup> Despite the scandal surrounding his son, he served as mayor of Liberec throughout the war until 8 May 1945, when he handed over the running of the city council to the Czech National Committee.

We are left with only partial information about the post-Munich fates of the individual actors in the Rutha affair. For many, the trail simply runs cold.

Adolf Wagner was drafted into the army in the "May mobilisation" of 1938<sup>93</sup> as a reservist in the 22<sup>nd</sup> "Argonne" Regiment, based in Jičín. However, there are no

89 SOA *Litoměřice*, f. Česká Lípa Regional Court, Box 242, file symbol Tk 665/1937.

90 Funk, Hermann and Gelinek were released for time served on remand, while after this was taken into account Franzke was left with a suspended sentence of just two days. So effectively, only Weiss, Wagner and Rohn walked out of court with suspended sentences.

91 Carl Kostka, born 5 May 1870 in Mimon. He studied at Česká Lípa's German Gymnasium and the German Law Faculty in Prague. From 1896 onwards he served at the Liberec Chamber of Commerce. In 1920 he became a deputy for the German Democratic Liberal Party. In 1925 he was elected as a senator for the Deutsche Arbeits- und Wahlgemeinschaft (Germany Work and Electoral Association), and from 1935 as part of the Sudetendeutscher Wahlblock. He was mayor of Liberec from 1929-1938. During the war and afterwards he lived in Prague, dying there on 23 July 1957. See for example CESAR, Jaroslav - ČERNÝ, Bohumil: *Politika německých buržoazních stran v Československu v letech 1918-1938. II. díl (1930-1938)*, p. 552.

92 Eduard Rohn was born in Liberec in 1880 and died in Germany in 1947 - see <https://biblio.hiu.cas.cz/authorities/312797> (quoted version dated 22. 7. 2019).

93 The phrase "May mobilisation" usually refers to the emergency national defence measures of that month, during which some Czechoslovak Army reservists were called up to defend the country's borders.

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details of him serving in September 1938. In October 1938, he volunteered for the Reichsarbeitsdienst (Reich Labour Service – RAD), where he reached the rank of RAD-Obertruppführer. By autumn 1941 he was a junior NCO in the Wehrmacht.<sup>94</sup>

In mid-September Walter Rohn was sent by the SdP to London<sup>95</sup> to replace Dr Walter Brand, returning to “liberated” Liberec on 3 November 1938. He joined the SA and subsequently worked as an insurance clerk. On 12 November 1940, Rohn was once again arrested as part of Heydrich’s crackdown on Sudeten German homosexuals (which in reality was a campaign against supporters of the Kameradschaftsbund). He was later released and enrolled in the Wehrmacht.<sup>96</sup> Rohn was captured by the British at the end of the war, moving afterwards to live in West Germany. Somewhat surprisingly, in 1954 at the age of 43 he married a 27-year-old woman from Essen named Elisabeth Hapiag, and seems to have fathered four children with her. He died in 1998.<sup>97</sup>

Wolfgang Heinz graduated as a doctor of law from the Law Faculty of the German University in Prague on 27 June 1938.<sup>98</sup>

Leo Wagner continued his studies in Vienna and Prague. On 17 January 1942, he qualified as a G.P.<sup>99</sup>

Friedrich Gelinek left Liberec in early September 1938 for Germany. He later participated in the “liberation” of his homeland in the uniform of the Sudeten German Freikorps. In early November 1938, he decided to join the Reich Labour Service and in April 1939 was drafted into the Wehrmacht.<sup>100</sup>

Anton Friedrich Funk joined the Wehrmacht in the autumn of 1938. He served in an anti-aircraft artillery unit in Königsberg (now the Russian enclave of Kaliningrad). He most probably fought on the Western front. He was awarded the Iron Cross (II Class). In 1941 he served in the rank of lieutenant on the East Frisian island of Norderney.

Following his release Karl Kudlatsch returned to Sub-Carpathian Ruthenia and taught at the German school in Mukachevo.

