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INFORMATION BULLETIN

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MAGAZINE OF US MILITARY GOVERNMENT IN GERMANY



BAVARIAN PORCELAIN

NO. 163

JUNE 14, 1949

THIS ISSUE:

Basic Law

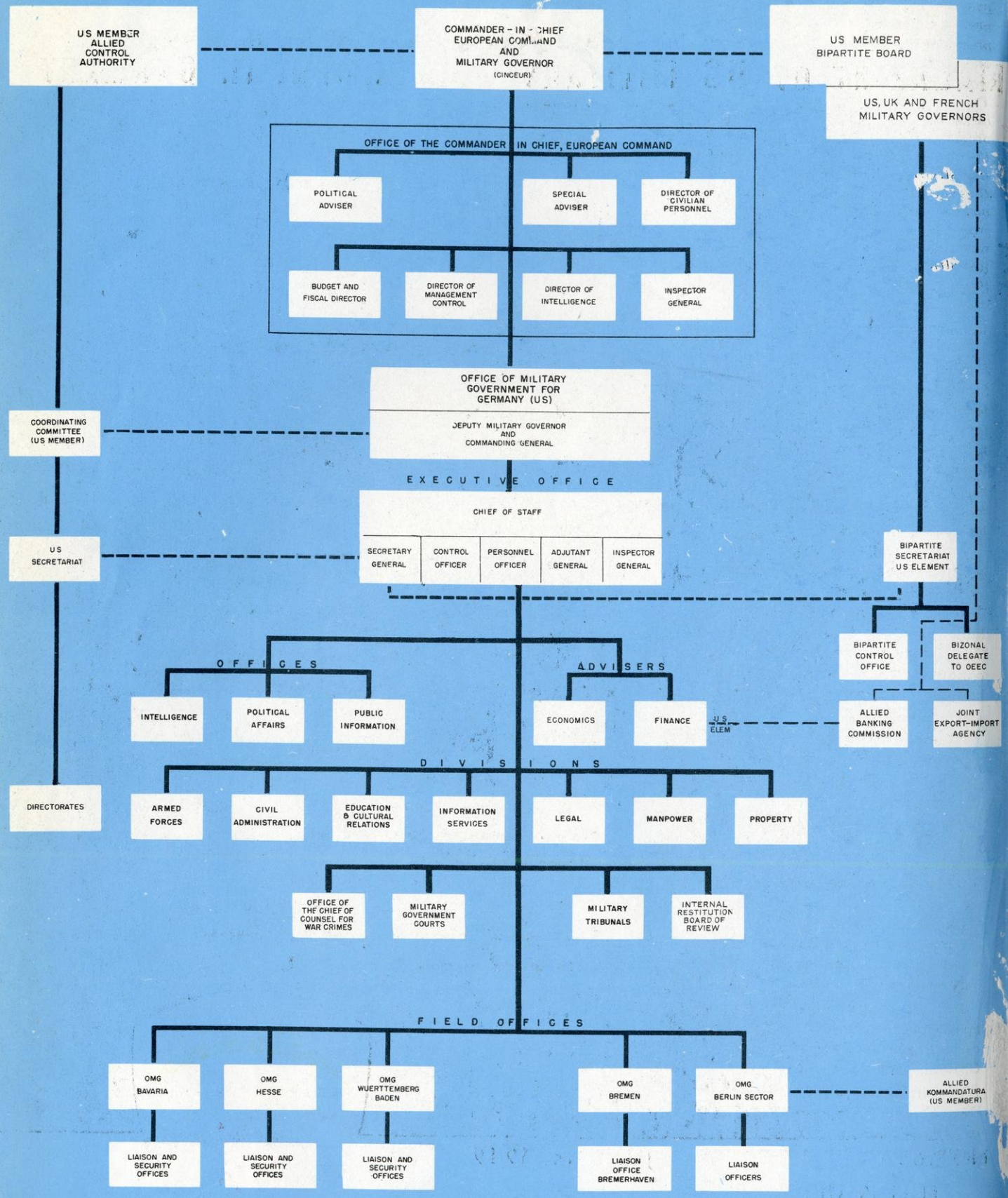
Glass and Ceramics

Soapbox Derby

School Reform in Hesse



US MILITARY GOVERNMENT IN GERMANY



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COVER PICTURE

BAVARIAN PORCELAIN—The likeness of George Washington, first president of the United States, appears on a fine vase made by the Rosenthal works at Selb, Bavaria. Marjorie A. Yahraes, editorial writer of the *Information Bulletin*, has written a comprehensive review and analysis of the revival of the glass and ceramics industry in western Germany since the war. This article, which begins on page 15, is the first of several which Mrs. Yahraes is preparing on the post-war development of western German industries for forthcoming issues of the *Information Bulletin*.

The *Information Bulletin* is the bi-weekly magazine of the Office of Military Government for Germany (US) for dissemination of authoritative information concerning the policies, regulations, instructions, operations and activities of Military Government and affiliated organizations.

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MILITARY GOVERNMENT INFORMATION BULLETIN

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OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
CONTROL OFFICE REPORTS & STATISTICS BRANCH
BERLIN, GERMANY APO 742, US ARMY

Executive Order

Establishing the Position of United States High Commissioner for Germany

By virtue of the authority vested in me by the Constitution and the Statutes, including the Foreign Service Act of 1946 (60 Stat. 999), and as President of the United States and Commander-in-Chief of the Armed Forces of the United States, it is ordered as follows:

1. There is hereby established the position of United States High Commissioner for Germany, which position shall be that of Chief of Mission, Class 1, in accordance with the provisions of the said Foreign Service Act of 1946.

