



LIBRARIES

UNIVERSITY OF WISCONSIN-MADISON

A program to foster citizen participation in government and politics in Germany. 1951

United States. Office of the US High Commissioner for Germany
[Frankfurt]: [s.n.], 1951

<https://digital.library.wisc.edu/1711.dl/GK35EP3IS4SNX8Q>

As a work of the United States government, this material is in the public domain.

For information on re-use see:

<http://digital.library.wisc.edu/1711.dl/Copyright>

The libraries provide public access to a wide range of material, including online exhibits, digitized collections, archival finding aids, our catalog, online articles, and a growing range of materials in many media.

When possible, we provide rights information in catalog records, finding aids, and other metadata that accompanies collections or items. However, it is always the user's obligation to evaluate copyright and rights issues in light of their own use.

LIBRARY
UNIV. OF WIS.

The Library
of the



University of Wisconsin

OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY.
DIVISION OF INTERNAL POLITICAL AND GOVERNMENTAL AFFAIRS.

**A Program to Foster
CITIZEN PARTICIPATION
IN GOVERNMENT AND POLITICS
in Germany**

**Prepared by the
Division of Internal Political and Governmental Affairs
Office of Political Affairs**

January 15, 1951

PREFACE

The program set forth on the following pages was prepared in June 1950. In view of international developments since that time, there has been a relative shift of interest among Germans and in HICOG from internal problems toward foreign relations.

But our basic policy, to seek a democratic Germany created and supported by the active interest and cooperation of free and informed citizens, remains. The definition of the problems and the statement of the goals in the following pages are unchanged. The methods suggested to interest individual Germans in public affairs and to make more effective the expression of their interest are still valid. New items and new approaches have been developed in the light of changing conditions, but it has seemed better to issue the program in its original form than to incur additional delay through rewriting it to add these new factors.

Accordingly, the program is circulated for the guidance of those working in this field and the information of those interested in the subject matter.

Kenneth Dayton
Chief, Internal Political &
Governmental Affairs Division
Office of Political Affairs

Frankfurt-Main,
Germany
January 15, 1951

JN
3971
A91
U5

Table of Contents

	Page
I. GENERAL STATEMENT	
1. The Problem	5
2. The Program	5
II. PROGRAM PLANS	
1. Citizen Participation in Government	7
2. Local Government	9
3. The Public Employee, the Citizen, and the State	11
4. Civil Liberties	14
5. Police Policy and Administration	16
6. Political Parties and Election Systems	19
7. Legislative Organization and Practice	21
8. Federal-State Relations	23
9. Education in Political and Governmental Affairs	24
10. Institute of Public Affairs	25
11. Special Projects	27
Each of the first ten Program items has the following subdivisions:	
A. Problem	
B. Objective	
C. Progress to May, 1950	
D. Planned Action to July, 1951	
(1) General	
(2) Visiting Consultants	
(3) German visits to U.S. and European countries	
(4) Pamphlets	
(5) Land Offices	
(6) Kreis Offices	
(7) Newspapers and Radio	
(8) Films	
III. OPERATING RESPONSIBILITIES	
1. Internal Political and Governmental Affairs Division	28
2. Other HICOG Headquarters Units	28
3. Land Offices	28
4. Resident Officers	29
5. Other Local Units	30
6. British and French Zones: U.S. Land Observers	30
7. Visiting Consultants	30
8. German Visits to U.S. and European Countries: Follow-up Programs	30
9. Pamphlets	30
10. Newspapers and Radio	31
11. Films	31
12. Exchanges Division	31
13. Deutsche Mark Funds	31
14. German Legislation	31
15. Reports and Analyses	32

TERMINOLOGY AND ABBREVIATIONS

The general reader may well be puzzled by German governmental terminology and by abbreviations in common use in Occupied Germany.

German Terms

The **Bundesrepublik Deutschland** is the Federal Republic of Germany, made up of the eleven states outside the Russian Zone of Occupation.

The **Bundestag** is the popularly elected lower house of the Federal Parliament.

The **Bundesrat** is the upper house of the Federal Parliament and consists of members of the Land governments.

The **Grundgesetz** (Basic Law) is the Constitution for West Germany, the term having been adopted by the Germans to emphasize the fact that it was provisional and temporary pending the recovery of German sovereignty and the unification of East and West Germany.

A **Land** (plural **Laender**) is a state within the Federal Republic. There are eleven Laender in West Germany, as follows:

U. S. Zone of Occupation:	Bavaria (Bayern) Wuerttemberg-Baden Hesse (Hessen) Bremen
French Zone of Occupation:	Wuerttemberg-Hohenzollern South Baden (Suedbaden) Rhineland-Palatinate (Rheinland-Pfalz)
British Zone of Occupation:	North Rhine Westphalia (Nordrhein-Westfalen) Lower Saxony (Niedersachsen) Schleswig-Holstein Hamburg

A **Landtag** (plural **Landtage**) is the popularly elected assembly at the Land level. Few Laender have any second chamber.

A **Kreis** (plural **Kreise**) is roughly equivalent to a county.

A **Landkreis** (plural **Landkreise**) is a rural county; a **Stadtkreis** (plural **Stadtkreise**) is a city county.

A **Gemeinde** (**Gemeinden**) is a village.

A **Stadt** (plural **Städte**) is a city.

Abbreviations

HICOM:	The Allied High Commission for Germany.
HICOG:	Office of the U. S. High Commissioner for Germany.
OMGUS:	Office of Military Government for Germany (U. S.) — the predecessor of HICOG.
PA or POLAFF:	Office of Political Affairs, HICOG.
IPG:	Division of Internal Political and Governmental Affairs, Office of Political Affairs, HICOG.-
PUB or PUBAFF:	Office of Public Affairs, HICOG.
IS or ISD:	Information Services Division of PUB.
ECR:	Education and Cultural Relations Division of PUB.
OLC:	Office of a Land Commissioner established in each of the eleven Laender in West Germany.
KRO:	A Kreis Resident Officer representing HICOG at the local level (in one or more of the Kreise).

A PROGRAM TO FOSTER
CITIZEN PARTICIPATION IN GOVERNMENT AND POLITICS
IN GERMANY

I. GENERAL STATEMENT

1. THE PROBLEM

The development by the German people of their political independence in a federal structure and along democratic lines, in close association with the free peoples of Western Europe, has from the outset been one of the basic objectives of the occupation. Whether this objective can be realized depends upon the German people. It cannot be imposed by the occupation.

In respect of this objective there are in Germany two trends which are diametrically opposed. On the one hand there is evidence that the large majority of the German people wish to live under a democratic governmental and social structure, to enjoy the individual rights and freedoms which we associate with democracy, and to exercise their rights as citizens in shaping of governmental and political policy. They have a record in German history to support them. Over the century before the first World War there was in many parts of Germany a slow but steady increase in recognition of the rights of the individual citizen to enjoy personal liberty and to participate actively in government. This movement lost ground when economic and social difficulties led to increasing centralization of power and the use of enabling acts under the Weimar Republic, and disappeared completely during the Nazi period. Since 1945 there has been an encouraging revival of interest, reflected to some extent in the political parties, but more especially in the organization of citizens' groups for the discussion of public questions, to seek information on governmental activities and policies, and for active participation in public affairs, especially at the local level.

On the other hand, the weight of the existing German governmental and political system and tradition stands against this development, as it stood against the limited gains of the last century. The larger part of the German people have long lived under and been conditioned to authoritarian forms and practices in government. There has been a widely accepted concept that the state is not the creature and embodiment of the people, but a superior entity of which the people are the servants rather than the master. Adequate information upon public affairs is not readily available to the ordinary citizen, and public opinion usually is of little weight. Authoritarian forms and practices have crept over into non-governmental organizations such as the political parties (even those with a democratic philosophy), business and industry, and to considerable extent the trade unions, and directly affect a large part of the life of the individual German citizen today. As a result, the German people generally lack an understanding of and experience in the exercise of democratic rights and duties. There has been too limited a public and individual interest in political and governmental affairs, partly because such interest ap-

pears to many Germans to be futile under existing political conditions and partly because of a tradition that these are the exclusive fields of those who have been educated for the purpose.

It is evident that there are many individual Germans who are interested in public affairs and who are aware of these conditions and want to change them. As individuals they lack the influence to overcome the entrenched system. The key to success is to arouse public interest in the political and governmental system and its problems, to make the public conscious of those factors which operate against its interests, and to find means by which informed public opinion may be used effectively to accomplish the necessary reforms.

Various groups and associations already organized offer a nucleus for such a movement. Analysis shows, however, that their present interests and activities are too general and lack direction. They need programs which will center their efforts and their potential strength upon specific reforms and which will attract a much wider popular support than those groups now enjoy.

Furthermore, it is vital to interest German youth and persuade them to become active participants. Today the great majority dislike and distrust the existing parties and political system. Very evidently a liberal German political life will never be realized through the older generations alone, and at some stage the responsibility for German public life must pass to the younger generation. If the existing vacuum is not filled with democratic ideals, it will be filled by principles alien to our objectives. Youth's disinterest exists because the German political system appears to them to offer no affirmative solution of the problems which confront them and to bar them from solution of these problems by their own efforts. (See Part II, Program Item 6, p. 19)

Any such programs must be German in character and effectuation. Otherwise they will not attract public support nor will the accomplishments be permanent. Foreign domination of such a movement or the imposition of alien patterns of thought or practice must be scrupulously avoided. But if these limitations be kept always in mind, it is proper to extend aid and advice to German individuals and groups in their efforts to secure reform.

2. THE PROGRAM

A review of present German activity in the fields of politics and government shows a very broad range. These activities are undertaken by:

- a. Local groups organized to discuss governmental problems.
- b. Bund- and Land-wide organizations to support specific programs.

c. Associations of professional public administrators in a variety of fields engaged in modernizing concepts and techniques within their fields.

The subjects covered by these groups have led the Internal Political and Governmental Affairs Division to set up its program for aid and advice under eleven headings, as follows:

1. Citizen Participation in Government;
2. Local Government;
3. The Public Employee, the Citizen and the State;
4. Civil Liberties;
5. Police Policy and Administration,
6. Political Parties and Election Systems;
7. Legislative Organization and Practice;
9. Education in Political and Governmental Affairs;
10. The Institute of Public Affairs;
11. Special Projects.

In Part II the eleven headings of the program are explained in detail. They fall into two distinct parts.

The one is concerned with German movements to stimulate the interest and participation of as many individual citizens as possible in political and governmental affairs. The first item, Citizen Participation in Government, is a general project dealing with aid in the organization of citizen groups, general stimulation of interest in politics and government, and other means appropriate to the objective. But interest can be aroused and maintained only if citizens can deal with specific problems of direct interest to them, and these subjects should be such as to offer them the opportunity for active participation in political and governmental affairs. The next three — Local Government; the Public Employee, the Citizen and the State; and Civil Liberties — will serve this practical purpose, since they affect directly the daily life of the citizen. There is an element of citizen participation in the fifth item — the development of the traffic safety program — which is partly intended to elicit understanding and cooperation between the police and the citizen.

The second group of activities involves aid to specialized groups working on specific subjects, the character of which is suggested by the titles of the items themselves. This also includes aid to special groups in connection with headings 2, 3 and 4 — the extension of local autonomy, civil service and administrative court reform, and the activities of Civil Liberties Unions.

The plans for carrying out the program are set forth in Parts II and III of this report. Part II describes the activities peculiar to each heading. Part. III, deals with the program responsibilities of various HICOG organizational units and levels, and with certain activities common to all headings.

In general, the coordination and supervision of the program is undertaken by the Civic Activities

Branch of this Division. It develops some of the projects directly with its own staff. Others are assigned to the Legislation and Public Safety Branches or to the Civil Service Consultant, in accordance with their functional interests. Some field work is undertaken from headquarters, but the greater part is delegated to the Political Affairs Divisions in the Offices of the Land (State) Commissioners, who in turn delegate much of the responsibility for assisting citizen participation and related projects to the Kreis (County) Resident Officers.

Many of the projects involve coordination or collaboration with other functional units in HICOG — Labor Affairs, General Counsel, Food and Agriculture Division, and the Field Division. The Office of Public Affairs has a special interest in the program since a number of the activities — work with community groups, women's and youth organizations, press, radio and universities — are functionally within its jurisdiction. Work in these fields must be carried out by the relevant Public Affairs unit or with its approval.

The State Department and the advisory Governmental Affairs Panel associated with it is responsible for the selection of visiting consultants to come to Germany from the United States and arrangements for Germans going to the United States under this program.

The program has limited value if it is developed only in the four Laender of the U.S. Zone and in the U.S. Sector, Berlin. Stimulation of citizens' interest in participation in public life and the movement for reform in specific fields must permeate all of West Germany and West Berlin if reform is to be accomplished. There appear to be no fundamental differences in respect to desirable objectives in Germany, and therefore it seems practicable to arrange coordination of the program in our Zone with related activities in the Laender in the British and French Zones.

The activities described in Parts II and III do not present an operating program in its ultimate detail. To some extent this must be an *ad hoc* development. For example, varying progress has been made in developing citizen participation in the Kreise (counties), and further aid will be adapted to the situation existing in any particular locality, determined in large measure by the judgment of the individual Resident Officer. Radio and newspaper programs must be worked out, and the use of consultants from outside Germany determined, in relation to the situation existing at a given time.

In reading the parts that follow, it must be borne in mind that the purpose of this paper is not to define organizational relations and channels which are set forth officially in the HICOG organization manual and appropriate staff announcements. The reference to organizational relations is primarily intended to indicate a manner in which this program can be implemented under existing arrangements, and to show the relationship that exists between this and other programs in the fields covered. Such statements are, therefore, to be considered as guides rather than instructions.

II. PROGRAM PLANS

The following subdivisions set forth a statement of the problem in each of the eleven fields into which the program is divided, our objectives in those fields, and a statement of the progress made to May 1950. This is followed by an outline of the action planned to July 1951. As already stated, the outline of planned action is not intended to present the details of the operating program, which must be developed in relation to the situation as it exists in various fields from time to time, and which in many cases involves co-ordination and collaboration with other HICOG elements at the headquarters, Land and local levels.

Unless otherwise noted, the comment on "progress" is limited to the U.S. Zone because we do not have sufficient information about developments in the French and British Zones. Similarly, as to "planned action", it is predicated upon existing or prospective German organizations and activities in the U.S. Zone and appropriate action by the HICOG organization. It is hoped to work out a common program in the three Zones, with agreement upon cooperative action and an interchange of materials. Since plans are not yet formulated for each individual program item, the general plan is set out in Part III, subd. 6.

Generally no special mention is made in the program of work with women's and youth organizations. Nevertheless, in each field it is intended to take special account of these factors. There are two reasons. One is that the development in these organizations of an informed interest in public affairs has not progressed as far as in the organizations where men play the predominant role. The second is that women have a numerical majority in Germany, and that youth represents a potent force for good or bad depending on the direction in which this force is oriented.