94 According to his field post number (20308 B) he most likely served with the 573rd Infantry Regiment. “Unteroffizier” was a rank roughly equivalent to corporal. See <http://www.axishistory.com/axis-nations/383-germany-military-other/feldpost/8945-feldpost-numbers-20000-20999> (quoted version dated 22. 7. 2019).

95 According to a report in the *Právo lidu* published on 30 March 1938, shortly after the Anschluss Rohn left without his passport for Vienna, where he met Professor Othmar Spann. The two men were arrested, but as a Czechoslovak citizen Rohn was released and allowed to return to Czechoslovakia. *SOka Liberec*, f. Liberec police headquarters, Reference cards – unsorted section.

96 This is apparently why on 10 January 1944, he registered himself as no longer living in Liberec but in Oslo, Norway. *Ibid.*

97 See [https://www.myheritage.cz/names/walter\\_rohn](https://www.myheritage.cz/names/walter_rohn) (quoted version dated 22. 7. 2019).

98 See <https://is.cuni.cz/webapps/archiv/public/book/bo/1689099411327390/272/?lang=cs#1533132781682> (quoted version dated 22. 7. 2019).

99 See <https://is.cuni.cz/webapps/archiv/public/book/bo/1561217422590475/179/?lang=cs> (quoted version dated 22. 7. 2019).

100 He most likely served with the 24<sup>th</sup> Anti-Tank Battalion. See <http://www.axishistory.com/axis-nations/383-germany-military-other/feldpost/8933-feldpost-numbers-08000-08999> (quoted version dated 22. 7. 2019).

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Rudolf Hein joined the SS following the “liberation” of the Sudetenland, rising to the rank of SS-Hauptsturmführer, which was roughly equivalent to an army captain.

At the time of the trial against Werner Weiss and co., Wilhelm Purm was being prosecuted on suspicion of spying for the Sudetendeutsche Kontrolstelle in Dresden. He spent several months on remand in Liberec and Prague. Criminal proceedings against him, however, were halted on 7 March 1938.<sup>101</sup> After Munich, to his great surprise, he discovered he was of Jewish origin. This did not stop him from working for Heydrich’s Sicherheitsdienst (the Reich Security Service), where it seems no-one blamed him for his part in Rutha’s fall: *In military and character terms he has been well evaluated and is impatiently waiting to be deployed abroad to carry out difficult work in an intelligence capacity for Germany.*<sup>102</sup> It seems his expectations, however, were never fulfilled. At the end of the war he was living at No. 31, Březiny u Podmokel (today part of the town of Děčín).

The most tragic fate appears to have been waiting for the Liberec Police Chief, Dr Stanislav Benda. He remained deployed to Liberec until early October 1938. Thanks to his uncompromising approach, law and order in the Sudeten Germans’ “capital city” had been maintained in the crucial September days following the banning of the SdP<sup>103</sup>, as it was in the districts that fell under the command of Liberec police.<sup>104</sup> After Munich he was appointed to serve as Police Chief in Olomouc, where throughout the existence of the Second Republic, he received anonymous threats in the post from Liberec Nazis. In early 1939, the Nazi magazine *Der Stürmer* described him as a “White Jew”. One of his last major cases successfully completed in his time as Olomouc Police Chief before the Nazi occupation of Czechoslovakia was the breaking up of a gang of homosexual prostitutes who were blackmailing their clients. As an aside, it is worth mentioning that these clients included several Olomouc Nazis living in this ethnically mixed city.

On 16 March 1939, Benda was suspended from duty. Despite being summoned for questioning almost forty times by the Nazis in the years that followed, he remained a free man and even joined the Resistance at the end of the war. Immediately after the liberation he once again became the Chief of Police in Liberec. However, even before the February 1948 Communist coup he was a thorn in the side of the Communist Party, who tried – unsuccessfully – to accuse him of having collaborated with the Germans. Right at the beginning of March he became one of the first victims of the Communist purges, and was removed from his position and pensioned off.

101 NA, f. Ministry of the Interior I – Presidium, Box 1256, sign. 225-1256-2. Ibid., f. Intelligence Directorate, Prague police headquarters, Box 267, sign. 200-267-57.