2. The United States High Commissioner for Germany, hereinafter referred to as the High Commissioner, shall be the supreme United States authority in Germany. The High Commissioner shall have the authority, under the immediate supervision of the Secretary of State (subject, however, to consultation with and ultimate direction by the President), to exercise all of the governmental functions of the United States in Germany (other than the command of troops), including representation of the United States on the Allied High Commission for Germany when established, and the exercise of appropriate functions of a Chief of Mission within the meaning of the Foreign Service Act of 1946.

3. With respect to military matters, the Commander of the United States Armed Forces in Germany shall continue to receive instructions directly from the Joint Chiefs of Staff. On request of the High Commissioner, such Commander shall take necessary measures for the maintenance of law and order and such other action as is required to support the policy of the United States in Germany. If major differences arise over policy affecting military matters, necessary reports and recommendations shall be referred to the Department of State and to the National Military establishment for resolution. In the event of an emergency involving the security of the United States Forces in Europe, such Commander may take whatever action he considers essential to safeguard the security of his troops.

4. In the event that the High Commissioner shall assume his duties in accordance with this Executive Order prior to the date that the Military Government of the United States Zone of Germany is terminated, he shall during such interval report to the Secretary of Defense, through the Secretary of the Army, and shall be the United States Military Governor with all the powers thereof, including those vested in the United States Military Governor under all international agreements.

(s) Harry S. Truman

The White House,
June 6, 1949.

School Reform in Hesse

WHEN AMERICANS first came into Germany, educators, and MG officers agreed that many reforms were necessary. Probably the greatest affront to freedom-loving Americans was the caste system so apparent upon first contact with German officials and citizens.

The reform, most Americans believed, must start with the youth, and to the youngsters must be given the essential lessons of basic, human equality. To see why the first American occupiers looked so strongly to the children, let us examine any elementary school classroom in Germany as it existed in 1945-46.

A bright, inquisitive little girl is sitting at her desk. She is the leader of her fourth-year class and the brightest pupil for her age in the city. She is 10 years old and she is facing the greatest decision in her life. She, however, does not make that decision; it is made for her by her father, owner of a small linen shop and a man of very moderate means. At the age of 10 her entire future life, her occupation, her friends, her social life, her future husband, probably, all hang on the decision her father makes as to whether she is allowed to take the examination for admittance to an academic high school.

Her father, ignoring the youngster's talent and ability, feels that an academic and university education is unimportant for a girl. She is enrolled at the Volksschule (elementary school) and is to finish the eight-year course, where most of her time is to be spent studying German, arithmetic and religion. Once graduated from the Volksschule, she is to serve an apprenticeship in her father's store and then take an examination as a salesgirl. She might have had a distinct talent for law, medicine or the arts, but at the age of 10 years she lost all chance of proving it.

Next to the little girl, in the fourth-year classroom, is a 10-year-old boy. He faces the same decision. His father, a minor civil servant, decides that his son also shall be a civil servant, so the young man is enrolled at the Mittelschule (middle school) where he spends a total of 10 years, and where, after the fourth year, his courses are entirely different from those of the little girl at Volksschule. At the end of his schooling, he de-

Article
by **Dr. James R. Newman**

Director
OMG Hesse

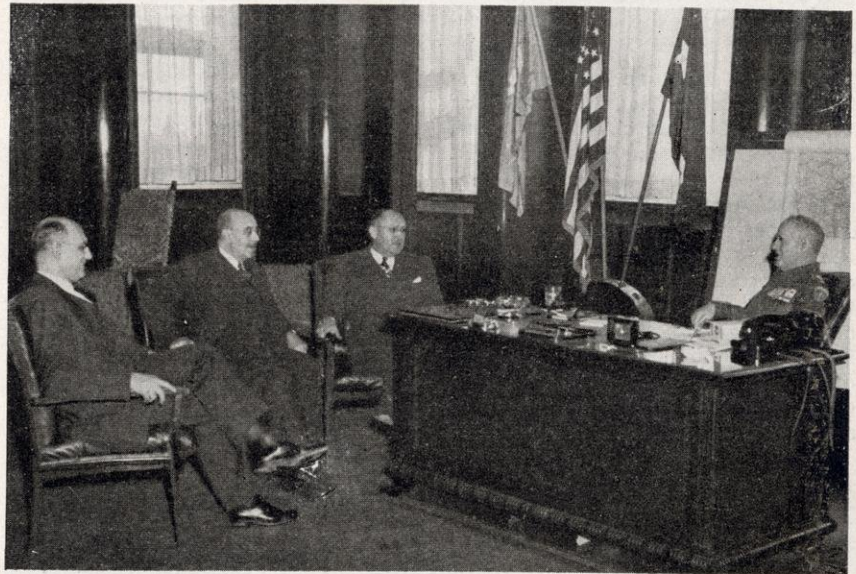
ides he wants to go to the university to study engineering. In order to enter the university, he must make up two more years of school and also many of the subjects taught in the Gymnasium (higher school), which he did not have from the fourth to the 10th year.

IN THE SAME SCHOOLROOM there is another little boy also 10 years of age and also a very bright student. He faces no decision. The decision

the universities would have already been filled.