Throughout the program items mention is made of pamphlets to be issued. It should be understood that these are of German origin except for three translations adapted to German conditions.

1. CITIZEN PARTICIPATION IN GOVERNMENT

A. PROBLEM

There is a widespread lack of knowledge and interest in political and governmental affairs among the German people. The party and political systems have developed so as to minimize general public participation and influence. Officials and legislators have felt too little direct responsibility to their constituents. Means for the development and expression of public opinion have been inadequate, and it has been of limited importance. The concept in our word "citizen" — the individual as a participant in community and state, with well-developed rights and obligations — is too little understood.

B. OBJECTIVES

To aid those Germans who seek individually or through organized groups:

(1) to develop an interest among citizens in the study of or participation in public affairs;

(2) to develop and use public opinion in support of democratic improvements in government and politics;

(3) to create active understanding of the rights and obligations of the individual as a citizen toward his community and his state.

(4) to bring German youth and women into the movement as active participants.

C. PROGRESS TO MAY, 1950

There has been considerable progress in this field. A substantial number of citizens' and community groups have been organized under German auspices. Forums have been held on the initiative of Kreis Resident Officers or the "Amerika-Haeuser". The interest of participants has been aroused, and in a limited number of localities has resulted in citizen demand for participation in local government activities, the right to attend and be heard at local council meetings, the right to have reports from local officials, and public support of civic improvements.

On the whole, however, citizens' groups have been more active in the cultural and welfare fields than in public affairs. Comparatively few of them are organized for action or have any specific program in the field of government and politics or for developing practical community responsibility. They represent too small a proportion of the population, and they are not yet so well established that they could survive without outside help if political or official opposition made a determined effort to end them.

German youth especially appears not to have been enlisted in this field. The youth program to date, which has brought a substantial percentage of the younger generation together in cultural and social, athletic and self-help groups, appears to have laid a good foundation for interesting them in public affairs. The potential interest exists. The younger people are well aware of the problems which confront them in Germany, and it is certain that they would grasp eagerly any opportunity to take positive action to meet these problems. But up to the present time they have had no opportunity and no encouragement. The German political system (see Program Item 6) is authoritarian in character and is run by the older leaders. Youth as a whole senses the futility of the present system, but has no idea of the steps which it can take to correct this.

To a lesser extent the same statements are true of women's organizations.

D. PLANNED ACTION

(1) General

Existing groups interested in political and governmental activities will be offered suggestions for specific programs in the fields of local government, citizen-official relations, and civil liberties. (See Program Headings 2, 3, and 4.) Aid and advice will be given to Germans who wish to organize new groups.

Special attention will be given to German youth and women's associations. Consultants to advise on

organization and programs, visits to the United States and European countries for observation of citizens' and community groups, and simple explanatory pamphlets will be available as indicated in the following paragraphs.

(2) Visiting Consultants

Three U.S. consultants have been requested for the summer of 1950.

(a) One will be a specialist on techniques of arousing interest in public movements and stimulating public opinion. He will prepare a plan adapting U.S. techniques to German conditions. This will be used to assure that other programs are best suited to arouse the interest of the individual German citizen.

(b) Two will have special experience in working with citizens' and community groups in the field of government and politics. Under the supervision of the Land Commissioners' Offices they will confer with German leaders, community groups, local legislative schools, town councils, and local officials on the practical aspects of citizen participation in government and politics.

For 1951, six U.S. and five European consultants have been requested.

(c) One from the U.S. will be a journalist with special interest in governmental affairs to work with local newspaper editors and community groups on coverage and constructive presentation of governmental and political matters.

(d) Another will be a radio consultant with similar special interests to work with radio program directors and community groups on radio presentation of governmental and political matters.

(e) Four will continue the program outlined in paragraph (b) above, together with the five European consultants.

(3) German Visits to the US and European Countries

It is planned to send forty-eight Germans to the United States during the fiscal year 1951.

In groups of eight they will visit selected U.S. communities to study the relationship of citizens to local government and community and methods of organization and operation of similar groups in the U.S. The program will include university seminars, conferences with U.S. group leaders, observation of group meetings, meetings of local legislative bodies, public hearings, political party meetings and other phases of citizen participation in public affairs.

While usually such groups are selected from the entire U.S. Zone we shall experiment here with the selection of a group as a unit from the same general local area, e. g. a large city or two or three contiguous counties (Kreise). The group will represent a cross-section of local leaders — a newspaperman, a local councilman, a local official, a Union leader, a church leader, a leader of women's groups, and two leaders of other citizens' groups. It appears probable that after their return the effect of such a group working in cooperation in a limited territory may be heightened.

(4) Pamphlets

To meet the need for information on citizen participation in public affairs and organization

for that purpose, the following pamphlets will be made available to German leaders and group participants who wish them.

(a) "Is Politics Your Business?" Reprint of U.S. League of Women Voters' pamphlets, adapted to German conditions. In type, 100,000 copies available for distribution about 1 July 1950.

(b) "Citizen's Organizations and Rules of Order". Adaption to German conditions of U.S. League of Women Voters' pamphlet, giving suggestions on structure of organization, duties of officers and rules of order for conduct of business. Text completed. 100,000 copies available for distribution about 1 July 1950.

(c) "Let's Hold a Discussion". Adaption to German conditions of U.S. League of Women Voters' pamphlet making suggestions to group leaders and participants upon effective preparation for and conduct of discussions. In type. 100,000 copies ready for distribution about 1 July 1950.

(d) "The State and I". A simple presentation by a leading German publicist of the theory of the state and its relation to the citizen and his rights and duties in connection therewith. Intended for persons with elementary and secondary school education. In type. 100,000 copies available for distribution about 1 July 1950. (Additional printing, if this pamphlet is accepted for use in the elementary and secondary schools, as is hoped.)

(5) Land Offices

Much of the activity of the Land Office in this program will consist of coordinating and supervising the activities of the Kreis Resident Officers (see Part III, subd. 3 and 4).

In addition, it is planned to continue a seminar program initiated in Bavaria, and if it is successful, to extend it to other localities and Laender. Selected young Germans meet for two-week periods for discussion with German leaders and experts and U.S. and European consultants on democratic governmental and political principles, organization, and procedures.

(6) Kreis Offices

Because the success of this program depends so completely upon the participation of the Kreis Resident Officers and because their activities cover Program items 1-4 in common, this has been made the subject of a separate section in Part III, subd. 4.

(7) Newspapers and Radio

In addition to the work of the consultants described in (2) (c) and (d) above a series of conferences will be organized during the fiscal year 1951 in cooperation with the Press and Publications Branch of the Information Services Division. Four different localities will be selected in the American Zone in each of which either two or three conferences of twenty newspaper reporters and editors will be held to discuss the effective coverage of news concerning political and governmental matters. These conferences will be under German auspices. It is desirable to hold them after the arrival of the newspaper consultant, if that can be expedited.

A series of similar conferences will be held for radio program men on a zone-wide basis in co-

operation with the Radio Branch, Information Services Division. Particular attention will be paid to the development of radio forums on current questions of public interests.

(8) Films

No special film program has been developed.

2. LOCAL GOVERNMENT

A. PROBLEM

A sound local government system contributes to democracy in two ways.

(1) The individual citizen's concern with public affairs is limited unless he feels that public problems affect him personally, and that he can somehow influence their solution. This is most easily done at the local level of government, which so closely affects his daily life.

(2) Local autonomy is a safeguard against over-centralization of power with its resulting authoritarian tendencies.

Local autonomy and the citizen's right to participate in local government never approached in Germany the development in the United States, although it had a strong basis in parts of Germany prior to World War I. The centralist tendencies of the Weimar Republic impaired it and it disappeared under the Nazis.

As a general rule, the ordinary citizen does not participate actively in local government. In some communities officials and local councils discourage such participation and take active measures to prevent it. Where citizens are encouraged to participate, it is the result of a democratic attitude of individual officials and not a matter of an established system or of legal right.

While the constitutions in the U.S. Zone Laender, and German practice in the past, recognize the authority of local governments to manage their own affairs, in practice the state ministries interfere. The situation is further complicated by the German practice of delegating the administration of state laws to individual local officials (rather than to the local government entity), who for that purpose are considered to be state officials and subject to the detailed direction of the state ministers. This creates a divided loyalty and in practice impairs the local official's independence in performing his local duties.

B. OBJECTIVES

To support German leaders who encourage citizens to study their local governments and who seek:

- (1) to establish the right and practice of participation by citizens in local government, and
- (2) to further local autonomy.

As illustration, citizen participation might include a system of public hearings by local councils or officials before policy is determined, and access of citizens to public records and generally to information upon public action taken or proposed. Citizens might participate directly in local government where appropriate, as, for example, through parents' committees in connection with the schools or through local school boards with effective

administrative responsibility. Generally, the development of a closer relationship between and responsibility of local legislators and officials to local voters is desirable and may be promoted by election by popular vote, by name and not by party list.

As to local autonomy, it might extend to all matters which can be effectively undertaken or controlled at the local level, the state retaining only general supervision and the right to enforce compliance with the law. To carry this out the local legislative body ought to have authority over local executive and administrative officials and the power to take remedial action where such officials refuse to carry out legislative determinations. State functions might be delegated to the local government as a whole rather than to an individual official. Local independence will remain weak until tax resources are redistributed so that local governments control the bulk of their own revenues through authority to levy and collect the necessary taxes.

C. PROGRESS TO MAY 1950

The establishment of a considerable number of citizens' and community associations was noted under the preceding discussion dealing with Citizen Participation. These associations and local forums have interested themselves to a considerable extent in local government. Where local officials have been receptive, they have been successful. Where local officials have been hostile they have generally been unsuccessful because the law supports the officials or because the citizens do not know how to enforce such rights as they have. Citizens have been barred from council meetings and denied access to public records, information has been refused to the press, and citizens have been threatened with criminal prosecution when they attempted to assert their rights or to carry out a civic improvement on their own initiative.

Occasionally, however, citizen groups have been successful in overriding official opposition. It is fairly evident that the will exists to participate in local affairs, but practical methods to effectuate it must still be devised.

A local government school was established in Wuerttemberg-Baden in 1949. An expert from the British Zone was loaned to assist in the initiation of this project. This school holds repeated sessions of one week each for members of local government councils (not for officials) to orient them on their rights and responsibilities and effective methods of work. This school will be continued in 1950, and Bavaria and Hesse will establish similar schools.

The constitutions of the U.S. Laender provide for local autonomy but these constitutional provisions appear not to have been fully implemented by law nor to be observed in practice by the state ministries.

The "Deutscher Staedtetag" developed a draft municipal law and discussed it with the Land Ministries of the Interior and communal associations. OMGUS views on local government were circulated to the same groups. A law incorporating many desirable features and eliminating past limitations on local autonomy has been introduced and has considerable support in the Bavarian Landtag, although so far the Ministries have blocked its passage. Other Laender have also prepared legislation, but it is not very satisfactory, nor does there seem to be much public support in Hesse or Wuerttemberg-Baden.

Two U.S. and three European experts on local government spent the summer of 1949 in consultation with German officials at all levels and eight German local government leaders went to the U.S. for two months.

The cumulative effect of these activities has created a definite change in the thinking of many German local government officials and among a few officials in the Ministries of the Interior. However, genuine local autonomy is far from attainment, either in law or practice.

D. PLANNED ACTION TO JULY 1951

(1) General

A prerequisite to active citizen participation in local government and in movements for local autonomy is an understanding of local government as it presently operates. Programs for study and background material will be furnished to those Germans who desire this assistance.

Advice and assistance will be extended to Germans who seek practical means for participating in local government and ways of protecting themselves against official displeasure. Germans need to be advised of their legal rights, but more particularly they need advice on how to go about enforcing these rights and how to conduct themselves to get results without recourse to the law. One of the pamphlets described in (4) below will deal with this subject. Since actual contact with the Germans will rest largely with the Kreis Resident Officers, seminars will be held with them to discuss various approaches and problems.

The campaign for local autonomy presents an equally practical political problem. It is unlikely that much can be accomplished in this field by citizens' groups until they understand and have become actively interested in local government as such. Group action will be encouraged, wherever it is found to be practicable, and a simple pamphlet described in (4) below will be available for distribution. Meanwhile, contacts with local and state officials and Landtag members will be expanded to interest them in the extension of local autonomy. Seminars with the Kreis Resident Officers will also cover this subject.

Lecturers and other aid will be furnished when desired to the local government schools in the three southern Laender, and Kreis Resident Officers will be kept in touch with this program so that they may discuss problems with local council members on the basis of a comprehensive and uniform approach.

(2) Consultants

Two U.S. and four European experts on local government have been requested for 90 days each during 1950.

One of the U.S. consultants is a specialist on local government finance, who will work with interested Germans on analysis of the elaborate and complicated system of local government subsidy by the states which has developed in the last thirty years and which presently makes the localities entirely dependent upon the state treasury for existence. The object is to secure practical suggestions for a substitute system which will assure the localities of financial independence.

Under the supervision of the Land Commissioners' Office, the others will consult with citizens' groups, local councils and officials, Landtag members, and Kreis Resident Officers, and as requested, will give

talks before legislative schools. Their discussions will cover practical aspects of citizen participation in local government, and of local autonomy, as outlined above.

Four U.S. and eight European consultants have been requested for 90 days periods each for 1951. They will follow the same program.

(3) German Visits to U.S. and European Countries

Twenty German local officials will visit the U.S. for 90 days during the summer of 1950. This group will work with local government officials in the U.S. upon practical methods of local government, observation of policies and practices in relations between the citizens and local governments, and relations between local governments and the states.

In the fiscal year 1951 twelve Germans will visit the U.S. in two groups of six each, and sixteen Germans will visit Switzerland in two groups of eight each, all groups for periods of 90 days. In the 1951 program, emphasis will be placed on the selection of persons who are in a position to influence public participation in local government, and such groups will therefore include editors, councillors, union leaders, representatives of civic groups, and possibly of the Landtag and Ministries of the Interior, as well as local officials. They will get a preliminary view of the field in a university seminar and will then observe civic associations as well as local governments in operation, the relations between the two, attend public hearings, and study the local finance system in the U.S. and local autonomy in operation.

(4) Pamphlets

"Know Your Local Government." This will explain typical local government organization and operation including its relations to the state, the part which the citizen ought to play in local government, an analysis of his legal rights to do so, and practical suggestions for establishing and protecting citizen participation in local government.

"Home Rule." This will review the history of local autonomy in Germany, the extent to which home rule is desirable, appropriate relations between the state and the localities, the existing constitutional and statutory situation, and practical ways and means of furthering the extension of home rule.