102 *SOkA Liberec*, f. Liberec police headquarters, Reference cards – unsorted section.

103 The SdP was formally dissolved by decree of the Czechoslovak government on 16 September 1938.

104 From mid-September 1938 onwards, areas close to the border were subject to attack by Sudeten German terrorist groups. On 16 September, for example, the town of Hrádek nad Nisou was assaulted. There were repeated skirmishes in the border villages of the Frýdlant Hook (such as Habartice), where, however, thanks to the uncompromising stance of both Czechoslovak civilian and military units the state managed to retain full control, unlike, for example, the neighbouring Šluknov Hook, which was fully occupied by Sudeten German rebels on 22 September 1938.

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The regime, however, did not forget about him. On 29 January 1953 he was arrested. The reason given was alleged espionage against the USSR and the Communist Party of Czechoslovakia, which he was accused of carrying out as police chief during the First Republic era. However, this “criminal activity” would not have been sufficient to convict him even in a show trial, so on 12 January 1954 – almost a year since his arrest – the Regional Prosecutor’s Office in Prague filed trumped up charges claiming he had betrayed a host of information about the workings of Czechoslovakia’s pre-war police force and the agents working for it to the Nazis when he was summoned for interrogation. This, said the prosecutors, amounted to military treason. However, even these allegations were untenable, as Benda’s wartime activities had already been investigated in detail immediately after the war and he was found to have done nothing wrong.

The court proceedings followed accordingly. On 5 February 1954, he was found guilty by the Regional Court in Prague and sentenced to 15 years in prison, the loss of half of his property, the loss of his civic rights for ten years and all court costs connected to the case. However, exactly three months later, the High Court in Prague heard an appeal, which overturned the verdict over a number of formal faults and inadequacies and returned to the lower court to be heard again. The state was, however, apparently already convinced of his guilt, as on 20 August 1954 he was again found guilty by the Regional Court in Prague and handed the same sentence. This time the High Court rejected his appeal, confirming on 20 October 1954 that the verdict would stand.

On 9 December 1968, following an appeal from Benda’s wife and sons, the Regional Court in Prague ruled that the conviction against Dr Stanislav Benda had been illegal and formally annulled it. The decision came 14 years too late, however; Dr Benda had died on Christmas Day 1956, shortly after “celebrating” his 70<sup>th</sup> birthday in prison.<sup>105</sup>

### What to say in conclusion?

Heinrich Rutha is often regarded as an essentially tragic figure – a Sudeten German “loyalist” who became the victim of “Old Nazi” intrigue, who was targeted by Czechoslovak police exploiting his sexual orientation. Given his tragic end, this lends him almost the status of martyr. Rutha, however, did not represent an alternative to the political direction of the SdP. As a member of the SdP leadership, he was fundamentally opposed to the activist politics of the newly-formed German civic parties of 18 February 1937. As a follower of the theories of Othmar Spann, he did not strive to achieve Sudeten German autonomy within Czechoslovakia. Quite the contrary; he considered the Czech lands as an unequivocal part of the German living space, in which the Czechs – alongside the Sudeten Germans as “a specific German tribe” –

105 *Archiv bezpečnostních složek* (Security Services Archive), f. Ministry of the Interior – investigation files, investigation file No. V-604 MV. See PLACHÝ, Jiří: *Z archivu liberecké státní policie. Předvolební kampaň Sudetoněmecké strany v květnu 1938*, pp. 106–115.