In Hesse, almost 12,000 students are taking university training; before the war less than 5,000 students were enrolled in the universities of the state. Only a little over 1,700 may be admitted each year. Over 2,000 are graduated from high school each spring and more and more former soldiers are seeking to continue their studies interrupted by the war.

Actually, the young man would have much preferred to have gone to a trade school and studied mechanics for which he had a natural flair, but his academic training had not prepared him for a change. He had



Dr. Newman, author of this article, at a conference with Lt. Gen. Clarence R. Huebner, now acting military governor, at the latter's office in Frankfurt in April 1948. Attending the conference are: (left to right) Dr. Harry Wann, then director of the Education Division, OMGH; Dean William S. Russell of Columbia University, Dr. Newman and General Huebner. (US Army photo)

was made for him by his father the day the child was born. The father, a baron and civil engineer, had no doubts but that his offspring would go to the academic high school, the Gymnasium, and then on to the university and medical school.

But, if it were like in prewar days, before the boy could enter the university he would find himself in the army. Upon his return from service the young man would seek entrance into the university but all places in

been destined for the university and a career in medicine when he was 10 years old. In the Gymnasium, he had devoted 28 percent of his time for nine years of the 12 year course to Latin and Greek, another seven percent to modern languages and 23 percent to German and mathematics. Less than 10 percent of his time was devoted to social studies.

Returning to the fourth-year class we find that only 10 percent of the

(Continued on next page)

youngsters will be permitted to go to the Gymnasium. First, their parents must be willing that they compete for the entrance examinations; and second, they must be able to pay the tuition fees, for only the Volksschule is free.

The children who stand highest on the competitive list and whose parents can afford the tuition are selected for matriculation. Yet, at the beginning of the occupation when these conditions existed, German educators stoutly asserted that all intelligent youngsters were being admitted to the higher schools.

MORE IMPORTANT, the die was cast in so far as social separation was concerned. The caste system was starting and developing. The little girl who continued in the Volksschule no longer was invited to the parties of the middle-school pupils, and the future civil servant no longer associated with the future medical student. The barrier had been erected.

To quote from an article in the "American School Board Journal," by Vaughan R. De Long, chief of education division, OMG Hesse, students "were trained in a school system that emphasized and deepened the (class) differences instead of lessening them, a school system which even in its academic training, was entirely vocational with little or no training in the basic elements of social living or of international understanding and cooperation. From the time . . . children entered these different types of schools in their fifth school year, their

ways became ever more divergent. Each course of study was different from the other."

The real purpose of the German school system was selection and elimination rather than education. This was borne out by the fact that the average Gymnasium had one teacher to every 30 pupils; the Volksschule had one teacher to every 60 pupils. This was justified by German educators on the ground that brighter pupils had earned such advantages. Yet recent studies under the American occupation show that the average ability of elementary school students was but slightly below that of gymnasium pupils, the supposedly highly-selected group.

Even the teachers in the various schools took different training. Elementary school teachers attended a special seminary for training elementary school teachers after completing the elementary course of study. The academic instructors, however, took specific training in the university in order to become high school teachers. The entire educational system tended to create an elite class of leaders from whom all others took their leadership. The five to 10 percent of the university-trained people became the "superior" class.

These were the school problems, then, that faced the MG educators. Before the solution could be found schools had to be located, troops moved out of them, the buildings repaired, teachers denazified and demilitarized, Nazi textbooks eliminated

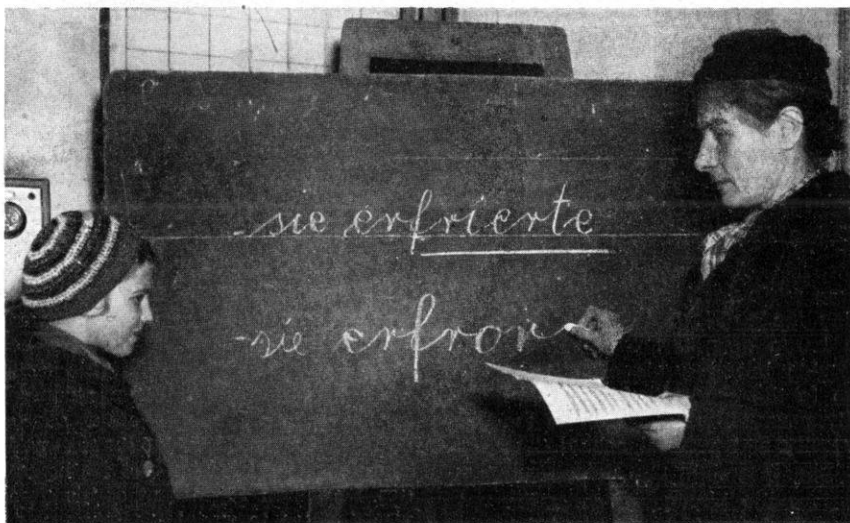
and new textbooks—often denazified by the use of scissors and glue—distributed, and paper, pencils and teaching aids procured and given out. These mechanics of education consumed most of the time in 1945 and 1946 and little active thought could be given to a school reform, as such, in Hesse.

Dr. Newman is by profession an educator, having risen from a country school teacher to supervising principal for the 16th District Schools of Long Island. His home is in Floral Park, N. Y. He received his master and doctor degrees in education at Columbia University and has written many published papers, particularly concerning adolescent education. Being commissioned a colonel during the war, he led the MG detachment into Wiesbaden in July 1945 and three months later directed the consolidation of three small German states into the present state of Hesse. He is the only one of the original state MG directors still in service.