"Local Finance." Eventually it will be desirable to prepare a pamphlet on the financial problems of local government, pointing out how their present dependence upon subsidies from the states impairs local autonomy, examining the present system and possible changes. Whether such a pamphlet will be published in the coming year depends upon the progress made in the study mentioned in (2) above.

In addition to the foregoing pamphlets, a discussion program will be prepared for use by citizens' groups desirous of studying local government.

(5) Land Offices

In addition to the general work of supervision described under part III, subd. 3 and 4, the Land Offices are particularly concerned with assistance in the organization and operation of the local government schools and to maintain contacts with the governments and Landtage in connection with legislation in the field of local autonomy.

(6) Kreis Officers

The common program for the Kreis Officers for Program Items 1-4 is discussed in Part III, subd. 4.

(7) Newspapers and Radio

Problems in local government ought to be of public interest to the local press both in terms of general principles and specific problems. The conferences proposed under program item 1 will necessarily touch on this subject, and both the Land and Kreis Offices should so far as possible establish close relations with the newspaper editors, publishers, and reporters and should seek their cooperation for articles on local government and local autonomy or on specific news events of significance in these fields. IPG will provide material on the general subject which will be circulated through the Land Offices to the Kreis Officers. The Land Offices should keep the Resident Officers informed of developments in the government, and the Landtag on bills dealing with local autonomy or other aspects of local government, pointing out matters of particular interest to local government officials and local citizens.

Newspaper discussion of local problems and the activities of the local government will gradually build up an understanding and interest in local affairs among citizens, especially if they encourage citizens to take a part in supporting some particular local improvement.

Denial of citizen participation in local affairs by local officials is also a proper subject for comment.

As indicated in Part. III, subd. 2, all of these activities in the newspaper field will be coordinated with the Press and Publications Branch of the Information Services Division, and Material going out from IPG and Land Offices may most conveniently be distributed through ISD facilities with information copies to the KRO's involved.

The foregoing comments apply equally to radio.

(8) Films

No special film program has yet been planned, but it is believed that there are U.S. films available on the subject and that the Motion Picture Branch of ISD will be interested in sponsoring the preparation of one or more German shorts on the subject.

3. THE PUBLIC EMPLOYEE, THE CITIZEN AND THE STATE

A. PROBLEM

As the result of historical tradition and political philosophy, there is a widely accepted view that the state is an independent entity superior to the citizen, with the right to direct and control his individual activities; that the official, as the representative of the state, is therefore the superior of the citizen; that the citizen has no rights except those specifically granted by constitution or law; and that even these are somewhat in the nature of privileges. Such rights are too often evaded with comparative ease because of the authoritarian character of public administration. Special laws exist to protect the privileged status of the official in relation to the public or the citizen. Machinery for assertion of the citizen's rights is cumbersome and frequently fails to afford protection. In general officials recognize no obligation to inform the public on policy or action. This

is not merely to protect officials from questioning and criticism, but because it is believed that the responsibility lies with the officials alone and the citizen has no right to information or participation.

B. OBJECTIVES

To support German leaders and groups who seek to

(1) Educate officials and citizens to recognize in practice that the state is the creation of the people and responsible to them, and accordingly that the official is the servant of the people;

(2) Eliminate privileged protection for officials;

(3) Reform the civil service system to make it more democratic and discourage authoritarian attitudes;

(4) Assure more effective protection of individual rights against official infringement by improvement in the administrative court system.

(5) Establish the obligation of officials to report to the citizens upon their policy and their action.

As illustration, efforts of civil service reform might initially be concentrated on assurance that all loyal citizens have the opportunity to compete for positions in the public service, that appointees are selected on the basis of relative fitness for the work involved, that an impartial personnel office has authority to assure uniform application of the law by all governmental agencies, that adequate protection is afforded public servants against arbitrary or capricious action by their superiors, and that public servants are not allowed to participate actively in politics. All those reforms should apply to employees (Angestellte) as well as officials (Beamte), even though the distinction between the two groups continues so far as tenure and pension rights are concerned. Such reforms should assure a public service much more representative of the people and a considerably greater degree of democracy within the public service itself, and lead to a less authoritarian attitude toward the citizen.

In addition, local governments, and not the state, should have control over the appointment and dismissal of local public servants, although, if they wish, they may use state facilities for selection and examination.

The jurisdiction of administrative courts ought to be as broad as the authority of the government, so that every official action is subject to review, and the courts should consider themselves as impartial between the government and the citizen. The courts should be protected from legislative and executive interference. They should have adequate staff and facilities.

C. PROGRESS TO MAY 1950

(1) Civil Service

Civil Service laws were promulgated in 1946 in Hesse, Wuerttemberg-Baden and Bavaria which eliminated many of the objectionable aspects of the traditional system. These laws enabled the Laender to establish systems which were non-authoritarian and conformed to the principles suggested above. Initially the Laender governments, influenced by the old civil servant, failed to take advantage of this opportunity, but they have now established central personnel offices which for the

first time can assure an impartial and uniform administration of the personnel system throughout each government, and in the last year there has been an encouraging change in attitude among those who direct the systems.

The US and UK Military Governments promulgated a civil service law for the Bizonal Economic Administration (MG Law No. 15) which included the reforms listed under B, above, and others. While this law was opposed by the Bizonal executive, it induced a great deal of favorable comment in Western Germany, and materially furthered the civil service reform movement.

The Federal Government has adopted a provisional civil service law and expects to adopt a final law before the end of 1950. Although the provisional law omits most of the reforms contained in MG Law No. 15, the Federal Government has agreed to include in its implementing regulations those suggested under B. above and to support them in the final law. These reforms have important support in the Bundestag.

A German Society of Personnel Administrators, designed to improve personnel standards and professional attitudes, has been established. The members include the principal personnel offices in the US Zone as well as several in the British Zone. The Society maintains a Technical Assistance Bureau which works on the development of personnel techniques and furnishes professional services at cost to municipalities and states upon request.

Until 1948 there was practically no public discussion of the German civil service. In contrast, during the last two years public opinion has become aware of the need for reform, and newspaper discussion, pro and con, has been exceptionally active. The trade unions, almost without exception, have been active in seeking reform, and recently one of the major political parties, the SPD, has joined in this.

Western Berlin has under consideration a very satisfactory law.

Consultants from the United States have discussed civil service reforms within the framework of German practice. Four German personnel office heads went to the United States in 1949 and twelve more Germans active in personnel work during 1950. These exchanges have been extremely important in improving the position and work of the personnel offices and in effecting a general change in attitude.

(2) Administrative Courts

The German administrative courts' system was re-established at the State (Land) level. The Basic Law provides for the establishment of a similar system for the Federal Government.

The members of the Land courts appear to be fully conscious of their responsibilities, but there is some question whether their jurisdiction is always adequate to correct improper official action. Many ministries do not as yet accept limitations on their exercise of arbitrary authority. The court staffs are so small and so limited in financial support that they find it difficult to dispose of appeals within a reasonable time.

Consultants from France have had considerable success in stimulating reassessment of procedures by the courts, to make citizen protection more effective. The supreme administrative court in Munich has begun publication of important admin-

istrative court decisions in Western Germany. Citizens are thereby advised of individual rights, and public servants learn gradually not to overstep their legal authority.

(3) So far as other objectives are concerned, progress is spotty in character. In some states officials at higher levels have become aware of the duty of public servants to the citizens and have issued instructions to the employees of the public service accordingly, but it is not evident that this has as yet produced any great change in the conduct of the public servants nor a general recognition of the need for such change.

In a few cases individual ministers have instructed their subordinates to conduct themselves strictly within the limits of their legal authority, but again this progress is extremely limited.

The laws establishing special protection for officials against criticism remain unchanged.

D. PLANNED ACTION TO JULY 1951

(1) General

This program, together with the programs on local government and civil liberties, has such a close connection with the daily life of the citizen that it is appropriate in support of the general program to stimulate citizen interest in politics and government. Background material and outlines of possible programs will, therefore, be made available to community associations in case they wish to center their work at any time around this subject.

Technical assistance will be made available to the German Personnel Society, its regional organizations, and the Technical Assistance Bureau. It may be noted here that the Personnel Society proposes to publish the following in the early summer of 1950:

"The Public Service in the United States." A description of US civil service organization and practice written by the six personnel administrators who visited the United States in 1949.

"Problems of the German Civil Service". A consideration of their problems and criticisms of the German civil service since its initiation (which would indicate that these problems have been posed in Germany itself and are not foreign in character), with discussion of practicable solutions.

"Modern Methods for Personnel Selection". The title describes the content, which deals with modern methods not yet introduced into German practice.

A Monthly Newsletter in the personnel field.

IPG and the Land Offices will continue their direct contacts with personnel offices for technical advice on the improvement of civil service practice, and with proponents of reform in those states where desirable changes have not yet been made.

These consultations will be extended to judges of administrative courts and ministry officials on continued improvement of the handling of citizens' complaints.

(2) Consultants

During the remainder of 1950 one US expert and three European experts on civil service are expected to visit Germany for a period of three months each. Two US experts for three months each and one European expert for one month have been requested for 1951.

These consultants will concentrate their efforts on consultations with the leaders in their respec-

tive fields in the state and federal governments, and with the principal members of the German Personnel Society. Despite the slowness in securing the changes which we believe to be desirable, the difficulties are in general no longer due to differences regarding the objectives but rather to inability of the Germans to visualize how these objectives can be put into practice. The discussions between the Germans and the visiting experts have proved a most fruitful method of securing reforms.

Five French experts on administrative law will visit Germany during the remainder of 1950 to consult principally with the judges of the Laender administrative courts.

(3) German Visits to the US and European Countries

It is planned to invite six top German personnel administrators to go to England and to France during 1950 for one month in each country. As a result of these trips it will be possible for the German Personnel Society to publish a book on civil service in European countries as a companion volume to the one published this year on civil service in the United States.

For 1951, eight senior German personnel administrators will go to the United States for three months and ten junior professionals for six months. It is proposed that the seniors observe personnel systems in the US in operation. Many of the recent techniques developed in the US are unknown in Germany, and, so far as personnel administrators are concerned, the great problem is to show them that practices which will introduce democracy into the German system are practicable and are consistent with the basic philosophy of the German system.

The junior professionals will go through similar training by observation, but, in addition, will have special university courses in preliminary preparation.

In the field of general training for the public service, ten professionals in 1950 and eight professionals in 1951 will go to the US for three months each. They will be chosen from the government personnel departments, from the ministries or from the administrative schools. They will have an initial series of seminars at an American university and will then observe American administrative practices and the relation between American public servants and the public with special reference to safeguards against the violation of citizens' rights by official action and expeditious methods of settling such violations if any occur.

(4) Pamphlets

"The Public Service and the Citizen." A simple interpretation of the relation between the state, the public servant, and the citizen, explaining to the public servant his role as one selected to serve the citizen, and explaining to citizens the limitations under which the public servant must perform his work, since he is bound by laws and regulations.

(5) Land Offices

Interest in Civil Service at the Land level is directed to proper legislation and to proper administration of the personnel system.

As to legislation, the laws promulgated by the Land governments in 1946 at the request of Military Government are adequate to permit satisfactory systems. The concern of the Land Offices

here is to advise against retrogressive changes in the law and, if the Landtage propose to pass new laws, to take such action as appropriate to ensure that these laws are satisfactory.

In the field of personnel administration considerable progress has been made in the U.S. Zone Laender over the past four years, but it is still subject to the opposition of the conservatives and to doubt among personnel administrators about prospective federal legislation and its effect upon them. Land personnel officials should be encouraged in the initiation of modern personnel practices and practices which effectuate the objectives listed above. It should be made clear to them that, although Article 75 of the Basic Law permits the Federation to issue general provisions concerning the legal status of persons employed in the public service of the Laender, this will not permit detailed regulation by Federal law. Furthermore, Article 33 of the Basic Law guarantees every German equal access to public office in accordance with his suitability, ability, and professional achievements.

The Land Offices should note whether the administrative courts lack adequate jurisdiction to deal with all complaints against improper officials' action, and should encourage citizens who seek more adequate support for these courts.

(6) Kreis Offices

The use of civil service issue as a subject in the citizen participation campaign is discussed in Part III, subd. 4. So far as local civil service is concerned, the attention of the KRO's is directed to comments under (5) immediately preceding.

(7) Newspapers and Radio

Material suitable for feature articles and radio talks will be prepared by IPG and circulated through ISD, with information copies to the Land and Resident Offices. Land Offices may take similar action, and particularly should bring to the attention of Land newspapers and radio any material bearing upon significant civil service action taken or proposed by the Landtag or the government.

In the field of administrative courts considerable emphasis ought to be placed upon newspaper and radio publicity for administrative court decisions which protect the citizen against official mistakes or misconduct, and equally upon important decisions which establish the rights of the state against the citizens. It is evident that many Germans do not fully appreciate the value of the administrative court in protecting their legal rights, and many do not know when decisions are rendered in a particular case which may affect them directly. Furthermore, it is important to the education of citizens in public affairs that they should be informed of the development of administrative law and its effect upon them.

(8) Films

A documentary film on the subject of civil service is in preparation in cooperation with the Motion Picture Branch of the Office of Public Affairs. This film will be directed to improvement of relations between the public servant and the citizen. It will emphasize factors as courtesy and an attitude of helpfulness.

German news reels may cover significant activities of the German Personnel Society and its subordinate groups.

4. CIVIL LIBERTIES

A. PROBLEM

German constitutions customarily contain an adequate bill of rights. The provisions of such bills of rights, however, are not understood, asserted or enforced in Germany in the sense in which we understand them. Officials' interference with some constitutional rights is frequent. Legislation often appears to violate constitutional provisions. To date there have been few appeals to the constitutional courts for correction. Provisions for judicial review are not altogether satisfactory.

In addition, because of the German tradition of subordinating individual interests to the state and of providing machinery designed to enforce the decisions of the state and its officials rather than to protect the individual, certain rights of citizens not specifically covered by constitutional protection are frequently infringed by official action. Therefore, the field of civil liberties in Germany is not limited solely to protection of rights set forth in the constitutional bills of rights, but includes protection of the individual from capricious or illegal official action.

B. OBJECTIVES

To aid German leaders and groups who

(1) Seek to achieve public understanding and appreciation of the meaning of the constitutional bills of rights, the public and individual importance of protecting these rights against any kind of infringement, and practical methods of assuring such protection;

(2) Extend assistance to citizens who have suffered a violation of constitutional rights from capricious or illegal official action, even if it does not involve a constitutional violation;

(3) Review legislation and regulations for consistency with constitutional provisions and seek whatever amendment is necessary to further the protection of civil liberties.

