

INFORMATION BULLETIN

MAGAZINE OF US MILITARY GOVERNMENT IN GERMANY

VISITING US ARTISTS

RG-03 05.02

August, 1948

NO. 142

AUGUST 24, 1948

THIS ISSUE • BIZONIA'S TRADE AGREEMENT PROGRAM



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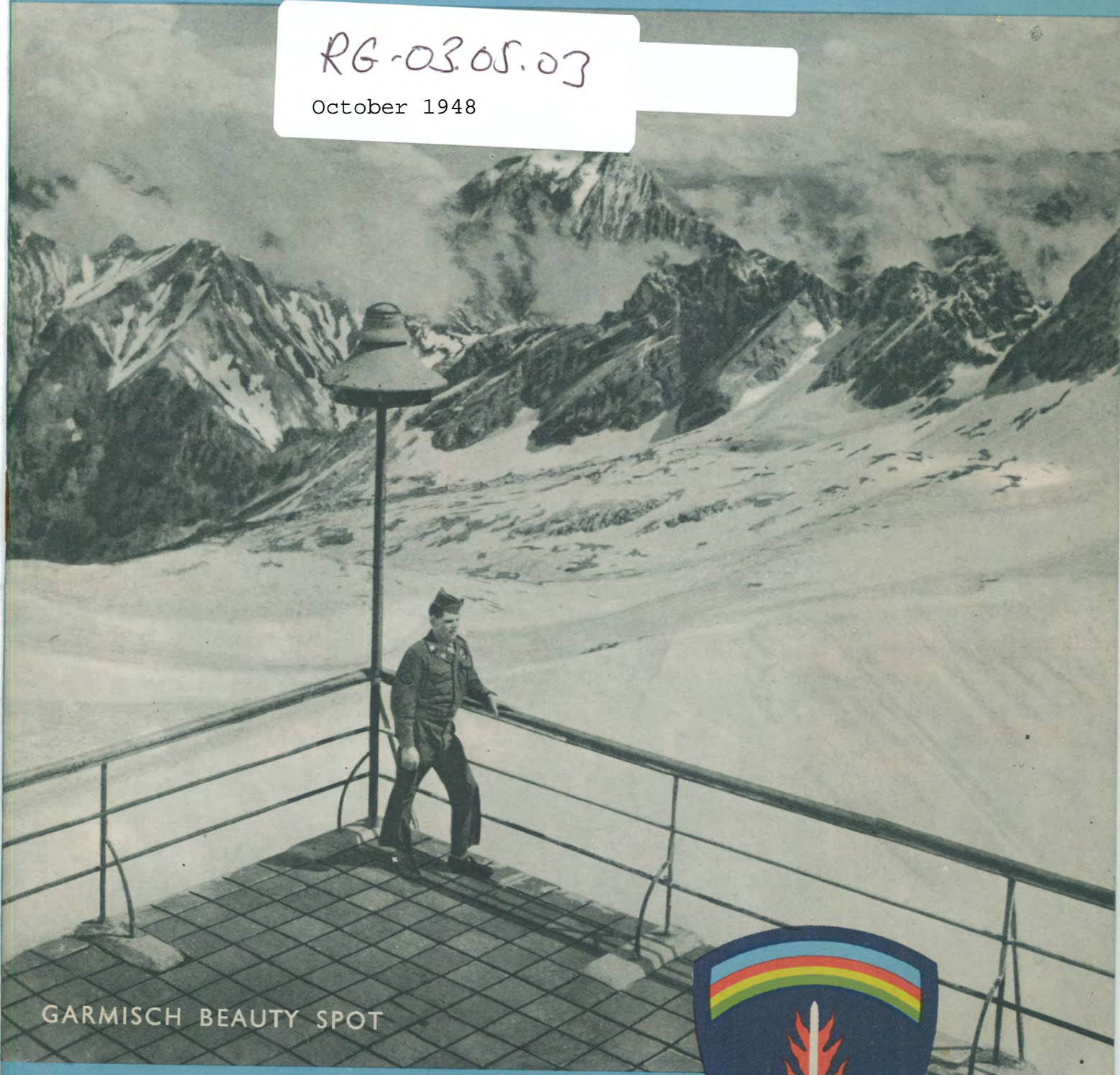


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RG-03.05.03

October 1948



GARMISCH BEAUTY SPOT



NO. 145

OCTOBER 5, 1948

THIS
ISSUE •

TODAY'S

WOMEN OF GERMANY



As 65 German delegates met at Bonn to draw up a constitution for the government of western Germany.