OMGUS, in January 1947, had established the 10 basic doctrines for rebuilding the German school system. It was a decision to teach democracy by example. It would have taken far less time to impose democratic education by decree, but the Germans would not have learned the actual practice of democracy if their schools had been reformed by MG order. Thus instead of ordering, committees of Hessian citizens were formed to study and recommend a new educational system. Every facet of life and every section of the state were represented on one or more of the working parties studying educational reform.

THIS GROUP received semi-official status when the Ministry of Education, in January 1948, appointed it the State School Advisory Board. Certain reforms were recommended and even tested in typical schools within Hesse. In order to bring the general public—especially the parents—in contact with the problem, special discussion groups were formed and meetings held. Student government was instituted in most schools and visiting education experts gave generously of time and advice, while German educators were sent abroad to see how education had advanced in other countries during the war. School reform was on the verge of becoming a reality.

The first break came in April 1947, when, by a Ministry of Education decree, tuition costs in high schools and universities were discontinued. In February 1949, the Hessian legis-



As there was no heat for schools in the early days of the occupation, a teacher and 5th grade pupils wear their hats and coats during class in a Frankfurt school in February 1946. (US Army photo)

lature confirmed this ministerial decree and even provided free tuition in all schools of the state, free school books and free school materials. The first real breach in the age-old caste system had been made. Further progress was inevitable. A few days later, the same legislative body passed a law providing for standard curriculum in all schools. Opportunity for educational equality was an actuality. With legislative enactment the real fundamentals of school reform were implemented and teeth were put into Hessian school reform by the educators themselves.

BASICALLY, the implementing regulations provide for three separate methods of insuring educational equality: first of all, a uniform objective test is given to all pupils in the fourth grade prior to selection of new pupils to the middle school and the high school. In February 1949, almost 61,000 young Hessians took this competitive examination which tests intelligence, knowledge, achievement and aptitude. Selections to higher study are now determined by ability rather than by social group, family tradition or ability to pay.

The second basic innovation is the uniform course of study for all fifth grade classes regardless of school. With the uniform course, the overspecialization and practical impossibility of changing courses of study in the future is eliminated. Freedom for the student to change his mind is a reality.

The third action by the Hessian educators is another objective test to be given at the end of the fifth school year in order again to bring objective influences into play to show that all of the best students are not in the Gymnasium, and to provide students desiring to change from Volksschule to Gymnasium the opportunity for an easy switch of program. It is expected that these achievement tests will be given at the end of each year for at least the first eight years of study.

RETURNING to the second directive, equalization of curriculum, I believe it well to point out that prior to this change a different history, a different geography, a different German and even a different course in mathematics were taught at the different schools. The plan now in operation in Hesse has all pupils of like grade learning same courses from the same books. In addition to the other courses, the gymnasium

student starts his Latin studies in the fifth school year but a student changing from, say Volksschule to Gymnasium, can make up this course without undue burden. Thus the course of study will no longer be such a deciding influence in the youngster's life.

Free tuition plus common testing and common curriculum has led to an unexpected trend: greater interest on the part of the parent. In the short period since the reform was instituted OMG Hesse education officials have noted an ever-increasing interest on the part of fathers and mothers. This in itself is far more significant than legislative enactment. For the first time tradition-bound parents are inquiring as to why their youngster has not been admitted to the Gymnasium and are interesting themselves in his studies and his extra-curricular activities.

Further, now that the grocer's son and the banker's son are really schoolmates and friends, the grocer and the banker are becoming better acquainted. The caste walls are beginning to crumble at the roots. With this awakening of parental interest, I predict that parents will become increasingly active in demanding greater equalities for their children—more facilities, better courses of study and eventually a chance for every youngster to go on to a free university.

THE REFORM has also affected the school laws themselves. The Ministry of Education drafted a law for a school organization of six years of elementary school studies. In the draft the ministry included a lengthy justification of the proposal. The draft was then circulated among the citizens and invited their comments and criticism. This is believed to be the first time in the history of Germany that such type legislation has been given to the people in an unofficial referendum before being presented to the legislature.

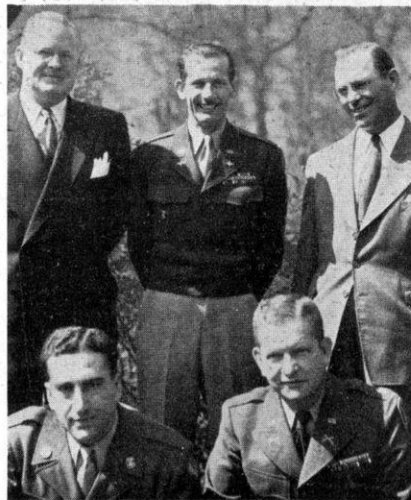
Also submitted for public consideration is the draft of a law which breaks sharply with German educational tradition. This draft, which has been agreed to by the educators of the state, provides that all new teacher training students must have completed high school and that all teacher trainees will have at least one full year of common training. Heretofore, the elementary school teacher did not need a high school education and his teacher training was far differ-

ent from that of his colleague in the high school.