## The Rutha affair and the trial against the Werner Weiss group

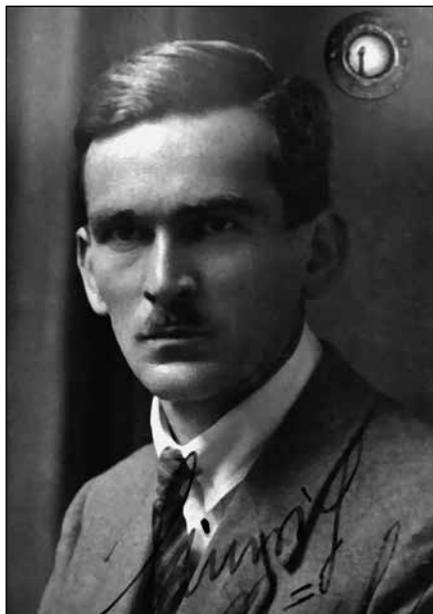
would be granted a certain level of autonomy in a future German Reich. His diary entries from 1918 show that he regarded Czechs as the natural enemy of the Sudeten German people and already at this point he held anti-Semitic views. His activities abroad, primarily in Great Britain, contributed towards events that he himself would not live to see. It is also wrong to assume that in 1937 he was not a follower of National Socialism just because he – like Henlein – was attacked by the “Old Nazis” linked to the *Aufbruch* magazine, and that even if autonomy had been granted to the Sudeten Germans he would have remained loyal to the Czechoslovak state. And last but not least, given his sexual orientation he was by no means some sort of martyr for the rights of sexual minorities. He repeatedly exploited his position both within the Sudeten German youth movement and as an employer to satisfy his sexual urges. With this abuse he negated any pedagogic contribution that might have been attributed to him.

For the SdP, 1937 marked a fundamental watershed. Rutha’s arrest and the Teplice incident<sup>106</sup> marked the definitive end of the illusion that the party was a constructive opposition willing to help mould Czechoslovakia. Henlein and others discarded their moderate rhetoric and embarked on the path of ever more open confrontation with the Czechoslovak state. This new path was confirmed by Henlein in his famous letter to Adolf Hitler of 19 November 1937, in which he announced his loyalty to National Socialism, and admitted openly that his ultimate ambition – and the ambition of the whole SdP – was the incorporation of the Sudetenland into the German Reich.<sup>107</sup>

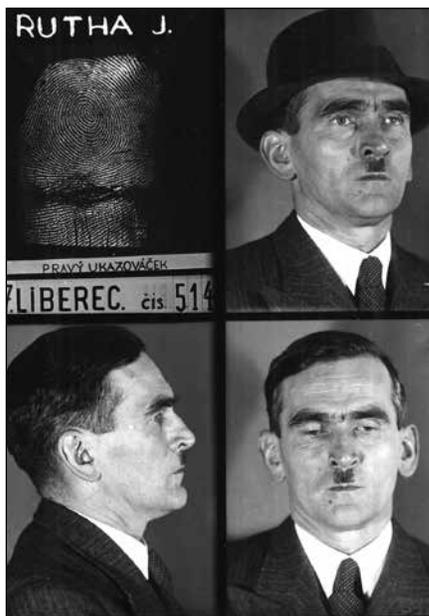
106 See KVAČEK, Robert – CHALUPA, Aleš – HEYDUK, Miloš: *Československý rok 1938* /The Czechoslovak Year 1938/. Panorama, Prague 1988, pp. 12–17.

107 ZIMMERMANN, Volker: Složitý vztah k minulosti – sudetští Němci a národní socialismus /A Complicated Relationship with the Past – the Sudeten Germans and National Socialism/. *Mezinárodní vztahy*, 1996, Vol. 31, No. 4, pp. 29–38.

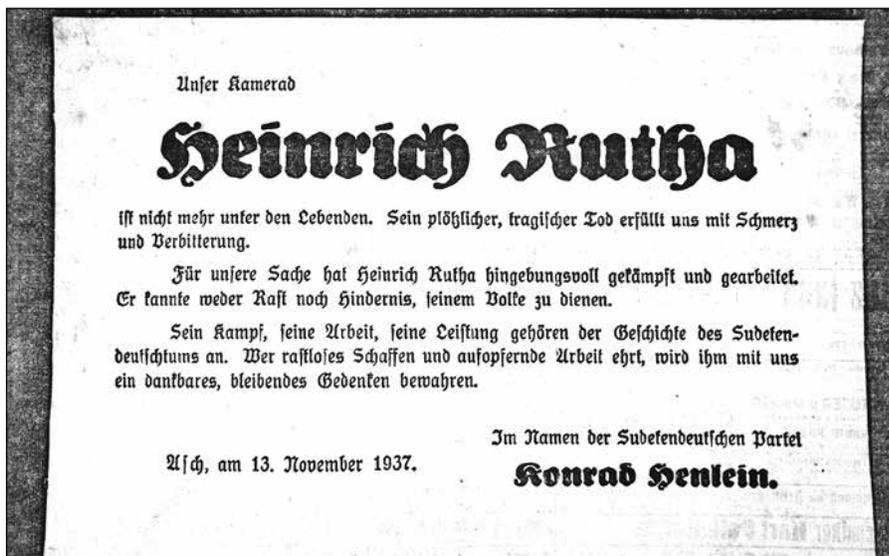
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Photograph of Heinrich Rutha from the Czechoslovak passport issued by the District Office in Česká Lípa  
*Source: SOkA Liberec*