C. PROGRESS TO MAY 1950

Active civil liberties' groups exist in Munich, Frankfurt, Heidelberg-Mannheim, Stuttgart and Berlin. Each of these renders legal advice and assistance to persons whose basic rights have been infringed by government action and such cases have been handled in administrative agencies and carried to the highest courts. Each group maintains an educational and publicity program involving public meetings, lectures, radio speeches and press releases. A considerable number of civil liberties' associations have been established in the French and British Zones, and in the US Zone additional groups have been or will be organized in a dozen more cities. The various local groups are represented in a central coordinating association, the League for Citizens' Rights in Frankfurt. The Union publishes a periodical affecting the activities of the local associations.

The Bavarian group has published a report, based upon exhaustive research, on arrests, searches, and seizures. It is used as a basis for lectures, discussions and pamphlets. The police schools in North Rhine Westphalia have adopted it as instructional material, and the Minister of Interior in that Land has drafted a law based on the study.

The Bavarian group has also completed a pamphlet (Schmutz und Schund) which deals with the threat to freedom of the press in laws now under consideration to regulate the printing and sale of indecent and trashy literature. The proposed laws do not merely prohibit pornography; they authorize individual ministers to determine what is and is not suitable to be printed and sold.

The Bavarian group is also preparing a study (Beamtenbeleidigung) on the so-called insult laws which give privileged protection to officials against criticism by the public, and another on the violation of civil liberties and the treatment accorded persons suspected of insanity.

Similar research projects are planned by other civil liberties groups.

The League for the Protection of Citizens (Buergerschutzbund) in West Berlin is an organization of slightly different character. While it seeks the protection of constitutional rights, its primary activity is assistance to citizens who have suffered from arbitrary or illegal official action.

German newspapers have not only published a considerable amount of information on civil liberties furnished them by the various associations, but they have shown an encouraging interest of their own in the subject and have conducted effective campaigns on particular cases in their localities.

In a limited number of instances, public interest and support have been aroused for the correction of a violation of constitutional rights, but it must be said frankly that in general the public still appears to be apathetic.

While the constitutions of the Laender of the U.S. Zone and the Basic Law all provide for the establishment of constitutional courts, experience indicates that their existence is generally unrecognized and they are not much used. In some cases it is unduly difficult to bring individual cases before them, and generally appeal procedure facilitates the review of governmental and public controversies rather than violations of individual rights.

One consultant came to Germany from the U.S. in 1949 and spent three months in discussions with leaders of the civil liberties associations in Western Germany and Berlin.

Six German leaders have gone to the U.S. where they will spend three months working with the Civil Liberties Union, observing methods followed in the U.S. to protect individual rights and variations in practice related to the different types of violations which arise.

D. PLANNED ACTION TO JULY, 1951

(1) General

Civil liberties is a subject which may be used to enlist the interest of organized citizens' groups in public affairs because it so frequently presents cases of current local interest. Groups will be encouraged to undertake discussions generally or in relation to a particular case. Simple material will be made available which will explain how, if they wish, they may take action independently or in cooperation with the Civil Liberties groups to correct violations of constitutional rights or other official denial of the citizen's rights.

The German associations plan a meeting for all of Western Germany in September, and four large

scale regional meetings. The proceedings of the main meeting will be published. The individual associations have planned periodic meetings in their localities where prominent German experts will discuss current problems. The associations will be encouraged to send representatives to speak to other citizens' groups on the subject.

The local associations will undertake the litigation of a number of selected cases before the courts and administrative agencies. Unfortunately these will be limited in number because of the lack of funds and free time on the part of lawyers.

A number of the local groups are either engaged in or planning the examination of existing laws which infringe upon constitutional guarantees but are nevertheless enforced without question. It is planned to identify these, bring them into public discussion, and seek repeal or judicial correction.

It is hoped that the associations will also interest themselves in the judicial system for the protection of constitutional rights. While the U.S. Laender have, and the Federal Government anticipates, a constitutional court, few individuals so far as we know have had recourse to them. This may be due in part to the fact that the constitutions themselves or the implementing laws facilitate the review of governmental and jurisdictional questions rather than infringements of personal rights and sometimes make it extremely difficult for the latter to be asserted. We shall never know whether the new courts will accept the broader responsibility intended by the constitutions until they have had cases presented to them. The field is one which will repay study by associations.

(2) Consultants

Two U.S. experts have been requested for 1950 and two for 1951. In addition, the head of the American Civil Liberties Union is expected to visit Germany in 1950 at the Union's expense.

This year the experts will continue consultations with leaders and with existing and prospective groups and will examine ways to make the program more practical and effective. There is some evidence that certain groups suffer from an abstract and intellectual approach.

The program of the experts for 1951 will only be determined after observing progress during the current year.

(3) German Visits to U.S. and European Countries

In addition to the six Germans presently in the U.S., 12 more will go during 1950 and 12 in 1951 in groups of six each. Like the present group they will spend three months working with the American Civil Liberties Union, observing U.S. methods of meeting various problems.

(4) Pamphlets

The following pamphlets are planned:

"From Subject to Citizen." This will describe individual constitutional rights, how they are most frequently violated, and why their assertion and protection are essential to a decent life for every individual and to the establishment of a democratic society.

"Your Constitutional Rights." This deals with the constitutional guarantees and forms of violation, but in this case, with emphasis on possible reme-

dial action which in Germany is by no means simple. The two are companion pamphlets but have been separated in order to make each so short that it will be read by the ordinary citizen.

"Civil Liberties in German History". This will be a short popular presentation of the struggle for civil liberties in Germany, emphasizing the fact that the movement and the rights sought to be guaranteed are German and not alien.

"Freedom of Speech and Assembly." This will be a simple presentation of the constitutional aspects of those rights which are perhaps most frequently violated by the German authorities.

"Gottfried Schulze, Citizen." As noted in an earlier part of this report, the average German has no conception of the term "citizen" as we understand it. Indeed, there is no word in the German language adequate to convey that concept. This pamphlet will be an attempt to explain in workaday terms the idea of an individual as a participating member in a community and a society in which he has rights but also responsibilities.

(5) Land Offices

The Land Offices should bring to the attention of civil liberties associations cases of violations which come to their attention, and consult with the associations as appropriate upon the prosecution of individual cases. They should also act as liaison between the associations and (through the Kreis Offices) local citizens' organizations to arrange meetings and speakers which will gradually build up an interest of the local organizations in the subjects. They should also advise Kreis Officers upon cases which may be handled at the local level.

(6) Kreis Offices

In addition to the general work under part III subd. 4 the Kreis Resident Officers should be alert for significant cases of civil liberties' violations in their localities, should call these to the attention of civil liberties associations and the Land Offices, and wherever possible should interest local groups in action to correct the violations. With the Land Offices they should act as liaison between the civil liberties associations and local citizens' groups in order to stimulate the interest of the latter in the subject.

(7) Newspapers and Radio

IPG, through ISD, will circulate feature articles on civil liberties and their protection, with copies to the Land Offices and Resident Officers. The Land Offices should take similar action, and they and the Resident Officers should attempt to publicize significant and interesting action of the local civil liberties unions, and violations of civil liberties.

The Land and Resident Officers should further group consultation and discussion between the local civil liberties associations and newspapers.

A program of twelve radio discussions has been planned in cooperation with the Radio Program Branch, ISD. In addition, local associations will continue their contacts with local stations for speeches and discussions.

(8) Films

Five motion picture shorts are to be prepared by the Motion Picture Branch, ISD, in collaboration with this Division.

"Freedom of Speech". While this deals with a specific aspect of civil liberties, the film will present the history of the struggle in Germany for civil liberties, to show that it is in the German tradition and not alien in character.

"Searches and Seizures". This will be related to the very successful pamphlet of the Bavarian society mentioned under C above.

"Equality of the Sexes". This is important because of the traditionally subordinate place which women have occupied in Germany and because of their further loss of status under the Nazi regime.

"Equality before the Law". If a pending case has a successful outcome the film will probably present a struggle between a refugee war cripple and a deputy police president for possession of living quarters. To date the cripple has the law on his side, but the police president has the apartment.

"I am a Citizen". This will dramatize in film form the idea expressed in writing in "Gottfried Schulze, Citizen", described in (4) above.

Consideration is also being given to U.S. films on civil liberties to determine whether they can be edited and synchronized for exhibition to German audiences.

5. POLICE POLICY AND ADMINISTRATION

A. PROBLEM

The democratic concept of police as an agency to serve the citizens, and to be responsible to and directly controlled by the people, has never been widely accepted in Germany. Traditionally, the German police has been an enforcement arm of a government which was master of the people and which regulated the daily life of its citizens in many aspects.

There has always been a large degree of state control of local police, and the large cities were served by state police. Over the years police officials have become so accustomed to centralized police administration that they regularly consider this method of organization the only efficient one.

Under the old system, police officers possessed substantial judicial powers. They could assess and collect fines on the spot at the scene of violations. Furthermore, the concept of "police" extended to administrative fields, such as building affairs, health and trade.

The German police possessed stronger powers in the performance of their duties than were necessary according to democratic standards. They were not considered as servants and protectors of the citizen, but as the agent of an authoritarian state whose orders had to be implicitly obeyed.

With this background the citizen has little concept of his own proper relation to the police, of his obligations to the community, and of the value of cooperation between police and citizen. Substantially the first opportunity for such cooperation was given through the establishment of the traffic safety programs.

B. OBJECTIVES

To aid the German leaders and groups including police officials and associations, to:

(1) Decentralize police organization so that each community or governmental area, without interference by a higher jurisdiction, is responsible for and controls the police force for that community.

(2) Establish legal controls over the police to insure observance of the constitutional and legal rights of citizens and educate the police to affirmative observance of these rights; restrict their functions and authority to the maintenance of public order, the prevention of crime and the bringing of offenders to justice; establish in practice that they are the servants of and responsible to the people; and hold the policeman individually responsible before the law for his acts.

(3) Eliminate the legislative and judicial functions of the police.

(4) Free the police from political influence and protect them from becoming the agent of interests which might utilize their power against the people.

(5) Educate the citizen to his obligation in respect of the police and in the value of cooperation with them.

(6) Establish and carry out programs to promote traffic safety with broad public participation.

C. PROGRESS TO MAY 1950

The police system is decentralized in the U.S. Zone. The Buergermeisters and city councils are generally in accord with the new system and will offer resistance to any regional, state or federal endeavor to centralize the police in the future.

As a result of a survey in Wuerttemberg-Baden of house searches by the police and its publication through radio and press, the public brought pressure to bear on the Landtag and the Ministry of Interior issued decrees that "searches without search warrants will be the exception rather than the rule in the future."

Police chiefs have formed Regional State and Zone (US) "Associations of Chiefs of Police." These organizations sponsor and participate in programs with governmental officials and the people in furtherance of the objectives stated in B. The local authorities are now becoming sensitive, however, to police assertion of the right to introduce reforms in the police system. In other words, the local authorities like decentralization, but they do not like reform except under their own control.

Visiting US police experts have been welcomed warmly by the German police and other governmental agencies, and their personal contacts with German police chiefs, presidents of police chiefs' associations, police officials of the Ministry of Interior and other leading personalities have resulted in a changed attitude toward reform. Many changes in practice have been inaugurated by German police executives as a result.

Special progress is to be noted in those cities whose police leaders visited the U.S. Following are a few examples:

(a) One police chief has arranged for the detention of arrested juveniles by welfare agencies or church homes and has prohibited the incarceration of juveniles in police jails or prisons.

(b) In several cities the police chiefs have ordered strict enforcement of the regulations previously violated, prohibiting the incarceration of persons against whom no specific charges have been filed, and the detention of persons who have not been given a hearing by the end of the second day of arrest.

(c) In several cities, but with particular success in one, policemen have been assigned to lecture to elementary school students on the police and their problem of law enforcement, crime prevention and control, traffic safety, etc. The object is to reduce juvenile delinquency, change the attitude of German children to the police, and to obtain better public understanding of and cooperation with the police.

(d) Each of these cities, and several others, have established school-boy traffic patrols at street crossings. While this adds to the safety of the children and reduces street accidents, its chief objective is the establishment of better public relations.

(e) Each of the police chiefs who visited the U.S. continues to give lectures to police and also to civic groups on experiences in the U.S. and the need for reforms in the German system.

(f) In one city, the adoption of a numbered police badge to identify the individual policeman to the public was resented by the police, who thought that it placed them in a category with prisoners. The police chief first convinced the community it would tend to discourage police officers from dealing arbitrarily with the public. Public pressure carried the reform, and the police are persuaded by experience that it is sound.

(g) Several police chiefs have restricted the use of firearms by officers to cases where life was actually endangered by unlawful attack or to prevent the escape of a known or convicted felon. (This is a real concession. Under German law the policeman has considerable latitude to use a gun to prevent the commission even of minor crimes, or the escape of persons sought for questioning.)

(h) Each of these police chiefs, and others influenced by them, have established new relations with the press which gives it access to police news to a degree hitherto unknown in Germany.

(i) Each has inaugurated a public participation program in crime prevention, traffic safety, etc., for the first time bringing community groups into direct cooperation with the police.

Pamphlets on "The German Police" and "Organizing a Traffic Safety Council" are in preparation, the latter in conjunction with the film on "The Stuttgart Traffic Safety Council". Each has the objective of selling the idea of community participation in the solution of police problems.

Numerous articles aimed at informing the German people of proper police practices appear regularly in the German newspapers. Picture series have been published: "Are the Police Allowed to Do This?", "When Are the Police Allowed to Shoot?", "When are the Police Allowed to Search a Person?", "Are the Police Allowed to Enter an Apartment by Force?", "When Are the Police Allowed to Search a House?", "Who is Allowed to Arrest Whom?" "Are the Police Allowed to Use Secret Police Agents?"

German police officials appear frequently on radio programs to solicit public cooperation, improved police-public relations, and explain the role of the police in a democratic community.

Several 16 mm films, secured through ISD Film Branch, have aided German police to a new concept of police methods and practices. Two such films are:

"The American Cop" — Life Time
"The Policeman" — Canadian Film.

American books and publications on police administration, organization, investigation, identification and various technical operations, have been supplied to German police officials.

D. PLANNED ACTION TO JULY 1951

(1) General

The various police associations will be encouraged in their attempt to establish firm organizations, continue meetings and, plan and direct their programs. These programs deal not only with the preparation and publication of information for the membership of the associations but also for citizens of the communities represented, and the establishment of cooperative relationships between the citizens and the associations. The associations include:

U.S. Zone Association of Police Chiefs
North Bavarian Association of Police Chiefs
South Bavarian Association of Police Chiefs
Wuerttemberg-Baden Association of Police Chiefs
Hesse Association of Police Chiefs.

The development of a traffic safety movement is of the greatest importance in itself and serves also as the most convenient vehicle for establishing cooperative relationships between the community and the police. Loss of and injury to life from traffic accidents are appalling, and a traffic safety program exists only in its initial stage. Its development will do something to correct the lack of value which the German community appears to place upon human life, and it may be used to enlist the interest and aid of a large number of individual citizens working for the first time in a community project and with public officials.