Constitution-Making at **BONN**

OVERSHADOWED by the more dramatic developments that are taking place in Berlin, a conclave of 65 German political leaders is sitting these days at Bonn on the Rhine — a meeting that may rank in the perspective of history as a much more significant event. This "Parliamentary Council," as it is officially called, is engaged in the task of drawing up a constitution for the government of Western Germany.

These 65 men are the representatives of the 46,000,000 Germans who live in the states of the western zones of Germany. Assembled in this gathering are the delegates from Bavaria, Wuerttemberg-Baden, Hesse, and the city of Bremen in the US Zone, North Rhine-Westphalia, Lower Saxony, Schleswig-Holstein and the city of Hamburg in the British Zone, and the Rhine-Palatinate, South Baden and Wuerttemberg-Hohenzollern in the French Zone. Furthermore,

By John Elliott

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Berlin, the former German capital, is represented by a delegation of five which may take part in the discussions but may not vote.

This constitutional convention was solemnly opened in the presence of leading Allied Military Government officials and the German ministers president in the western zones on Sept. 1, and is expected to sit at least until the end of October. Its debates are being held in the quarters of the "Pedagogical Academy," a teachers' training college. It is an ultra-modern building located on the banks of the Rhine, so that the delegates, looking through the window of the main hall, can see the ships

Photography by The Stars and Stripes

passing up and down on this storied river.

The significance of the assembly lies in the fact that it represents the first attempt to reconstruct Germany politically since Count Schwerin-Krosig announced the capitulation of Nazi Germany at Flensburg on May 7, 1945. It is a coincidence that this gathering should be held exactly 100 years after the Frankfurt Parliament in 1848 had finally attempted to bestow a democratic constitution on the people of Germany. And almost 30 years had elapsed since the Weimar convention drafted the constitution of the first German republic.

While both Frankfurt-am-Main and Weimar are closely associated with the name of Goethe, the present constitution-makers of Germany are meeting in the pleasant Rhine town that is known throughout the world as the birthplace of Beet-

hoben as well as the seat of an ancient and famous university. But there is one vital difference between the Frankfurt and Weimar congresses and the gathering at Bonn. While the earlier conventions represented all of Germany, no delegates from the Soviet Zone are permitted by the Russian authorities to attend the sessions of the "Parliamentary Council." Bonn is therefore no German National Assembly. And although it is the most important step that has been taken since the war to obtain the political unity of Germany, the Russians and their Communist supporters are shouting from the housetops that the Bonn convention is "splitting Germany."

The political leaders at Bonn are very sensitive about this accusation—so sensitive that they are careful to emphasize the fact that what they are doing now is laying the foundation of what they call "a provisional government of a state-fragment" and not the definitive constitution of a united Germany. This all-German constitution, they contend, can only be written when the representatives from all over the Reich can convene and when Germany's political sovereignty has been restored. And this constitution, they assert, cannot be drafted while Germany is under Allied occupation.

This German point of view was aptly expressed by Dr. Carlo Schmid, eminent professor of political science from the University of Tuebingen, in his address before the Social Democratic Congress in Duesseldorf early in September. Said Schmid: "No definitive solution will be sought in Bonn. All who work there, at least all Social Democrats, know that only a provisional government can be created. We will be able to create a state in the true sense of the word only when an agreement of the four occupying powers has been reached concerning an all-German policy. Every other solution would be bought at the risk of a world catastrophe."

This fear of leaving themselves open to the charge of being guilty of "splitting" Germany was the cause of the protracted debate on nomenclature between the three Allied



Ambassador Robert D. Murphy (center), special political adviser to the US Military Governor, and other observers at Bonn representing the French and British occupying powers.

Military Governors of western Germany and the ministers president of the 11 states. The Germans objected to calling the document which they were summoned to draw up a "constitution" as stipulated in the London Agreement concluded by the US, British and French governments, which constitutes the legal basis of the Bonn meeting. The Germans succeeded in getting the name changed to "Fundamental Law of a Provisional Constitution," (Grundgesetz Vorläufige Verfassung). Likewise, instead of labeling itself a "Constitutional Convention," the Bonn gathering styles itself a "Parliamentary Council."

Finally, the German ministers president objected to the proposal to have their constitution ratified at a referendum. They feared that this would give a binding character to a document—a distinction which they felt should be reserved for the definitive constitution of Germany. They pleaded that this charter should be ratified by the parliaments of the states. The Allied Military Governors in the end agreed to pass on the German objections to their respective governments. While no decision has as yet been taken on this point, it now appears likely that the German wishes will be respected and that

ratification of the document will be made by the state parliaments.