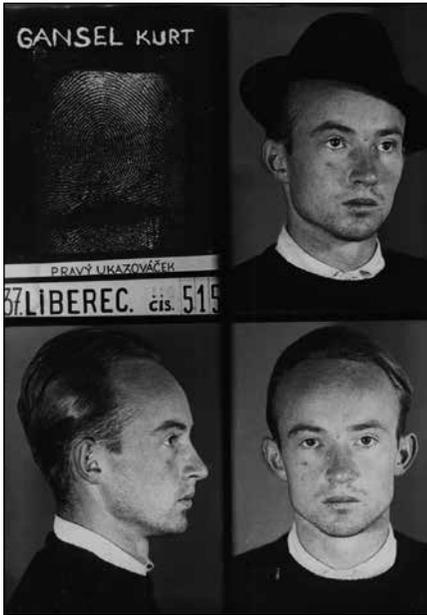


A police photograph of Heinrich Rutha taken by the Liberec State Police after he was arrested in October 1937  
*Source: SOkA Liberec*

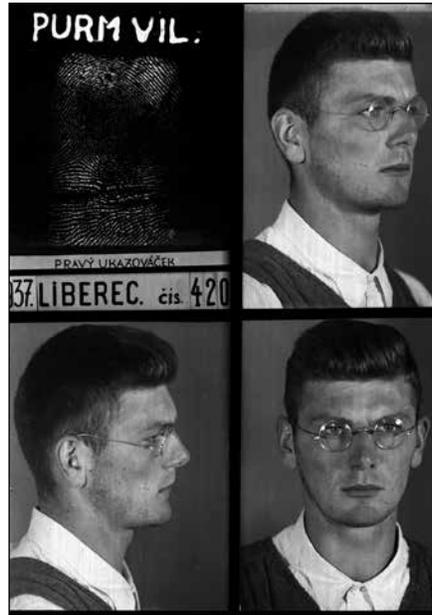


The obituary of Heinrich Rutha published by Konrad Henlein on behalf of the Sudeten German Party in the Party's paper *Rundschau*  
*Source: SOkA Liberec*

## The Rutha affair and the trial against the Werner Weiss group



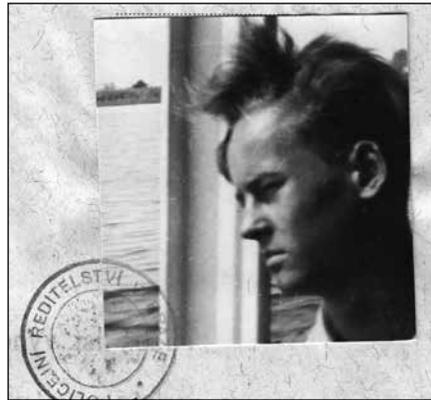
Kurt Gansel in a photograph taken by the Liberec Police in 1937 *Source: The National Archives Prague*



Vilém Purm in a photograph taken by the Liberec Police in 1937 *Source: The National Archives Prague*



Kurt Franzke, 1938  
*Source: The National Archives Prague*



Franz Becker, 1938  
*Source: The National Archives Prague*

Jiří Plachý

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Der Prager Illustrierte

# Montag

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**Achilles und Patroklos**  
Prag, 11. Oktober.