With school reform came a change in thinking and textbooks have been radically changed. A new English primer, called "It's Quite Easy," is a lively, illustrated text. It is now used in all fifth grade classes. New history texts which teach history never learned by members of the former Wehrmacht will soon be making an appearance in all schools. A new geography is being taught, and best of all, it is being taught to all pupils in the same grade regardless of school.

SINCE the start of the occupation, education in Hesse has been advanced by several years. It was accomplished not as a miracle, but by the determined effort on the part of a number of sincere educators who loved and believed in democracy. Educational reform was not realized by military order or occupational decree but was the work of the Hessians themselves guided by democratic example. School reform in Hesse is the result of practicing democracy, and it can be used as the example for further orientation to the cause of freedom and peace. + **END**

Officials of the newly formed Federated Rod and Gun Clubs in Europe, an organization comprising all American fishing and hunting societies in EUCOM, are: (left to right standing) Mr. Homer Lyons of Augsburg, president; Lt. Col. Ward R. Betz of Wiesbaden, vice president; Mr. James K. Davis of Munich, secretary; (front) T/Sgt. Patsy Fontana of Oberpfaffenhofen Air Base, treasurer; Major Henry C. Becker of Heidelberg, member at large. (US Army photo)



Occupational Personnel Items



Mr. Carl R. Mahder, Deputy Controller of OMSTEG, supervisory agency for STEG, a German public corporation, was appointed chief of the American ERP Group in the Bipartite Control Office. His new assignment entails coordinating a number of phases of Bizonal Germany's economy into a single program and programming all dollars allotted under this program for Bizonal German spending during the coming years.

(US Army photo)

John French Leaves JEIA Import Branch

Mr. John French, chief of the Imports Branch, JEIA, will return to New York City to resume the practice of law. Mr. French joined Military Government as a legal adviser in Berlin in early 1946. He was made special assistant to the economics adviser, OMGUS, and for some time held the post of acting deputy director of the Economics Division. In February, 1948, he was appointed director of operations of JEIA. He has been chief of the Imports Branch of that agency since September, 1948.

* * *

Mr. Harris P. Dawson, Jr., chief of the Reports and Statistics Office, JEIA, is returning to the United States for work with the Bureau of Labor Statistics in Washington. Formerly regional director in the Atlanta, Ga., office of the US Bureau of Labor Statistics, Mr. Dawson had been with the Department of Labor for seven years. He is being succeeded by his deputy, Mr. Anthony J. Cefaratti.

* * *

Mr. Richard S. Schubert, member of the Legal Division, OMGUS, since September 1945, has accepted a position in Vienna with the Legal Division, US Element, Allied Commission for Austria.

Mr. Schubert was born in Vienna and practiced law there for ten years after he received his doctor of laws degree from the University of Vienna. Mr. Schubert was a member of the Administration of Justice and Legal Advice branches, OMGUS.

EUCOM Transfer

Col. George E. Wrockloff, Jr., deputy chief of the EUCOM Transportation Division since April 1948, has been assigned as transportation officer of the 4th Army at Fort Sam Houston, Texas. Colonel Wrockloff came to Germany in December 1945 after attending the Army and Navy Staff College and serving at the New York Port of Embarkation as executive officer of the Overseas Supply Division from late 1943 until the fall of 1945.



Mr. Leland E. Spencer, chief of the Commerce & Industry Group, BICO, is leaving Germany to reassume his position with the Goodyear Tire & Rubber Company, with whom he has been associated for 23 years. Mr. Spencer (right) greets his successor, Mr. Harold A. Taylor, who has been OMG Bavaria economics adviser.

(US Army photo)

Telegraph Convention

Three Allied communications officials represented Bizonal Germany at the International Telegraph Convention held in Paris during May. Mr. Eugene H. Merrill, chief of the OMGUS Communications Branch, Berlin, represented US Military Government, while Mr. L. G. Semple, chief of the Bipartite Communications Group and Mr. R. C. Miller, BICO telegraph engineer, represented British Military Government.

Attends Authority Meeting

Lt. Gen. Sir Gordon Macready, British chairman of the Bipartite Control Office, represented the US and UK military governors at the first meeting of the International Ruhr Authority in London late in May. The meeting was to discuss administrative problems, such as the appointing of a secretary general for the Ruhr Authority and the selection of staff.



Brig. Gen. Fay B. Prickett, deputy inspector general of the Department of the Army, signs through security at the Rhine-Main Airport near Frankfurt immediately after his arrival in Germany last month for an inspection of army installations in the European Command.

(US Army photo)

Organization for European Economic Cooperation

by **Major Gordon L. C. Scott**
US Secretary
Bipartite Secretariat

IN THE CONFUSED MONTHS following the last Great War, the economic life of western Europe was sick and chaotic. The gears of production were worn and broken; the flow of international trade was reduced to a trickle. What could be done for this ailing patient? Where was the path to health, strength and freedom?

Then in the Spring of 1947 came Secretary of State Marshall's great answer and challenge. The hand of the United States would be extended in aid—but this aid would be fruitless unless the free nations of Europe, in mutual cooperation, found a way to help themselves.

Europe's reply was soon forthcoming. In September of 1947, the challenge was accepted; 16 western European nations, with one voice, declared their intention to work together in mutual selfhelp and productive effort. In order to do so, they blueprinted an international organization which would chart western Europe's course to recovery and submit to the United States requests for the aid needed beyond the limit to which they could help themselves. The job could be done, they hoped, by 1952.