The establishment of a U.S. Zone Traffic Safety Council will also be supported. This is a service agency having a membership composed of local police department and other governmental agencies, civic groups and community organizations interested in the reduction of the traffic accident toll or having responsibilities in the control of traffic or the enforcement of traffic laws. It will have the support of, and eventually be financed by, contributions from commercial and industrial concerns, casualty underwriters and others who have direct financial interest in the reduction of the traffic accident toll.

The council will conduct or direct surveys to determine the need for improved traffic controls and engineering, law enforcement programs, community safety programs, etc. It will provide a central clearing house for comparative statistics on traffic accident experience, and the success of various methods utilized by the community.

In addition, encouragement will be given to traffic institutes which presently exist in Hesse, Bremen and Berlin. These traffic institutes are established within the police training school system, and other governmental agencies concerned with traffic control also participate.

It is also intended to develop a course for police administration in a university. The course will qualify participants for positions of police leadership with a minimum of actual police experience, change the traditional progression from the lowest position in the force through in-service training

and actual work until seniority qualifies an officer for the higher position.

Two conferences of a hundred leading police executives in the U.S. Zone are planned for discussion of policy, programs and general problems. Additional conferences are held once a month with some ten leading police executives.

(2) Consultants

It is planned to bring the following experts to Germany during the next year:

a. A specialist on the legal powers of police and legal safeguards protecting citizens against the police.

b. A specialist in the field of public relations between the police and the citizens of the community.

c. A specialist in the field of juvenile crime prevention, special activities of the police in dealing with juveniles, etc.

d. A specialist who is or has been a leading official in a chiefs of police association, who is qualified to advise on the establishment of such organizations and the programming of their activities.

e. A police organization efficiency specialist who combines experience in police operations and organizational problems, preferably one who has participated in the conduct of reorganizational surveys and planning for American municipal police departments.

f. One or more specialists on traffic safety and community support therefor.

These specialists will work with the German police associations and officials.

(3) German Visits to U.S. and European Countries

46 German police will be invited to visit the U.S. in groups of 12 or less. Present plans call for arrangements with an American University with a school for police administration. The first four weeks of each visit will be devoted to class room orientation. The remaining time will be devoted to a conducted tour to city, county, state and federal law enforcement agencies as well as legislative and judicial bodies, community organizations, schools etc. Included in one of these groups will be representatives of the German Associations of Chiefs of Police who will attend the international Chiefs' of Police 1950 convention during their visit.

The program will be devised to show that municipal police forces, however small can efficiently provide the community with all needed police protection, although they are entirely independent of control by authorities at a higher level of government. It will show the practicability of a system which limits the authority and jurisdiction of police practice and techniques in the field of organization, operation and training which will enable the participants to improve the efficiency of their own establishment. Not least, the visitors will renew contacts with members of their profession outside Germany.

(4) Pamphlets

"Relation of the Citizen to the Policeman". The purpose is to explain in simple terms the democratic conception of the police and their duties; the authority they may legitimately exercise and in what manner; common abuses and what to do about them; and how cooperation and understanding between citizens and police may be developed.

It will also explain the obligations of the citizen to the community and hence to the police in terms of public order and public safety.

In connection with the traffic safety campaign a number of pamphlets will be prepared, some for the citizens and some for the officials. They will deal with traffic safety principles for the driver and the pedestrian, with the technical aspects of traffic safety for municipal officials and police, and with materials which may be used by teachers in the schools. There will also be special material for the children themselves.

A pamphlet will be published reporting the conclusions of the conference between a U.S. visiting consultant and representatives of the police chiefs and Buergermeisters. This conference was held to eliminate difficulties and misunderstandings between local authorities and police chiefs, and plan further coordination and cooperation. Copies of this pamphlet will go to every Buergermeister and police chief and to other interested persons.

American books on police organizations, methods and practices will be reviewed. Those found especially suitable for German use will be published in German.

(5) Land Offices

This particular item of the program varies from the others because there is a public safety specialist in each Political Office in the three southern Laender, and therefore it is possible to work out a special public safety program for the Land Offices. This program will include:

A weekly conference with police officials in a particular locality to examine practices, problems, etc.

Occasional conferences in each large community between police, press and radio officials to establish a better relationship between them and, through them, with the citizens.

Cooperation with the local professional associations of Chiefs of Police, police technicians and policemen for the exchange of ideas, dissemination of information, and sponsoring of additional programs directed at informing the police and public of democratic methods of police organization, operation, and techniques.

Occasional preparations of script and arrangement for broadcast of a program on police matters.

(6) Kreis Offices

While the Kreis Resident Officers have a multitude of other duties and cannot devote a large part of their time to police matters, the relations between police and citizens lie at the root of or are typical of so many German governmental problems that action in this particular field will often serve a much broader purpose. The Kreis Officers are in a specially favorable situation to encourage understanding and cooperation between citizen and police. Specific suggestions will be given them, and seminars will include coverage of this subject. They will be briefed upon the simpler aspects of the traffic safety campaign and will encourage municipalities and citizens in programs directed at this program. They have the opportunity to enlist the aid of local newspapers both in respect of traffic safety and general police work.

(7) Newspapers and Radio

The newspapers will be encouraged to continue publication of articles on leading German police

officials, outstanding police agencies and accomplishments, the role of the new democratic police, safety campaigns, etc., in order to promote better police-public relations. (See C. above for additional details.)

IPG will furnish general material and suggestions. The Land Offices may do the same for the Land, and may apply the IPG suggestions to Land conditions. Primarily, however, the material must be used locally to have full effect, and while some can be made available through ISD, much of it must be developed by the Resident Officers in terms of local conditions and personalities.

The same approach holds for radio. In addition, the presidents of the four regional Associations of Chiefs of Police will spend about five minutes per week on the air.

(8) Film

Two twelve-minute films will be produced.

"The German Police" will show the origin of the German police, the German police between 1933 and 1945, and the present police organization and practice, and compare the basic faults of the old system with the protections provided in the present organization. Care will be taken that it does not arouse nostalgia.

"Progress of the German Police". This will show outstanding changes of police methods or practices (which resulted from the visit of German police leaders to the U.S.). Several of the points to be covered are listed in C. above.

6. POLITICAL PARTIES AND ELECTION SYSTEMS

A. PROBLEM

The German political party and election systems have distinctive authoritarian aspects.

A very small percentage of the voters are party members. Party interest, except during campaigns, is limited to the party group. Top party committees and functionaries appear successfully to determine party policy without much reference to the views of the rank and file or to public opinion. Positions on vital questions seem to be determined by party ideology and strategy rather than public interests. In the more highly centralized parties local policy and action also require approval of the high command, so that local initiative is paralyzed and local problems neglected.

Conflicting regional or group interests ought to be represented in legislatures by the members elected by these interests, but the caucus system (Fraktionszwang) prevents this, and laws in effect are voted, not by individual legislators representing their constituents, but by party blocs acting on decisions taken in caucus before public debate. In many instances even the caucus decision is dictated by the leaders. Control of government policy and administration by party leader-ministers is inherent in any parliamentary system, but under the conditions cited, it seems in Germany to have developed to an extreme degree.

The result is that the German people have no real representation in government through the political parties and generally cannot affect governmental policy or action on any given issue. No party offers the German people an opportunity for active participation in political life.

The election systems widen this separation between the parties and the people. Under the list system of proportional representation, the German voter has a choice only between party tickets, the nominees are chosen by the party leaders, and those elected to office are their candidates and responsible to them rather than to the voters. Even those elected directly by plurality vote still render primary allegiance to the party organization and not to their constituents.

Extreme party discipline maintains this system. Material dissent from party policy results in expulsion, which in Germany is often a complete barrier to participation in public life, because with few exceptions there is no place in public life for the independent.

The German voter is frustrated by this system. Accordingly, he suffers from a lack of political experience and has no opportunity to make a realistic approach to politics. Political and social ideology—socialism, free enterprise, religion, nationalism—are offered by the parties as a substitute for practical programs dealing with current problems. The voter must take one of these; he is given no other choice. In default of other experience many voters suppose that these ideologies present realistic and practical issues. Since they involve principles, they cannot be compromised and therefore compromise or adjustment with the opposition to reach practical solutions is impossible.

Intellectual intolerance is too often a component part of political opinion. This inability to modify or compromise leads to the rejection or secession of minorities and the multiplication of splinter groups.

The party system and politics have no appeal for German youth, who feel instinctively that the present programs and organizations are obsolete. They are certain to seek a substitute and it is vital that this substitute be democratic in character.

B. OBJECTIVES

To support those Germans who seek to improve the German political system so as to establish in practice:

(1) Representatives elected to legislative bodies and elected public officials are chosen to serve their constituents, and owe their primary loyalty to the constituents and not to the party organization which nominated them.

(2) The more general adoption of a system of direct plurality election from single member districts in place of the list system of proportional representation.

(3) Development of political realism and tolerance in the parties and a sense of responsibility to and relationship with the public.

(4) Development of a democratic political system which will attract the participation of the German youth.

C. PROGRESS TO MAY 1950

Little progress can be reported towards these objectives except in the field of election reform, and to a limited degree in better contact between individual legislators or officials and their constituents.

Substantial improvement has been made in the election systems. Until 1919 election by plurality was traditional in Germany. Under the Weimar Republic a change was made to proportional representation and a party list system on a national

basis, so that the voters had a choice only between parties, and the members elected were taken from the list in order of their names as determined by the party committee. There were no local nominees. The voter in reality elected a party, not a representative.

Many party leaders recognize that the plurality system is sounder than the list system, but the minority parties in particular oppose a return to it because it reduces or eliminates their legislative representation.

Despite this, the Ministers President of the eleven west German states promulgated a law for the election of the first federal Bundestag which modified the list system. It provided that 60% of the members should be chosen by plurality vote from single member districts and 40% elected from party lists (made up by states, not for West Germany as a whole), and no members were elected from the lists if the party failed in a given Land to elect one representative by direct vote or to secure 10% of the total votes.

Comparable laws are in effect in Bavaria, Schleswig-Holstein, Lower Saxony and North Rhine Westphalia. A similar Hesse law, and Bremen law providing for direct election for all seats, were passed for the first Landtag elections, but new laws will be required for the new elections in 1950 and 1951.

The constitutions of the four U.S. Zone Laender all authorize the rejection of party list candidates of parties who fail to cast a certain percentage (10% or 5%) of the total vote.

While considerable progress has been made toward adopting the plurality system, its extension, and indeed its retention where already adopted, appear to depend upon changing party interests. The CDU favors it on a national basis but in one Land some party wheelhorses were ready to join with the opposition to repeal it when they realized that there was no longer assurance of their election from the party list. The SPD supported it in two Laender, where it did not harm them, but opposes it elsewhere. In another Land, both CDU and SPD wishes to repeal the straight list system, but it remains because they could not agree on the details of a plurality system. In other words, election reform in Germany, as elsewhere, is a matter of practical politics.

Voters Leagues (Wahlergesellschaften) have been organized in several states, but a small number of non-political leaders in community life furnish most of the members, and the Leagues so far have no broad public basis. There is evidence that some of the leaders are more idealistic than practical. For instance, they concentrate on the direct election system as the solution of the whole problem, which it is not, and they refuse to support movements to attain election reform by stages, which is politically the only practicable course.

In individual cases legislators and officials have attempted to keep in touch with the sentiment of their constituents on public questions, and to keep the constituents informed upon legislative action. In most cases, however, they depend upon regular party meetings and set speeches which do not reach the people as a whole and do not keep the legislator in touch with public opinion. He tries to instruct rather than to exchange views.

A few months ago one Land party announced its intention to have its Bundestag members report regularly to a group of the public upon develop-

ments in Bonn, party policy, and similar matters. The plan itself was not of great merit since the public representation was to consist of selected members of the party. Its significance lies in the fact that immediately the competing parties became conscious of their obligation to the public and indicated their intention to adopt similar practices.

D. PLANNED ACTION TO JULY 1951

(1) General

Except in the field of election reform, it is doubtful that any great advance toward the stated objectives will be registered until the program for citizen participation in government (Item 1 of the program) has made more progress. Citizens must learn to make their votes effective in the selective choice of the person they wish to represent them, and the political parties must learn by practical experience that those candidates have the better chance of success who show themselves responsible to their constituencies. The present system is favorable to the party leaders. But political parties in Germany as elsewhere are pragmatic and they will change their practices when they find that a change is necessary for political success.

Individual legislators may, however, be persuaded of the value to them of a closer contact with their constituents. Over a period of time this will pay dividends in votes, as it does elsewhere, and other legislators will learn its value.

In addition, voters can be informed of the weaknesses of the present system and shown what reforms are desirable so that they will understand the problem and its remedy.

If individual parties in individual Laender or localities would as a matter of party policy deal with the people as a whole and on local matters permit their legislative members to represent constituencies rather than the party, it is probable that this would have a popular appeal and immediate repercussions on other parties. The experiment described in C. above illustrates this possibility.

As to election reform, it should be possible to capitalize the political situation in various Laender, and through development of the Voters' Leagues to bring increasing pressure on the Landtag. It is essential to develop a broader base of support for the Voters' Leagues and to induce them to subordinate ideological purity to practical politics and possibilities. They must also be persuaded that election reform alone will not accomplish the results desired.

A special program to interest German youth in politics and public affairs must be devised. The details are not set forth here since this must be fitted into the youth program as a whole. First of all, it must be realistic because the distrust of German youth for politics today is based upon its feeling that political programs are empty and mean nothing. Youth must be shown how it can participate directly and effectively in public affairs, and how the weight of such action can produce results with legislators and public officials. These lessons must be connected with and directed at the problems which interest youth, which are the fundamental problems confronting Germany as a nation — housing, employment, the integration of refugees, community improvement, reform in public life, and personal security.

(2) Visiting Consultants

It is intended to bring one consultant from the U.S. during 1950 who is an expert on election systems. He will consult with the Voters' Leagues, Bundestag and Landtag members and party leaders, and with citizens' associations.

No plan has yet been made for a consultant in 1951 because of the feeling that other items in the program must be further developed before substantial additional work in this field can be undertaken.

(3) German Visits to the United States and European Countries

Arrangements have been made for two groups of German political leaders, totaling 13 persons, to go to the U.S. during 1950 for a period of three months. These individuals will be selected as having an interest in the improvement of political practices in Germany, although not committed to any specific reforms. They will observe the working relationship between the voter, the parties, legislators and officials in the U.S. This includes political groups, non-partisan voters' organizations, pressure groups, letters from constituent to representative, newspaper discussion of candidates' voting records, party organization, the direct primary system, and a number of other details which distinguish practice in the United States and Germany.

A similar program for five leaders is proposed for 1951, subject to modification after experience with the 1950 group.

(4) Pamphlets

"Election Systems". This will be a simple presentation of comparative election systems showing the benefits and defects of each and the arguments pro and con.