THE DELEGATES to the Bonn convention were named by the state parliaments according to the political strength of the political parties represented in them, in the ratio of one delegate to every 375,000 inhabitants. Hence, the Bonn convention reflects the political division of Germany as recorded by the last state parliamentary elections (these were held in the US Zone in November and December, 1946), and do not indicate existing German political thought.

The Bonn Convention is made up as follows:

CDU/CSU	27
SPD	27
Liberals	5
Communists	2
Center Party	2
German Party	2
Total	65

It will be seen that the "Parliamentary Council" is dominated by the two big parties, Christian Democratic Union bloc (including its sister party, the Christian Social Union of Bavaria and the French Zone) and the Social Democratic Party.

The Bavarian Party, which is today rivaling the CSU in that state, is not represented at all in the convention because it did not exist at the time of

the Bavarian elections. It is a party composed of dissidents from the CSU. It represents extreme Bavarian home rule, if not separatist elements, and its failure to have a voice in the convention weakens the federalistic faction.

The Bonn convention has been organized by these two big parties. Konrad Adenauer, long time mayor of Cologne and leader of the CDU in the British Zone, was unanimously elected president of the Assembly. Its deputy chairman is Adolph Schoenfelder, Social Democratic president of the Hamburg Buergerschaft.

SOME of the ablest political figures of contemporary Germany are sitting in the Bonn Parliament. Besides Adenauer, the CDU is represented by Anton Pfeiffer from Bavaria, who dominated the Chiemsee meeting which drew up a list of proposals for the Bonn gathering.

The Social Democratic delegation includes Dr. Walter Menzel, the Minister of the Interior in North Rhine-Westphalia, who has drawn up the Social Democratic paper on what the new constitution ought to be; Professor Bergstraesser, an authority on international law who comes from Hesse, and Carlo Schmid, who next to Dr. Kurt Schumacher is probably the dominating figure in his party.

The Democrats have sent Theodor Heuss, a veteran German liberal who was formerly Minister of Education in Wuerttemberg-Baden.

Although the Communists have only two delegates at the convention, one of them is their leader in western Germany—Max Reimann. He is an able and aggressive debater.

Berlin is represented by a delegation consisting of Paul Loebe, the former Reichstag president; Ernst Reuter, Otto Suhr, Speaker of the Berlin City Council; Jakob Kaiser, the former CDU leader in the Eastern Zone who was deposed from his office by the Russians, and Dr. Reiff of the Liberal Democratic Party.

The Communists' attitude towards the convention was laid down by Reimann in the opening meeting. They deny that the Bonn convention has any authority to draft a constitution for Western Germany. Reimann submitted a motion to the

effect that the "Parliamentary Council" was instituting discussions on a separate West German constitution," and warned that the Bonn meeting would have disastrous consequences on the Moscow and Berlin negotiations. After rowdy scenes that recalled the debates in the prewar German Reichstag, his motion was defeated with only the two Communists supporting it.

As in the Philadelphia Convention of 1787 that drew up the American Constitution, the principal issue at stake in the Bonn gathering revolved around the distribution of power between the central government and the state. The London Agreement stipulates that the Western German government shall be federal in character, but then what is federalism? The US Constitution, as it is interpreted and applied today, would seem perilously like an "Einheits-Staat" (unified state) to James Madison and most of the Philadelphia delegates.

The Social Democrats are the champions of a strong central government. They would like to see the western German government have powers closely analogous to those of the Weimar Republic. Their views on the subject have been embodied in a report bearing the name of Walter Menzel, the SPD minister of the in-

terior in the government of North Rhine-Westphalia.

THE CHRISTIAN Democratic-Christian Socialist bloc, on the other hand, wants a central government of limited powers with all rights not expressly given to it reserved to the states. The Bavarians, in particular, are the exponents of the states-rights school of thought, and their ideas have found expression in the so-called "Ellwangen Document" named after the town in Wuerttemberg where this paper was drafted by a group of Bavarian politicians last spring.

Generally speaking, it may be said that the Social Democrats represent the ideas of Alexander Hamilton so far as central government is concerned, whereas the Christian Democrats embody the Jaffersonian ideas of states rights.

As the SPD and CDU/CSU are equally balanced in the Bonn convention, the struggle between the unionists and the federalists is likely to prove close and tense, with the issue perhaps being decided ultimately by the 11 voters of the minor parties.

The principal point at issue will probably center around what body is to raise and distribute the taxes—the central government or the states.