THUS JUST over a year ago, in April of 1948, was born in Paris the Organization for European Economic Cooperation (OEEC)—a group of representatives from the 16 Western European Nations plus the Bizonal Area and the French Zone of Germany. They formed a Council, of one member from each participating area, which would be the supreme deliberative body. An executive committee of seven national representatives was created to handle day-to-day business, while policy and technical committees were established to perform the staff functions for the Organization.

The manner in which OEEC meets its commitment is characteristic of the sincere thoroughness that has marked its efforts. The Council, in its "long term program", first set economic milestones and objectives along the four-year path to viability. The various participating nations then evolved their own programs, starting with the first year, and showing what they could produce for themselves, what surpluses they would have available to help their partner nations, and what they would require in aid from other European nations or the United States.

THESE separate programs were then discussed in OEEC and the maximum degree of harmonization achieved. Following this, the requirements of the participating nations from the United States were given to the Economic Cooperation Administration (ECA), which then met these requirements to the fullest possible amount.

Bizonal Germany has been represented in this effort from the day in April of 1948 on which General Robertson, acting also for General Clay, signed on behalf of the Bizone the Convention for European Economic Cooperation. In the deliberations of the OEEC Council, the economic advisers to the US and UK Military Governors—Mr. Laurence Wilkinson on behalf of General Clay, and Sir Cecil Weir for General Robertson—have presented the Bizone's case, and will continue in this task until the German authorities can assume this responsibility.

A Bizonal delegation, composed of US, British and German personnel, was sent to Paris. The first chief Delegate, Mr. Robert Trier of Chicago, has now been succeeded by Mr. Malcolm R. White of Colebrook, Conn. The staff of the Delegation is small, numbering about two dozen

persons in all, but is supplemented from time to time by technical experts from Frankfurt and Berlin in the fields covered by the scheduled OEEC committees meeting.

UNTIL RECENTLY, the burden of negotiations within the OEEC on the Bizonal Delegation's part has been borne by the US and British, with the German representatives attending as observers. However, with the recent Washington declaration of the foreign ministers providing for full German participation in the OEEC coincident with the formation of a Western German government, emphasis is being placed on increased direct German participation. They are to prepare and defend their own programs, assuming increasing responsibility for their economic recovery and the economic rehabilitation of a democratic western Europe. In the words of the United States and United Kingdom Military Governors:

"As the representatives, for the time being, of the Combined Zones at the OEEC, it has been the responsibility of the Military Governors to supervise the preparation of the German programs submitted to the OEEC, to press for the adoption of policies which would permit the most effective use of German resources for German and European recovery, and to sign the final agreements reached, on behalf of the Combined Zones.

"Now, following upon the historical agreements on German policy just reached between the Governments of the US, UK, and France, the people of Western Germany are preparing to set up a government of their own, and this government will then directly assume the responsibilities heretofore exercised by the Military Governors in carrying out Western German undertakings toward the ECA and the OEEC. That they will do so with energy and enthusiasm seem certain."

— END



(photo by PIO OMGB)

Because of the failure of his backyard crop last year, Mr. Murray D. Van Wagoner, OMG director of Bavaria (right), received expert advice from the Bavarian agriculture minister, Dr. Alois Schloegl, in planting his potato patch this spring.

Director Van Wagoner had told an agricultural extension service dinner several weeks ago about his inadequacies as a farmer because of the failure of his potato crop last year, one of the most successful potato years in Bavaria's history. Dr. Schloegl

offered his professional advice. In mid-May, the two met in the Van Wagoner backyard and, as the German agriculture minister gave instructions, the OMG director cut up 12 potatoes, dug up the ground and planted the hills. The potatoes, Irish cobbler, had been sent Mr. Van Wagoner by a Detroit (Mich.) friend, who had obtained them from Ireland.

News Types of Schools

The Curriculum Workshop in Bavaria is working on plans for the curricula to be used in five new types of high schools, to be known as the "Realschule." These schools will emphasize general education, commercial subjects as preparation for business careers, the trades, home economics and agriculture.

Freight-car Deliveries

The Reichsbahn received 4,500 new freight cars from four European countries up to May 12, Railways Branch of Bipartite Transport Group announced. These foreign deliveries represent around 30 percent of the 16,830 total being constructed in Czechoslovakia, Belgium, Italy, Austria and Hungary under contracts sponsored by JEIA last August and September.

Airlift Fliers' Gifts for Berlin Children

Because of the airman who first had the idea of aiding Berlin children, 35,000 Berlin boys and girls are happier today for having thousands of items of clothing, soap, candy and toys.

Last October, a small group of officers and men of the 1420th Air Transport Group, US Air Force (now known as the 313th Troup Carrier Group), decided they would like to do what they could to help the children of Berlin. As part of the airlift personnel stationed at Fassberg, an airlift terminal in the British zone, they were well aware of the bleak prospects the winter 1948-49 held for most German families living under the blockade.

The men decided that each of them would write an appeal to his hometown newspaper asking for gifts for blockaded Berlin children. Somehow they conveyed to the people of

America a picture of children growing up in a city where candy is almost non-existent; where clothes are ill-fitting and threadbare; where many games and toys are unheard of, and where mothers can't keep grimy knees and hands clean for lack of soap.

Other US newspapers picked up the story, and Americans began wrapping and sending gifts to thousands of children they had never seen. Shortly before Christmas and for weeks afterward, gifts began pouring into Fassberg—not only for the children but sometimes for parents as well. They came from every part of the United States—women's clubs in Maine, schools in California, a brewery in Wisconsin, and children in Tennessee.