"How Political Parties Work". This will describe the actual operation of the political party system in Germany, with comment and illustrations of alternative practices in the other Western democracies, and emphasis on the advantages of better relations between the parties and the public and more control of the public over legislative representatives.

(5) Land Offices

Newspaper editorials indicate that there is already considerable understanding among those familiar with public affairs that the present political party system is unsatisfactory and unrepresentative, that there is too strong a party discipline, and that the interests of the public as a whole and of constituencies in particular are subordinated to party policy and interests. With this as a starting point it seems probable that some impression may be made on the political party system in the various Laender by discussion with individuals interested in public affairs, whether they are now active in party politics or not. The recent rise of the refugee parties and the abstention of youth are indications of the public dissatisfaction with the present system. Common experience indicates that many who still vote the regular party tickets do so because no other choice is offered them. An opportunity is open to that party which first convinces the people by action that it is responsive to the public will and public need.

Leaders and legislators may be convinced of the advantage of closer contacts with their constituencies, and that this should extend to the voters

as a whole and not merely to party supporters. They would also find it useful to discuss matters and elicit voters' opinions rather than devote themselves primarily to speeches presenting party doctrine.

(6) Kreis Offices

The considerations outlined under (5) above are even more applicable to the Kreis Officers because they have the best opportunity for contact with the local leaders and legislators. If reforms are ever realized it will result from grass roots pressure and application at the local level.

(7) Newspapers and Radio

General material will be made available from IPG. HICOG representatives at all levels may encourage newspaper and radio comment upon developments, or concerning the action of local representatives in the local councils, the Landtag, and Bundestag. It would be particularly desirable if the newspapers would report the vote of the local representative on particular bills which affect the locality, noting whether he voted in the interest of the locality or, under party discipline, against it. It is hoped that some newspapers and radio commentators may be persuaded consistently to contrast party ideologies with the realities of urgent problems and pending programs.

(8) Films

No film program has been developed.

7. LEGISLATIVE ORGANIZATION AND PRACTICE

A. PROBLEM

At both Federal and Land level the Executive branch of the government tends to dominate the Legislative branch. The Executive branch is headed by a cabinet which commonly includes the party leaders of the legislative majority, and it exercises, not merely leadership, but a tight discipline over the party groups. The Executive branch is staffed by professional civil servants who for generations have nourished the tradition that only they through their training and experience are expert in government. Many legislators seem to accede to this view, and many civil servants appear to have a contempt for the untrained legislator and hence for the legislative process and legislative authority.

Legislative organization and procedure are ill-adapted to the assertion of the constitutional supremacy of the legislature, especially since final decisions are made in committees and party caucuses and through agreements between party leaders before debate and the public vote. The legislatures lack staff and reference bureaus and depend largely on the ministries to draft their legislation for them. Most bills which are passed are cabinet drafts. Legislative investigations of government administration and public affairs are unduly limited because of executive influence over the legislature.

The public has little real representation and little opportunity to make its views known or effective. As noted in Program 6, election systems and party discipline combine to make the legislator represent the party, not his constituents. Public hearings on pending legislation are almost unknown, and public discussion of legislation before adoption is almost non-existent and is vigorously opposed by most governments.

The legislatures consistently adopt laws which contain an undue delegation of authority, and even of legislative power, to the executive, and give inadequate protection to the citizen from executive authority.

Civil Servants serve also as legislators, thereby further confusing the distinction between executive and legislature.

B. OBJECTIVES

To aid those Germans who seek to:

(1) Strengthen the independence and efficiency of the Legislative Branch. This includes the establishment of adequate professional and technical assistance so that the legislature shall not be dependent upon the Executive branch in the preparation of legislation.

(2) Develop the relationship of legislators individually and as a body to their constituents and the public, and the right of the public to be informed and to be heard on pending legislation.

(3) Application of the principle of the separation of powers between the three branches of government. This includes reform in the present practice of undue delegation of legislative power to the executive and of assigning judicial power to, or interference with the judicial power by, the executive and legislative branches.

(4) A system of adequate judicial review of the constitutionality and legality of legislative and executive acts.

(5) Elimination of secrecy in legislative procedure where it is designed to conceal proper information from, or to avoid the responsibility of the legislator to, the public.

C. PROGRESS TO MAY 1950

Considerable formal progress has been made since 1945. The Basic Law and the Land Constitutions in the U.S. Zone declare the responsibility of the legislatures to the people, the right of the individual legislator to vote according to his conscience, the supremacy of the legislature in the law making field, the separation of powers between the three branches of government, the individual rights of the citizen (civil liberties), and the duty of the Judicial branch to protect them. They also prohibit the undue delegation of legislative power to, or its exercise by, the executive. They authorize legislative investigation of government administration and public affairs.

Unfortunately the spirit of these constitutional provisions is little found in German practice.

It must be added, however, that there is a growing consciousness in the legislatures of many of the weaknesses noted. The legislators recognize and resent executive domination and appear slowly to be making an attempt to throw it off. Some specific action has been taken where ministries failed to carry out legislative decisions which they did not like, or where the Executive branch refused proper information to the legislatures. The very fact that these isolated incidents are noted as evidence of progress, however, shows how unsatisfactory the situation is.

Perhaps the most encouraging step forward results from a recent visit of a Bundestag group to the U.S. Fifteen members visited Congress, the Supreme Court, TVA, Detroit and other places over

a period of 30 days. Special emphasis was put on congressional organization and procedure, committee work, public hearings, relations between Congress and the public, and the legislative reference service of the Library of Congress. Recognizing, however, that a competent legislator's interest lies in the life and spirit of the people whom he serves, and that organization and procedure is merely a technique toward a successful accomplishment of his work, they were given the opportunity to see courts, newspapers, labor unions, industry, education and city and state governments in operation. They appear to have returned with a new conception of the role of the legislature and of possibilities for improvement in Germany. The first concrete result has been the visit of a representative of the Library of Congress at their invitation, to advise the Bundestag on the establishment of a legislative reference service. Another consultant made a survey of this situation in the Landtag in 1949, and if the federal experiment is successful it may be hoped that progress will be made at the state level also.

The Bundestag visit to the U.S. may also produce changes in terms of legislative organization and procedure.

Six members from the Landtag in the U.S. Zone have gone to the U.S. for a three months period to observe State legislative procedure and organization. They have not yet returned.

D. PLANNED ACTION TO JULY 1951

(1) General

It is believed that the most immediate progress can be made in this field by the initiation of legislative reference services and by improvements in legislative organization and procedure. Some committees may decide to hold public hearings. Discussions will be held with individual legislators concerning specific legislation, to point out the practical importance and application of the doctrines of the separation of powers and non-delegation of legislative power to the executive.

For the reason stated in Program Item 6 it is improbable that any great advance will be made in the next year toward establishing the right of legislators to represent their constituents. Program item 6, however, suggests means to further a closer relationship between legislators and constituents.

(2) Visiting Consultants

Two U.S. consultants will visit Germany in 1950 and three U.S. and two European in 1951, in addition to the Library of Congress expert who is already here on invitation of the Bundestag group. The consultants arriving in 1950 will follow up the work with the Bundestag, will give any assistance desired by the Landtag to establish legislative reference services, and will discuss with them changes in organization and procedure which will further legislative independence and enable it to play its constitutional role.

(3) German Visits to the U.S. and European Countries

Another group of 15 Bundestag members will be invited to visit the U.S. early in 1951 and three groups of Landtag members of 12 each will visit State legislatures. The Bundestag group will follow substantially the same program as that described

in "C" above, and the groups of Landtage members will follow a comparable program vis-a-vis selected State legislatures and State activities.

(4) Pamphlets

In anticipation of the time when other progress makes it possible to attack the main problems in this field — relations between legislators and constituents, and executive and party domination — it is proposed in the coming year to issue four pamphlets for circulation which will lay the groundwork for an understanding of desirable changes in practice.

"Your Representative". This will discuss the desirable relationship between the individual legislator and his constituents. It will state the present situation, and then consider what the constituent may properly expect of the legislator, and how he may make his views known. From the other side it will discuss the legislator's relationship, not only to his party supporters but to the public at large, how he can keep in contact with them and with public opinion, and what services he can and should perform.

"The Citizen and the Legislature." This will deal, again from two points of view, with the right of the citizen to participate in the legislative process. It will consider the obligation of the legislature as a body to the public, means of carrying it out and means by which the citizen can make his views felt. It will consider the role of radio and press. On the other hand it will treat of the advantage to the legislature of public support and understanding and of practical means of developing this.

"Public Hearings." This will develop the benefits both to the public and legislature of public hearings, and examine the techniques and the limitations.

"Public Information." This will discuss the right of the public to full information on what its government is doing. This is not limited to information about legislation, although that is an important aspect. The role of the press and radio will be considered, and techniques of government reporting will be set forth.

(5) Land Offices

The suggestions made in Program Item 6 for Land Offices are equally applicable here.

In addition Land Offices should encourage the initiation of legislative reference services and should discuss with individual legislators the problems suggested in (1) above.

(6) Kreis Offices

See (1) and (5) preceding.

(7) Newspapers and Radio

An attempt will be made to interest the newspapers in a more complete coverage of legislation while it is pending and before it is passed. Even those newspapers which are most devoted to the public interest seem to fail in this respect. Undoubtedly the reticence of governments and legislatures concerning pending legislation is a cause. Newspaper support for public hearings on important bills will also be sought. After the preliminary discussions with German newspaper editors, it is planned, if possible, to hold a series of conferences dealing with these problems. The same aid will be sought from radio commentators.

(8) Films

One motion picture short presenting the proper relationship between the constituent and legislator is planned for the coming year.

U.S. movie shorts will also be examined to see whether with editing they may be adapted to German audiences.

8. FEDERAL-STATE RELATIONS

A. PROBLEM

The Federal constitution (Basic Law) establishes a federal system with adequate definition of the fields of jurisdiction of the Federal and Land governments. Already, however, there is an observable tendency towards the extension of Federal legislation into fields reserved to the Laender. Centralization of power in the national government is a basic policy of several of the political parties. The present generation of Germans is accustomed to centralized power and has little understanding of federalism as a defense for democracy, or of its philosophy.

Many Germans appear tacitly to reject the principle that sovereignty rests with the people, and may be delegated by them to different levels of government.

B. OBJECTIVES

(1) To further an understanding among the German leaders and people of the principles and importance of a federal system, including the principle that sovereignty rests with the German people and is exercised by the Federal and state governments through delegation from them.

(2) To encourage them to protect the line of division of powers drawn by the Federal constitution.

C. PROGRESS TO MAY, 1950

Considerable efforts were made prior to the adoption of the Basic Law to persuade German leaders and jurists of the importance of establishing a federal system. A majority of the CDU-CSU representatives appeared to accept it as a sound foundation for the new state. Generally the other parties rejected it in principle, but they had to make concessions because authority to draft a Basic Law had been given only on condition that it should establish a federal state.

The Basic Law itself is reasonably satisfactory in this respect. Article 73 lists the fields in which the Federation has exclusive legislative authority, and Article 75, those where it has the right to establish general provisions binding on the states. Article 74 sets forth the fields of concurrent legislation, and Article 72 defines and limits the federal right to act in these concurrent fields. Under Article 70 all legislative power not given to the Federation remains with the Laender.

Article 125, however, provides that pre-existing laws in the fields of concurrent legislation become federal law if they are uniformly valid within one or more zones of occupation. This article appears to reinstate the old centralized Reich law in cases where the Federation would have now no right to initiate new legislation.

Since the adoption of the Basic Law, the problem has not assumed a major place in German political discussion although there have been protests from the Laender against Federal encroachment on states' rights. Up to this point such protests have been made through the Bundesrat (Senate), which, however, has too little power under the constitution to act as an effective defense mechanism. Doubtless with the establishment of a Federal Constitutional Court, some of these laws will be tested.

A feeling for states' rights is strongest in those Laender which had a tradition of independence, e. g., Bavaria, Hamburg, and Bremen. The Bavarian party is founded on the principle of state autonomy. Elements in the CDU-CSU, FDP, and DP believe in states' rights, but other elements favor centralism and seem at present to be in control. The SPD is committed to centralism.

It is interesting to note, however, that the Land governments, even where the SPD sits in the Cabinet, are alert to federal encroachment, although party discipline sometimes makes them vote against their own inclinations.

D. PLANNED ACTION TO JULY 1951

(1) General

It is apparent that there is little chance of arousing broad public concern with the defense of federalism until the German people interest themselves in politics and until some political party makes it an issue. It is possible, however, to stimulate the interest of Land leaders in defending states' rights and to interest some political leaders in its development as a political issue in relation to specific questions. It is also possible to initiate a long-term program of education among those who are concerned with political theory. This will be one of the elements of the program for education in political science and in the selection and planning of a program for Germans visiting the United States (see (3) below and program No. 9).

(2) Consultants

It is not planned to bring any consultants from the United States on this specific program. As far as political education is concerned, this is covered by Program No. 9. Specific problems arise intermittently and at unforeseen times and no programming of a consultant's work would be possible.

(3) German Visits to the United States and European Countries

Eight Germans will be invited to spend six months in the United States during fiscal 1951. They will study in terms of practical experience the division of powers between the states and the Federal Government; the tendency towards centralization, its causes, its bad effects, and methods to correct it, and criteria applicable in a modern industrial democracy to the apportionment of powers between central and state governments.

The Germans invited for those visits will be drawn from the Bundestag and Land and Federal governments.

(4) Pamphlets

No pamphlets are presently planned since the subject is too complicated for popular treatment at this stage of development.

(5) Land Offices

Land Offices should take advantage of opportunities to discuss with representatives of the Land government the practical application of the principles of federalism. Many pertinent examples are arising out of developments in Bonn and the dissatisfaction of the Laender with what they believe to be the Federal tendency toward invasion of states' rights.

In addition Land Offices may have the opportunity to encourage discussion, at least in limited circles, of the principles and importance of a federal system of government and the assertion of states' rights as an element in the protection of a democratic system.

(6) Kreis Offices

No such activity is suggested for the Kreis Officer although he may properly take any opportunity offered to encourage understanding of the principles of a federal system and its relationship to the individual citizen.

(7) Newspapers and Radio

IPG through ISD will attempt to furnish material for newspapers where conflicts develop between Federal and states' rights which are newsworthy.

(8) Films

No film project is proposed.

9. EDUCATION IN POLITICAL AND GOVERNMENTAL AFFAIRS

A. PROBLEM

German university education in the social sciences is highly specialized, and in political science had not been developed along modern concepts. The social sciences are not treated as a whole, and a student of one branch gains little insight into other related subjects. Generally such education has been theoretical; only in economics is there empirical research on a wide scale. From 1933 to 1947, German social and political scientists were almost completely cut off from contacts with the outside world.