Der alte Goethe hat einmal die prophetische Meinung ausgesprochen (Bericht des Kanzlers Müller, April 1830), mit jedem Rückschlag der Zivilisation werde sich die Homosexualität ausbreiten. Goethe glaube freilich, die Knabenliebe sei so alt wie die Menschheit, und man könne daher sagen, sie liege in der Natur, gleiches als gegen die Natur sei gewonnen habe, werde um keinen Preis auszuweichen. Von Zuchtmeisteren ist die Verbreitung der Homosexualität in der männlichen Barberei wiederholt dargestellt worden. Die deutschen nationalsozialistischen Organisationen, und fast alle Penzenorte nach dem Weltkrieg gingen ja aus homosexuellen Kameradschaftsbünden hervor. André Gide läßt in seinem «Corydon» (österreichische Gespräche über die Knabenliebe) einen Franzosen sagen: «Möglich, dass sich die Homosexualität bei der germanischen Rasse tief genug eingebürgert hat, um manchen Deutschen natürlich zu erscheinen; die ständigen Skandalaffären legen jetzt die Vermutung nahe, aber für ein echt französisches Empfinden ist und bleibt die Goethesche Theorie ganz erschreckend.» Goethe kam zu seiner sehr freien Auffassung durch das Studium der griechischen Welt; er wollte sich die Erinnerung an die heilige Schar der Thebaner, oder an die Liebespaare Orest und Pythios, oder Achilles und Patroklos, durch nichts trüben lassen. Aber es besetzt unter allen Umständen ein gewaltiger Unterschied zwischen der griechischen Welt und jenen unspatiellen Mannerbünden, in denen ein großer Teil der heutigen deutschen Jugend von allen Homosexuellen verführt und verdammt wird. Die Fressenstelle der «Studenten» Partei hat gestern in der «Zette» eine Erklärung veröffentlicht, wie Verführung und das völlige Organisationswesen des Studententums in schamloser Weise zu verunglimpfen. Die Parteileitung habe ihren ständigen Anwalt beauftragt, mit allen rechtlichen Mitteln wegen der Lüge und Demütigungen gegen die Urheber vorzugehen. Die Dreistigkeit dieser Erklärung wird uns nicht hindern, die ganze Wahrheit zu sagen: Ja, ein großer Teil der deutschen Jugend befindet sich tatsächlich in der Hand von unheimlichen Mönchen und Verbrochern. Wir haben keine Ursache, über diesen heillosen Schwand zu stillen, über diese Mische aus Schmutz und Patron, über diese Obszönitäten, die sich hinter nationalsozialistischen Masken und hinter feierlichen Schwüren verbergen, den Mantei delikaten Schweigen brechen. Denn hier werden keine Tugenden, systematisch zu homosexuellen Routiniers erzogen, und keine freie Berührung auf Griechenland und auf Goethe, kein Dilettieren in Röderlinischer und Stefan Georgischer Poetik vermag das zu beschönigen. Herr Rutha, ein Mann von über 40 Jahren, Partei, die vorliegt, für die Reinheit der Nation und der deutschen Familie, gegen Korruption und Entartung zu kämpfen, ist ein Pädagoge. Hier gibt es kein anderes Wort Ein Pädagoge ist

**Söhne angesehenen Reichenberger Familien verführt**  
**Reichenberger Fabrikant und Politiker mitbeschuldigt**  
**Verhaftete geständig, ruhmlos schweigt**

Reichenberg. (Spezialdienst des «Montag») Die Affäre Rutha zieht noch viel weitere Kreise um sich, als man solange annahm. Die Untersuchung führt nicht die Kriminalabteilung der Reichenberger Staatspolizei, sondern Oberkommissar Dr. Jerol und Inspektor Kleinmeister. Die Untersuchung ist soweit geschehen, dass alle Beschuldigten, ausser Rutha, teilweise Geständnisse abgelegt haben, teilweise durch die Aussagen der anderen überführt wurden. Sie wurden am Samstag in die ordentliche Haft eingeliefert. Rutha verweigert kreischend alle Aussagen. Gestern wurden auch in Bud. Kanarzdorf bei Reichenberg Hausdurchsuchungen vorgenommen. Hier fand man Teile des für die Londoner Reise bestimmter Gepäcks, unter anderem drei Koffer, die statistisches Material enthielten.