In all, 300 large canvas mailbags and 75 bulging cartons of gifts arrived:

warm wool sweaters, coats and trousers; toys and games; candies, chocolate and soap. There were so many presents that C-47's were pressed into service to deliver the mountain of packages to Tempelhof airport.

In Berlin, GYA representatives were asked to help in the problem of distribution. The American Women's Club of Berlin sorted and rewrapped gifts. They worked 20 women at a time from morning until late afternoon to keep up with deliveries.

The Public Welfare Branch, OMGBS, in consultation with German welfare officials, prepared lists of those children whose needs were greatest, including children in institutions and others deprived of home care. They also assisted in the actual delivery to the thousands of surprised and grateful Berlin families.

The Basic Law

THE BASIC LAW which was drafted by the Parliamentary Council at Bonn and ratified by the state legislatures—the elected representatives of the people of western Germany—was evolved through democratic exchange of views and reasonable compromise both by the German political parties and by the Western Allies. It introduces a new stage in Germany's postwar political development.

As General Lucius D. Clay said shortly before his departure for the United States, "Germany now has the framework for a democratic government with sufficient power in the federal government to serve as an adequate national regime, but with sufficient power left in the hands of the individual states to prevent a dangerous over-centralization of authority."

Equally important is the fact that the Basic Law gives not only the individual states but the individual citizen abundant guarantees of fundamental rights and privileges.

Its first 19 articles offer unequivocal legal support to all those human rights which are indispensable to a free and progressive society. Protection against arbitrary imprisonment; equality before the law; equal rights for men and women; freedom of religious worship; freedom of speech and of lawful assembly; freedom of art and science, of research and teaching—these are some of the liberties guaranteed to every citizen of the Federal Republic.

TOGETHER with the federal character of the national government soon to be established, they are a measure of the progress western Germany has achieved in destroying the bases of dictatorial rule and guarding against its return in any form. Whatever changes may ultimately be made in the structure of

the German government, those fundamental rights must remain the foundation of any democratic regime.

In the last analysis, they can be maintained only by the people themselves. That this is widely understood in eastern as well as western Germany may be seen in the attitude of eastern Germans toward the recent elections in their zone. The people made it clear that they will not accept rhetoric and slogans as adequate substitutes for true democracy.

The emphasis placed upon democratic liberties at Bonn was undoubtedly one of the factors that enabled the Western Allies to proclaim the Occupation Statute, which will go into effect upon the establishment of the Federal Republic. It was to promote and protect these rights, also, that the democratic powers issued recently the so-called "little Occupation Statute" for the western sectors of Berlin. This declaration adapts the principles of the western German statute to the special conditions of Berlin.

It extends wide authority to the legally elected municipal government. It abolishes the procedure by which the city authorities had to obtain prior approval for their measures from the Military Governments, and it eliminates the rule requiring that decisions of the Military Governments must be unanimous. And like the Occupation Statute for western Germany, it guarantees the basic rights of the people whom it affects.

BERLIN, although not now in a position to participate fully in the new German government, nevertheless already enjoys the same freedom as the federal Basic Law and the Occupation Statute provide for western Germany.

Thus, only four years after the total collapse of German political life, two-thirds of the German people are free to exercise wide powers of self-government. It is natural that they, in common with the Western Allies, should wish to see this right extended to the rest of Germany. A unified and democratic Germany has been the consistent aim of the western occupation powers, and the adoption of the Basic Law does not mean that the Western Allies have ceased to strive



New Flag of Federal Republic of Germany

for political and economic arrangements covering all Germany.

On the contrary, the three Western Powers have made a new effort in this direction. But they must protect the great political and economic gains achieved in Western Germany and the unification of Germany would, therefore, have to be based on free institutions. It is equally clear that in adhering to this policy the democratic powers are supporting the desire and the best interests of the German people.

Germans know that the next urgent task in political reconstruction is to push forward their reabsorption into the European community. And this goal can be reached only by a Germany which has demonstrated that whatever its problems may be, it is determined to solve them without sacrificing democratic liberties. For this Germany, developing in the spirit of the federal Basic Law and intent upon peaceful cooperation with its neighbors for the greater welfare of all, there is a respected place among the free nations of the world.

* * *

A summary of highlights with references to articles and paragraphs as an aid in studying the 146-article document follows. Reference is made to the articles and paragraphs on which each highlight is based. For example: (23-2) after a statement below means that it is based on Article 23, paragraph 2 of the draft of the Basic Law. The full text of the official Anglo-American version is reproduced on pages 29 to 33.

States affected—Baden, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Wuerttemberg-Baden, Wuerttemberg-Hohenzollern (preamble) (see map inside back cover).

(Continued on next page)

This explanation of the Basic Law is from the translated text of the OMGUS broadcast on May 19 over the German radios to the residents of the US Zone. The highlights of the law were prepared and issued by the Public Information Office, OMGUS. Copies of the authorized Anglo-American translation of the law, reproduced from the original on pages 29 to 33, were furnished by the Press Branch, CCG (BE).

Name of Government—"Federal Republic of Germany" (preamble).

Form of Government—"A democratic and social federal state" (20-1).

Berlin and Eastern Germany—"It (Parliamentary Council) acted also on behalf of those Germans to whom participation was denied" (preamble).