Education in these fields has an important bearing on governmental and political problems because of the importance of an advanced degree for entry into the civil service and even in business and the trade unions. Degrees in political and social science in the past have carried substantially less weight than a degree in law. If German governmental and political forms and practices are to be liberalized, new value must be given to studies in the political and social sciences. They must be more realistic and broader in scope, so that the graduate will bring to government and politics a practical conception of actual facts and practices in these fields.

B. OBJECTIVES

(1) To aid social and political scientists and the universities in introducing political and social science courses, together with new teaching methods and curricula;

(2) To assist them to re-establish professional contacts and exchanges with foreign universities;

(3) To make recent materials available to them for research and teaching purposes; and

(4) To secure recognition of the value of study in the social and political sciences as qualifications for government and related positions.

C. PROGRESS TO MAY, 1950

In 1949 a number of visiting specialists from the U.S. undertook studies to determine practical ways and means of introducing and strengthening political science teaching. On the initiative of German leaders, a conference was held which brought together the leading professors and university administrators in political science. In March, 1950, a special political science committee established by the Conference of University Rectors, recommended the general establishment of political science education in universities and the creation of a Political Science Association to be affiliated eventually with the International Political Science Association in Paris.

Several German professors were invited to visit the U.S. to observe course content and teaching methods and arrangements were made with the U.S. universities to furnish a limited number of books and periodicals.

A "Hochschule fuer Politik" has been established in Berlin and courses in this field have been initiated in the Free University of Berlin. Plans were completed for the establishment of a "Hochschule fuer Politik" in Munich with courses to begin in June, 1950. Several chairs of political science and courses in the subject have been established in other universities. These include courses on political parties, comparative constitutional law, and the structure and operations of the federal government.

D. PLANNED ACTION TO JULY 1951

(1) General

A second political science convention is being organized for July, 1950, in which a number of American university professors will participate. It is hoped that this conference will develop specific plans for the further introduction of political science into German universities; for new courses with new content, and for research. Arrangements for exchange between American and German universities will also be discussed. Further efforts will be made to open to German teachers and students the development of the past 20 years in foreign countries and to aid German universities in establishing modern libraries. The exchange program, involving the visits of teachers and students to the U.S., is of unusual necessity in this program because adequate facilities for such work are not yet available in Germany.

(2) Consultants

Four U.S. professors of political science have been requested for the summer of 1950. They will participate in the planned conference and thereafter will work with their German colleagues in various universities in the development of specific plans for teaching political science. Two other professors who have been invited to lecture in German universities will be available for part time assistance.

(3) German Visits to U.S. and European Countries

The opportunity will be afforded ten teachers of political science to spend a year in the U.S. to observe American teaching and research methods and to familiarize themselves with recent material.

Eight Germans will be invited to visit the United States for six months to study all phases of public management at the federal level in a democratic society. This group will be made up of key federal and Land administrators who are in a position to influence the development of governmental methods and relationships in Germany.

During 1950, 72 university graduates and government employees will visit the U.S., with four months study in special courses in universities and one month of observation of practical governmental methods in governmental offices. This project does not involve study of political science as such, but it is calculated to afford educational background for democratic governmental administration and an insight into the theory and practice of government and politics in the U.S.

A similar program is planned for 1951.

(4) Pamphlets

A verbatim account of the 1949 conference was published in German, together with a condensed English version which was distributed in England, the U.S., and France.

The proceedings of the July 1950 conference will be published.

A pamphlet on the status of social and political science education in German universities, to serve as a reference guide, will be prepared and distributed.

(5) Land Offices

Land Offices with universities or a "Hochschule fuer Politik" located in or near the capital city will follow the development of this program.

(6) Kreis Offices

Kreis Officers in whose Kreis a university is located will follow the development of the program.

(7) Newspapers and Radio

While the program is not one of continuous news value, it has been possible to interest feature editors who specialize in governmental and educational affairs, 12 of whom attended the 1949 conference. Their presence resulted in feature articles in their newspapers and in several technical journals. It is expected to repeat this.

(8) Films

No film project is proposed.

10. INSTITUTE OF PUBLIC AFFAIRS

A. PROBLEM

Improvement in German political and governmental organization and practices is hampered by the isolation of German leaders and administrators from ideas, techniques, and practices developed in the Western democracies during the past twenty years, by lack of facilities for research and the free exchange of information and experience within Germany itself, and by lack of contact between German leaders and administrators and the German public.

B. OBJECTIVES

To encourage the establishment of a German institutional center for

(1) the exchange of domestic and international information and experience;

- (2) the encouragement and organization of research;
- (3) to bring together German leaders and administrators, representatives of the German public, and leaders and administrators of other countries; and
- (4) to serve as a research and information center to service specialized operating organizations in the various fields.

C. PROGRESS TO MAY, 1950

An Institute of Public Affairs has already been established in Frankfurt. Its membership consists of nine member associations, and there has recently been established an advisory board (the Kuratorium) of forty-seven German leaders in the field of public affairs. The programs of the Institute are guided by a Directorium of three, with the assistance of an executive secretary.

Four of the nine member associations are German organizations of municipal officials; the other five are organizations of professional governmental officials — housing and city planning, public health, homestead development, public welfare, and governmental statistics. In addition there are four associate members — refugee affairs, personnel, police, and municipal statistics. To a large extent each association is interested in its own field and in some cases at least is not highly sympathetic with the general goals and activities of the Institute.

In spite of the diverse viewpoints within the Institute, a considerable amount of work towards the accomplishment of the objectives (see B above) has been accomplished. The Institute has sponsored a number of important conferences based on substantial preparatory research. In these they have brought together representatives of federal, state, and local officials, civil leaders, functional experts, representatives of professional associations, citizens' organizations, trade unions, special interest groups and universities.

The conferences have dealt with such subjects as: The Organization of the Federal Ministries; The Concurrent Competency of the Federal Legislature; Training for the Public Service; The Expellee Problem; Maternal and Child Welfare; Modern Methods of Psychiatry and Social Work; Problems of Public and Private Housing; The Public Health Aspects of Public Housing; The Importance of Cancer as a Threat to Public Health; The Relationships between the Administration and the Press; The Functions of the Intermediate Level of State Administration (the so-called *Mittelinstantz*).

The Institute has issued a number of publications, among them the results of the conferences listed above, and in addition, has begun a series of popular pamphlets dealing with such subjects as: An Introduction to the Federal Constitution; The Merits and Demerits of the Majority System of Voting; The Authoritarian and Democratic Concept of State; The Marshall Plan; Political Science in German Universities; Facts and Figures on the Expellee Problem; The Situation of Expellees in a Typical Rural Community; A Bibliography on the Expellee Problem; An Introduction into the Casework Method of Social Work in the U.S.; A Description of the Basic Features of the U.S. Constitution; A Study on Existing Procedures for the Issuance of Residence Permits by Local Government Authorities.

The first two volumes in the so-called "Scientific Series" have been published: (1) An Interpretation of the Federal Constitution With Respect to the Concurrent Competency of the Federal Legislature (conference report); (2) Casework in USA — a Textbook for Social Workers by Dr. Hertha Kraus.

Research undertaken by or on behalf of the Institute centered around the topics of conferences and publications listed above.

Lectures held by German or foreign experts which were sponsored by the Institute dealt with such subjects as "The Decentralization of Municipal Administration"; "The Expellee Problem"; "Sociological Problems of Bureaucracy"; "The Present Status of Applied Psychology in Germany"; "Problems of City Planning in the U.S."; "The Reorganization of the German States"; "The Concept and Methods of Political Science"; "Political Freedom in the U.S."; "The Organization and Functions of the Public Administration Clearing House in Chicago".

The Institute reference library has been built up to 5,000 volumes and, although primarily destined for use by the staff of the Institute and its member associations, was able during the second half of 1949 to serve a considerable number of persons who used its facilities for study and research.

D. PLANNED ACTION

(1) General

Heretofore representatives of HICOG have participated actively in the work of the Institute. In order that this may become a purely German institution, it is intended that such active participation by HICOG shall cease. It is hoped that the Kuratorium, representing a cross-section of informed German interests in public affairs, will take a very active part and that the program of the Institute will be worked out on a broad long-term basis so that it covers all the urgent problems which confront German government and those whose solution involves objective study and research of a high level. These problems would cover the fields of interest of the federal, state, and local governments. With such a program the Institute could offer itself as a true center for the exchange of information and experience between German leaders and administrators, would serve to attract international interests in exchange of views, and would be so constituted that German officials and a broad representation of the public might be brought together for discussions and cooperative effort.

In addition, it is evident that the scope of the suggested Institute program is so broad that it could not itself undertake to implement its research and recommendations in all of the various fields. It appears necessary to let specialized organizations perform this task, e. g. the Personnel Society in respect to civil service reform, and the various Civil Liberties Unions in respect not only to individual cases but to indicated statutory and constitutional changes. On the other hand, these individual groups frequently lack the resources for research and publication, and where there are many organizations working in the same field, it would be wasteful if they duplicated each other's work. The Institute ought to serve as a focal point to identify problems, conduct research, prepare publications, hold initial exploratory meetings, and thereby service the operating organizations in the field.

(2) Consultants

An analysis has just been completed by the Executive Secretary of the American Municipal Association answering the question of how encouragement and aid might best be given to the Institute without interference with its independence. It is expected that later in 1950 another U.S. authority on the work of such organizations will visit Germany for such assistance as the Institute may desire in the formulation or execution of its proposed program.

(3) German Visits to U.S. and European Countries

Eleven representatives of the Institute or of the German municipal or professional organizations associated with it are being invited to visit the U.S. during 1950 for the purpose of observing and studying the work and organization of national and state associations of state and local government officials. Thirteen persons will be invited to visit the U.S. for similar study during 1951.

(4) Pamphlets

The Institute plans to issue approximately twelve popular pamphlets on governmental affairs during the next twelve months, including pamphlets on "Training for the Public Service", "The Civil Servant and Politics", "How Does Parliament Work?", "The Functions of the Political Party in a Modern Democracy", "Judicial Independence", "How a Bill Becomes a Law".

In addition, the series of research publications will be continued. These will include a study of existing practices by courts of law and the administration which are in conflict with the basic civil rights as stipulated in the constitution; a translation and discussion of the English city construction law; a translation and discussion of

Swedish housing legislation; and local government in England.

(5) Land Offices

The Land Offices will undertake to interest state and local officials and leaders in the work of the Institute and to make the work of the Institute known at the Land and local level. They will also facilitate distribution of its literature.

(6) Kreis Offices

The Kreis Offices are appropriate agencies to aid in the distribution of the pamphlet publications of the Institute and interest forums or citizens' associations in using these for discussion purposes or as the subject matter of conferences held locally.

(7) Newspapers and Radio

The Institute, through its recently established publications division, plans to extend its rather limited newspaper and radio outlet facilities. The activities will include a large number of feature articles on governmental matters, and radio discussions, including popularized skits and dramatizations of interesting cases dealing with public matters important to the average city.

(8) Films

The Institute has no film program plans for the year June 1950 to June 1951.

11. SPECIAL PROJECTS

As the title of this heading suggests, it is impossible to outline a program. It is a title established for administrative convenience to identify those projects which do not fit into any of the ten established programs, but which from time to time develop.

III. OPERATING RESPONSIBILITIES

The objective of the total program is to assist German groups and individuals to undertake full responsibility for building democracy in Germany. HICOG participation is designed only to offer such advice and assistance as is needed to start a healthy movement and to help it until it takes root. Only those who have worked in Germany can appreciate the opposition which must be overcome, the pitfalls which must be avoided, the traditions which must be reexamined, by those Germans who challenge the authoritarian tradition. Accordingly, the program contemplates assistance to German groups at all stages of development, to assist them in getting organized, in planning and conducting meetings, carrying through their programs, issuing publications, or for other purposes. HICOG will take care that its assistance does not result in control, but simply makes it possible for the Germans to formulate and carry out their own programs which support the objectives in which we are interested.

Each of the eleven programs described in Part II involves certain specific activities. In addition, there are general assignments of responsibility which are common to all programs.

1. Internal Political and Governmental Affairs Division

The Internal Political and Governmental Affairs Division (IPG) is responsible for the development of this program in the governmental and political field. The police and traffic safety programs (Program Item 5) are the concern of the Public Safety Branch; civil liberties and legislative organization and practice (Program Items 4 and 7) of the Legislation Branch; and civil service and administrative courts of the Civil Service Consultant. All others are under the Civic Activities Branch, which is also charged with general coordination of the entire program and with its common administrative aspects.

The branches named above, each in its own fields, will supervise the programs. They will work out operating details as far as that can be done at the headquarters level. Throughout they will coordinate with the Land Offices and resident officers to assure that the plans are realistic and practical, and with other HICOG offices concerned (see subdivision 2 below).

Programs at the Federal level and some special activities will be carried out by the IPG branches directly. Generally, the execution of the program will be delegated to the Land Offices. They are given wide autonomy and freedom in discharging this responsibility, so that they may adapt the programs to varying conditions. To assure that their work remains consistent with the over-all plans, IPG is responsible for periodic regional conferences.

IPG responsibility in connection with specific services, such as consultants, pamphlets etc. is set forth in subsequent subdivisions.

2. Other HICOG Headquarters Units

A considerable number of the activities proposed in the programs involve action in fields which are the responsibility of other HICOG Headquarters units. These include the following:

Office of Public Affairs

The **Exchanges Division** has the responsibility for the exchange program, which covers U.S. and foreign consultants brought to Germany, visits of Germans to the U.S. and foreign countries, and U.S. Information and Education fund projects.

The **Press and Publications Branch, Information Services Division (ISD)**, is concerned with relations with the German press, and the **Editorial Projection Branch** with the transmission of information to the German press.

The **Radio Branch (ISD)** is concerned with relations with the German radio organizations.

The **Motion Picture Branch (ISD)** is concerned with all film production for U.S. purposes in Germany and with relations with the motion picture producers, distributors, and exhibitors.

The **Education Branch, Education and Cultural Affairs Division (ECR)** is concerned with the teaching of civics and political subjects in the schools and universities.

The **Community Activities Branch (ECR)** is concerned with youth and community programs and with relations with community associations, and the **Information Centers Branch** with the distribution of literature and other information.

The **Women's Affairs Branch (ECR)** is concerned with all activities of women's organizations.

Office of Economic Affairs

The **Food and Agriculture Division** is engaged in programs directed primarily to the improvement of conditions and practices on the farms, but is interested in the IPG program as it may concern the farmers' organizations.

Office of Labor Affairs

This office is engaged in similar work with the trade unions and other organizations of workers, and has an interest in any approach to them concerning political and governmental affairs.

Office of General Counsel

The **Office of General Counsel** is concerned with the courts and with legislative bodies so far as judicial and legal problems and legislation are concerned. It has an interest in political and governmental reforms in these fields.