In die Seftichblatinfäre hat auch ein bekannter nordböhmischer Fabrikant und Minderheitspolitiker verwickelt. Sein Chauffeur wurde schon Freitag früh in Untersuchungshaft eingeliefert. Der verhaftete Walter Roha ist der Sohn des sehr bekannten Obmannes des «Schweizerbundes in der Tachbeholowkei und der «stamale als Gegenkandidat gegen den jetzigen Bürgermeister Senator Kouda aufgestellten Edoard Roha. Die ganze Affäre hat in Nordböhmen, besonders in Reichenberg, ungeheure Aufsehen erregt, zumal Söhne der angesehensten Reichenberger Familien darin ver-

wickelt sind. Die Folge davon sind angekündigte Massenaustritte aus der SDP. Der Standpunkt der SDP ist absurd, niemand bestreitet die Tatsache.

Der in der ganzen Angelegenheit vielmals genannte «V. B. (Hörlicher für «W. M.)» sei der Kandidat Walter Mabeck, einer der Mitarbeiter von «Volk und Führung», der nach Deutschland geflüchtet ist. Ursprünglich dachte man, er handle sich um Dr. Walter Brand. Dieser befindet sich aber in London. Doch kann als sicher gelten, dass auch er in die Affäre verwickelt ist.

In politischen Kreisen ist die Meinung vorherrschend, dass die Verhaftungen erst der Anfang einer Reihe von Massnahmen gegen kompromittierte SDP-Politiker sind. Die Polizei in Reichenberg verweigert jede Auskunft und Information und wird erst am Dienstag ein offizieller Bericht herausgeben.

Der Obmann des Reichenberger Anwaltenvereins, Dr. Herzon, hat die Vertretung der in Haft Befindlichen übernommen. Mit der Sache beschäftigt sich auch Oberst Dr. Mylitzek. Die Polizei bearbeitet den Fall Eberhard, so dass morgen bereits das Ergebnis der Untersuchung dem Gericht abzutreten werden kann. Sämtliche verdächtige Personen, deren Namen jedoch nicht genannt werden, sind dem Gericht bereits eingeliefert worden.

auch der Chefredakteur des Blattes der zeitigen Führung dieser Partei, Herr Roha. Und zahllose Pädagogen sind der sozialistischen Partei konnte gar nichts anderes tun, als sich schuldig vor die Homosexualität zu stellen. Rutha hat gestern in Leitartikel erklärt, man gehe gegen Rutha wie mit einem Revolver vor. Welche Empfindlichkeit von einer Partei, die alle Brutalitäten aus dem Diktum durch sich



Heinrich Rutha

**Henlein über Rutha-Skandal: „Inszenierung einer politischen Sensation“**  
**Ruthas Abnormalität** S. 2.



Hotel Explorade — E. S. T. Bar  
Philosophie, Schachklub, der Stamm  
«Five a'Clock Tea»  
John Hancock, Serie und Posing  
Täglich die große Attraktion  
**MISS DOLLY**

The title page of the weekly Der Prager Illustrierte Montag of 11 October 1937, published by Walter Tschuppik Source: SOkA Liberec

## The Rutha affair and the trial against the Werner Weiss group



Konrad Henlein during a speech in Litoměřice on 10 October 1937, where he openly supported arrested Heinrich Rutha. He unusually harshly criticised not only the opposition within the SdP, but also the Czechoslovak state power, which he called, inter alia, the “second camp”. *Source: SOkA Liberec*



Government Councillor JUDr. Stanislav Benda in a contemporary photograph. He was in charge of the Liberec Police in 1935–1938 and 1945–1948. He was blamed by both the Nazis and the Communists for his uncompromising actions against both right-wing and left-wing political extremism and anti-state activities. He died in a Communist prison in 1956. *Source: The National Archives Prague*