In the Bismarckian Reich the central government could indeed raise revenue



Pedagogical Academy is the site of the discussions of Bonn.

from custom duties, but for most of its funds it was dependent upon the states. But under the Weimar Republic, the central government levied practically all the taxes, including income taxes, and distributed part of these revenues to the states, which were therefore rendered financially dependent on Berlin.

This reform, the work of the able Center Party financial expert, Matthias Erzberger, constituted what is probably the most important distinction between imperial Germany and the Weimar Republic. Bonn may witness a bitter controversy as to whether the future Western German government will adhere to the Erzberger reform or set the clock back to Bismarck's day.

SOME IDEA of what the future constitution of Western Germany may contain, or what the chief issues are that will be fought out before the Bonn convention, may be gleaned from the majority report submitted by the Chiemsee conference. This was a body of 22 men—two from each state—appointed by the ministers president to work out a draft to be laid before the Bonn convention as a basis for its debates. These delegates met from Aug. 10 to Aug. 22 in the gorgeous palace built by King Louis II of Bavaria upon an island in the middle of the idyllic Chiemsee.

The Chiemsee experts recommended that the Western German state should constitute a "state-fragment" (Staats-Fragment), not a "full state" (Voll-staat). This was done to stress the provisional character of the Western German constitution.

This solution was chosen as the best of three alternatives. The other two possibilities were, (1) creation of a Western State which it was feared would be tantamount to separation, (2) a formation of a "German federal republic" with claims to exerting its authority over all Germany, even though it was obvious that it could not make its laws effective in the Russian Zone. This alternative was regarded as being too aggressive in character and was not seriously considered.

The Chiemsee majority report recommends that the states shall have control over educational and cultural affairs, but that the central

government shall have far-reaching powers in the matter of financial legislation. It specifies that the central government shall have exclusive legislative authority to impose custom duties and shall have priority in regard to legislation concerning income and property taxes as well as sales and consumption taxes.

It is proposed that the union shall have a bi-cameral parliament. The lower chamber shall be a "Bundestag" representing the people, like the American House of Representatives, while the Upper House, the "Bundesrat," shall consist of representatives of the state. Unlike the American Congress, however, the delegates of the Bundesrat shall not be elected by the people, but shall be appointed by the state governments, as in the Weimar Republic.

The majority report further recommends that the executive branch of the government should be headed by a Bundespraesident. He is to be elected by the joint votes of the two houses of parliament just as the French president is elected by the National Assembly.

The Chiemsee experts propose that the Western German state should have the cabinet system of government as is common in Europe, in preference to the American presidential system in which the chief executive remains in power for a fixed period of time.

The Chiemsee majority report also suggests that the West German state should be called the "League of German States."

The struggle in the Bonn convention between the unionists and the federalists is foreshadowed by two proposals concerning the text of the preamble to the constitution. According to one version, all constitutional power emanates from the German people, while according to the federalist school of thought, the source of power resides in the individual state.

Social Democratic headquarters have made it clear, however, that they did not consider the Chiemsee Report as a document that had to be accepted or rejected *in toto*. Fritz Heine, the party's secretary at Hanover, said that the Chiemsee paper might well "be thrown in the wastebasket"

although he conceded that some points from it might be incorporated in the future German constitution. But he declared that the SPD would never consent to the proposal that the West German state should be called a "League of German States"—a name that doubtless suggested to him a Confederation rather than a Union.

Coincident with the drafting and ratification of a constitution for Western Germany, two other important papers in accordance with the London Agreement will be promulgated. One is the Occupation Statute, which will be decreed by the three Western Powers. This document will serve as the Magna Carta of the people of Western Germany, defining their rights vis-à-vis the occupying powers.

The second will be alteration of German state boundaries which the German leaders had been authorized to make. It seems likely at present that only one such change will be made, namely the amalgamation of Baden and Wuerttemberg. This merger would be a territorial reform all to the good, since it would correspond to the claims of both history and tradition and would create a well balanced state in southern Germany approximately equal to Lower Saxony in respect to population.

THE WORK of the Bonn convention bids fair to be an historic milestone in German history. The creation of a political government for western Germany will be an important step towards the ultimate unification of all Germany. The western German state will be a magnetic force that will tend to attract into its orbit the part of Germany now under Russian rule. In this sense, the western German state may well play the same role for Germany that the kingdom of Piedmont did in unifying Italy in the 19th century.

It may be regarded as a striking coincidence that the Bonn convention is meeting on the 100th anniversary of the German Revolution of 1848. The Frankfurt Parliament that met that year tried to establish German unity on the basis of liberty and democracy but failed because of the political dilettanteism of many of the delegates and because of the lack of

(Continued on Page 29)