Field Division

The **Field Division** is the arm of the U.S. High Commissioner responsible for representing the point of view of the field and should be brought into consultation when relations with the Kreis Resident Officers are involved.

Each of these listed fields is touched upon by one or more of the proposed programs. Plans and activities within these fields will in all cases be coordinated with the other organizational unit concerned.

3. Land Offices

Work at the Land level comparable to that undertaken by IPG at headquarters is performed by the Political Affairs Divisions in the Offices of the

Land Commissioners. They will coordinate all activities affecting the work of other organizational units (Item 2 above) with the appropriate units at Land level.

The Land Offices cooperate with IPG in the planning of general and operational programs, and are responsible for the execution of the program at the Land level. They are charged with relations with the Land government, Land officials, and the Landtag.

Within the Exchanges Division procedures they select or participate in the selection of Germans visiting the U.S. and European countries. Their responsibility in connection with specific services, such as consultants, pamphlets, etc., is considered in subsequent subdivisions.

4. Resident Officers

The key to the success of the Citizen Participation program lies with the Kreis Resident Officer. This program includes the proposal to develop citizen participation in governmental and political affairs (program item 1, Part II), and the local development of the programs on local government, the citizen and the public servant, and civil liberties (program items 2, 3, and 4, Part II) which are suggested for use as stimulants to local interest in citizen participation.

Cooperation between citizens and the police, and the traffic safety program (Program Item 5), are also fields where the contribution of the resident officer is essential. Work with local political leaders, public officials, councilmen, and local Landtag and Bundestag representatives is essential to the success of Program Items 6 and 7.

Obviously, the development of citizen participation is dependent upon interesting the individual citizen, making certain that he understands the subject matter, and giving him the tools with which to work. The work must be done by Germans. We can only advise and assist where advice and assistance are acceptable.

The interest of citizens in participation in public affairs is at various stages of development in various localities, ranging from a complete lack of organization to an effective citizens' association. In some places the citizens are disinterested or the officials are hostile; in others, there already exists good cooperation. Political complexion, religion, economic conditions, refugees, newspaper characteristics, and a multitude of factors affect each local situation. No single program can be laid down. The program can merely be suggestive to the Resident Officer, and he must adapt it to the conditions with which he is confronted.

He is concerned not merely with forums and citizens' associations but with all kinds of organizations which might interest themselves in public affairs—nonpartisan voter groups, taxpayers' associations, women's and youth groups, farmers' organizations, and trade unions, to mention a few.

IPG will furnish outlines of possible programs which will cover those contingencies which can be foreseen. These will include outlines for discussion courses, suggestions for action programs and suggestions how citizens can make their wishes effective against opposition. Seminars will be held initially to discuss these proposals and periodically thereafter to discuss problems which arise. Pamphlets will be available to support the programs.

Questions which arise in the course of work may be referred through channels to the Land Political Divisions.

The material to be made available will cover a variety of topics such as local government and local autonomy, local taxation and expenditures, selection of local officials, relations between the community legislative and executive branches, civil liberties, relations between the public and the civil servant, the political party structure and its responsiveness to local controls, election methods, and the structure of local, Land, and federal government.

The first step is doubtless to assure that one or more local citizens' groups are established, and then to interest all established groups in public and governmental affairs. In no case should these groups be dominated by the local officials. So far as possible, however, relations with the local officials should be cooperative and helpful.

In addition to encouraging discussions and action on the subjects suggested above, civic groups may be interested in initiating civic improvement programs. If groups undertake such projects, they should be encouraged to follow them through and, where obstacles arise from governmental interference or otherwise, to learn how to fight their case successfully.

There are many Germans familiar with the foregoing problems who are anxious to contribute to the success of these programs. Heretofore no means has existed to bring them in contact with the local groups. It is believed that a German organization for this purpose will be established in the immediate future. This organization can furnish speakers and consultants, and, if a local group is financially weak, it may be possible to extend aid for minor incidental expenses, such as rent for a meeting place, travel expenses for speakers, the cost of publicity, or attorneys' fees in significant civil liberties cases.

Adequate newspaper coverage of these activities is essential. The citizens' groups must learn to establish working relations with the newspapers; the newspapers must learn the news value to them of these local movements.

A few documentary films on citizens' activities will be available for appropriate local groups. They will also serve as a basis for discussion meetings. Local libraries should be encouraged to develop their material in these fields. These activities can be coordinated with the work of the local Amerika Haus or of the Information Center.

A number of visiting American and European consultants will come to Germany. The Resident Officer will be informed of their availability and, through the Land Political Offices, may arrange to use them for consultation with city groups, town councils, city officials, and others. The consultants should, of course, be briefed on local conditions.

Legislators at all levels should be encouraged to report to civic meetings on the work of the legislators and on proposed legislative action. They should be encouraged to make copies of pertinent pending legislation available to interested groups and to get community reaction to legislative proposals. Party leaders and local officials ought similarly to be encouraged to report on their work and to get the public reaction.

Germans who have visited the U.S. and European countries will be returning from these visits to

Germany. It is to be hoped that they will utilize effectively their experience from these visits abroad. The resident officers can contribute materially by keeping in contact with them for implementation of such follow-up programs as may be agreed.

IPG is extremely anxious to receive reports concerning the development of the local programs, their successes and failures, and their problems. These reports specifically should comment upon the work of consultants who may visit the locality and of the Germans who return from their visits abroad.

5. Other Local Units

In addition to the Resident Officers, the Amerika Haeuser and the community centers should be called upon for assistance in the program. Pamphlet material will be made available to them for use and for distribution and, to the extent that forums or other discussion groups are centered around these units, the suggestions made in the preceding subdivisions for Resident Officers will be applicable to a considerable extent.

6. French and British Zones: U.S. Land Observers

As suggested in the earlier discussion, this program so far has been limited to the U.S. Zone of Occupation. Obviously if a democratic system is to develop in Western Germany, the movement for reform must spread through all the zones.

Up to the present it appears that interest in the British Zone has been focussed primarily on certain aspects of local government, and in the French Zone on education and cultural affairs. From informal discussions, however, it appears that there is no reason to suppose that a wider approach will not be acceptable. German interest in the various fields is already spreading into the other zones, and an understanding with the British and French Occupation Authorities will be sought so that the programs and the supporting material outlined in the preceding pages will be available to German organizations throughout West Germany.

Since the development of citizen participation in political and governmental affairs seems to be less advanced in the French and British Zones, it will probably be advisable in the coming year to put special emphasis on that field. At the same time German organizations with professional interests such as the police association, civil liberties groups, the universities and the Institute are bringing the British and French Zones into the specialized programs which deal with these subjects.

So far as the Citizens' Participation program is concerned, it is hoped that the other Occupation Authorities will permit their Resident Officers to interest themselves in the programs and that their facilities may be used among others to bring pamphlets and similar material to the attention of Germans who want them.

The U.S. is represented in each Land in the French and British Zones by a U.S. Land Observer. A Land Observer with a single assistant, charged with a multiplicity of duties, cannot undertake the burden of supporting this program as the Political Divisions in the U.S. Land Commissioners' Offices do. Nevertheless their association with the French and British Land Commissioners' Offices identify them as best fitted to encourage cooperation in the program, and as the normal channel of contact in subsequent cooperative efforts.

7. Consultants

The object of the Consultant Program is to bring experts on various technical subjects to Germany for the purpose of conferences and discussions with Germans interested in those specific fields.

IPG develops programs for consultants in consultation with the Land Offices, defines the qualifications of the consultants required, and suggests names to the Exchanges Division (for transmission to the Department if U.S. consultants are concerned).

IPG and the Land Offices brief the consultants, work out itineraries, arrange the necessary contacts and meetings, handle logistic arrangements, and give general guidance to the consultants, each at their own level. Resident Officers brief the consultants and arrange contacts and meetings at the local level.

Reports and recommendations of the consultants will be made to IPG and Exchanges Division and distributed in appropriate cases to Land and Local levels for follow up, as appropriate. Land and Local Offices may also receive informal reports and suggestions, but are requested to advise IPG of these to assure coordination with the general program.

Land and Resident Offices should report to headquarters on the consultants' work, and make pertinent suggestions.

Resident Officers submit recommendations for the use of consultants to the Land Offices.

8. German Visits to the U.S. and European Countries

The purpose of this program is to bring qualified Germans into contact with democratic forms and practices in Western Europe and the U.S., to open up to them new developments in the governmental and political field from which they have been cut off since 1933, and to introduce them to the freer atmosphere and the customs of the Western democracies. Most of the Germans who will participate in these programs are leaders in their fields and in the U.S. they will deal with U.S. leaders. Experience in past years has indicated that this is an extremely productive practice.

IPG develops these programs in consultation with the Land offices and implements them through the Exchanges Division. It may suggest sponsors for the projects. IPG will brief Germans before their departure, and will secure reports from them on their return, either directly or through the Land Offices.

IPG will develop follow-up programs. The Laender may amplify these but will advise IPG for purposes of coordination.

Because of the nature of the exchange projects in the IPG program, it is essential that those invited should be leaders in their respective fields, and the greatest care will be exercised to select persons who are qualified for the program for which they are chosen and who will make the greatest contribution as a result.

9. Pamphlets

A number of German organizations are actively engaged in research and in the publication of results. This is one of the means toward the objectives in which we are interested and over a period of time it is to be assumed that German organiza-

tions will have covered the entire field. At this stage of development, however, the German organizations do not always deal with precisely the aspects of political and governmental problems which are needed for the stimulation of Citizen Participation. Furthermore, the availability of these publications on the necessary scale is often beyond the means of the German organizations. Accordingly, some assistance is necessary.

IPG in consultation with the Land Offices will determine what pamphlets are necessary for the effectuation of the program, examine available pamphlets to determine those desirable for use and, if necessary, encourage the preparation of special pamphlets for that purpose. All pamphlets will, except in unusual cases, be German in authorship and publication.

IPG will make general plans for the distribution of pamphlets. The Land Offices should carry this out within the general framework established by IPG. While many pamphlets will be furnished free, direct sales are to be encouraged.

The Land Offices should report on the distribution and use made of the pamphlets and their effect upon German opinion.

It should always be borne in mind that the distribution of pamphlets is not an end in itself, and therefore care should be taken that distribution is only made with a definite end in mind. Local adaptations of IPG plans will be made accordingly.

10. Newspapers and Radio

It is needless to point out the importance of newspaper and radio discussion in the stimulation of public opinion and in public interest in a subject. With the tradition of public non-participation in Government and politics, which has been reported in the preceding pages, it is not always evident to newspaper editors that newspaper coverage of this field will attract the public and is good business. The situation with the radio is more favorable because most of the radio executives and commentators have acquired their present positions and experience in a freer atmosphere since 1945.

Suggestions have been made throughout Part II for newspaper campaigns in particular fields. No possible plan can be worked out in advance, however, which will take advantage of the "breaks" which occur. By keeping in mind the various purposes of the ten programs, it is possible to seize many opportunities to get favorable publicity which will further the attainment of our objectives.

It is desirable that the German individuals and organizations concerned should themselves arrange for the necessary publicity and learn to utilize these opportunities. The task of the Land and Resident Offices, therefore, is to aid and advise the Germans in this field. They should not themselves undertake to secure publicity, but when necessary will seek the aid of ISD.

11. Film

Visual presentation through films is, of course, one of the most effective methods of presenting ideas. The film program outlined in the preceding pages is not as adequate as is desirable but it has necessarily been limited by the personnel and funds available. It is hoped that in the future it will be expanded.

IPG in consultation with the Land Offices and the Motion Picture Branch, ISD, will plan the production of any films to be made in furtherance of the

program, and the use of foreign films. Once a film is available, the general plan for its use will be developed by IPG but worked out by the Land Offices in more detail and by the Resident Officers within their own localities.

In this field, too, the responsibility should as rapidly as possible be transferred to Germans.

12. Exchanges Division

All arrangements for consultants from abroad and for German visits to the U.S. and European countries are under the jurisdiction of the Exchanges Division and are governed by its procedures. If for any reason the needs of the IPG program require a modification of these procedures, the matter will be brought to the attention of IPG, which will seek a solution with the Exchanges Division. Local administrative modifications may be arranged in the Land Offices.

Many of the past procedures which have complicated the IPG programs have been changed. Thus an advance decision is now made upon those projects which are to be noncompetitive in recruitment; use of commercial transportation should make it possible to schedule departures to the U.S. at a fairly definite date and in advance.

On the other hand, it must be recognized that adequate time must be given for the operation of the selection and clearance procedures, and that clearance is not within the control of the Exchanges Division but is handled by the Combined Travel Board and-or the Consulates, who in turn are frequently bound by law. It is essential that all selections should be of a character suitable for the project concerned, and the Land Offices would do well to familiarize themselves with CTB and consulate clearance regulations so as to be sure that persons selected will not run into subsequent difficulties.

13. Deutsche Mark Funds

A certain amount of Deutsche Mark funds are available in support of the program. These are distributed on the basis of a budget made up by IPG on the basis of proposals received from the Land Offices, and approved by the Exchange Division. Allocations to the Land Offices will be used by them strictly within the terms of the allocation. They may make suballocations to the localities.

All concerned should bear in mind that these Deutsche Mark funds must be used and handled with the same care which the user would apply to his own money. While the Exchanges and Finance Divisions are in charge of formal accounting for this money, the Land Political Divisions must establish a simple system of controls of their own to determine that they are not overspending, and where grants are made they should be alert to determine that the money is being used solely for the purpose for which it is given and to produce the best results with the greatest economy. It is necessary to put emphasis on this latter point because the money may be used, quite honestly and within the purpose for which the grant was made, but not as productively and economically as possible.

Unspent balances of allocations and grants are to be returned.

14. German Legislation

IPG and the Land Offices should observe German legislation to determine its relationship to the ob-

jectives of the program. Many laws which deal with wholly unrelated subjects will, nevertheless, have provisions which either advance or are inconsistent with these objectives. They should be noted and reported.

Where laws are contrary to the objectives of the program, IPG and the Land Offices may properly discuss the objectionable features with officials and legislators and recommend correction. They may advise German organizations in this field.

They will work with Germans to secure and support legislation which furthers the program objectives.

15. Reports and Analyses

Too little information upon activities and accomplishments under this program has flowed from

the Resident Officers to the Land Offices, from the Land Offices to IPG, and from IPG to the Department. It is essential that an adequate reporting system be installed. Important items should be the subject of interim reports; there should be quarterly a comprehensive report. Reports from German grantees should be included, at least in summary, in the reports from the Land Offices.

It is not desired to add further to the burden of the resident, Land and Headquarters offices by requiring needless reporting. But the American people will not continue to support this program unless they know that something is being accomplished, and an intelligent development of the program for the future requires that we know what has been accomplished, what difficulties have been encountered, and what improvements can be made. The reports should be directed to these ends.

89083868554



B89083868554A