Basic law—"shall be put into force for other parts of Germany on their accession" (23).

Eventual goal—"The entire German people is called upon to establish by free self-determination, the unity and freedom of Germany" (preamble).

Government by the people—"All state authority emanates from the people," to be exercised by elections and plebiscities (20-1, 2).

Flag—Black, red and gold (22) (*same colors were used in Weimar Republic*).

Basic rights—"Inviolable and inalienable human rights" are upheld through guarantees of freedom of personality, conscience, religion, speech, writing, instruction, press, radio, motion pictures, art and science, research, movement throughout the federal territory, place of work, occupation (1 thru 9).

Private property—shall be "guaranteed" (14-1). "Property shall involve obligations. Its use shall simultaneously serve the general welfare" (14-2). Expropriation admissible only for general welfare (14-3).

Socialization—Land, resources and means of production "may, for the purpose of socialization, be transferred to public ownership or other forms of publicly controlled economy" by law and with compensation (15).

Women—"Men and women shall have equal rights" (3-2). Laws conflicting with this provision may remain in force no later than March 31, 1953 (118).

Education—Entire system under supervision of the state. Those entitled to bring up the child have right to decide on religious instruction. No teacher obliged against will to give religious instruction. Private schools, including confessional schools, permitted under specified sanction (7-1, 2, 4).

Enemies of democratic order—Those who oppose basic rights shall forfeit them (18). Ten years to life imprisonment for using or threatening force to change state or federal constitutional order (143).

International cooperation—Federation may transfer sovereign powers to international institutions (24-1).

Collective security—Federation may join "a system of mutual collective security" limiting sovereign powers so as to promote peaceful order in Europe and the world (24-2).

International arbitration—Federation will join a "general, comprehensive, obligatory system of international arbitration" (24-3).

International law—Forms part of federal law and takes precedence over other federal law for all inhabitants (25).

Making aggressive war—Disturbing peaceful relations among nations, and "especially preparing for aggressive war" is unconstitutional and punishable (26).

Local government—In the states (Laender), counties (Kreise) and towns (Gemeinden), "the people must have a representative assembly resulting from universal, direct, free, equal and secret elections." In towns, town-meeting form of government permissible as alternative (28).

Territorial reorganization—Shall be achieved by federal law, creating states which "by their size and potentiality are able to fulfill efficiently the functions incumbent on them" (29-1). Popular wishes protected (29-2, 3, 4). Possibility is recognized that Baden, Wuerttemberg-Baden and Wuerttemberg-Hohenzollern may agree on reorganization among themselves (119).

States rights—Except as Basic Law prescribes or permits, the exercise of governmental powers shall be the concern of the states (30). The states shall have the right to legislate insofar as Basic Law does not grant legislative powers to the federation (70-1).

Federal law supreme—"Federal law shall supersede state law" (31).

Civil service—"Every German shall have equal access to any public office in accordance with his suitability, ability and professional achievements" (33-2).

Assembly (Bundestag)—Deputies elected by the people in universal, direct elections to represent "the whole people" are not "bound to orders and instructions" and are "subject only to their conscience" (38-1). Anyone who has reached the age of 25 years eligible for election (38-2).

Voting—Any person who has reached the age of 21 may vote (38-2).

Federal Council (Bundesrat)—Shall consist of members of the governments of the states. Each state has at least three votes; states with more than 2,000,000 inhabitants shall have

four, with more than 6,000,000 inhabitants, five votes. Votes of each state may be given only as a block (51-1, 2, 3). Federal council must convene on demand of two or more states (52-2).

President—Elected without discussion by a federal convention consisting of the members of the assembly and an equal number of members elected by the popular representative bodies (legislatures or Landtage) of the states by proportional representation (54-1, 3). President represents the federation in matters concerning international law (59-1). May be impeached by either house before the federal constitutional court (61-1).

Chancellor—Elected without discussion by assembly on the proposal of the president (63-1). If no majority vote obtained, president must either appoint him or dissolve the assembly (63-4). Chancellor determines and assumes responsibility for general policy (65). Assembly may express lack of confidence in chancellor but must at same time agree on successor (67-1). If chancellor's request for vote of confidence fails, assembly may be dissolved, unless a majority of its members meanwhile elect another chancellor (68-1). His term ends "in any case with the assembly of a new assembly" (69-2).

Courts—Federal Constitutional Court shall interpret Basic Law and settle state federation differences (93-1, 3). Shall be elected half by Assembly, half by Council. Independent judiciary provided, in sense that judges may not belong to either house or to federal or state governments. Supreme federal court shall maintain uniformity of administration of justice by higher federal courts. Appropriate state courts and federal constitutional court may rule on constitutionality of state and federal laws, respectively.

Capital punishment—"The death sentence shall be abolished" (102).

Legislation—Federation shall have exclusive legislation on some matters (73) and concurrent legislation with states on others (72, 74). Laws are passed by assembly, then submitted to Council. Council may demand consideration of bill jointly by committee of both houses, and can thus require Assembly to reconsider a bill (77-1, 2, 3, 4).

Amendments—To amend Basic Law, two-thirds approval of Assembly and Council required (79-1, 2).

Legislative emergencies—To proclaim one, president needs approval

(Continued on page 28)

Soapbox Derby

THE SOAPBOX DERBY, one of the greatest amateur racing events in the world, is booming into a German sport. This spring and summer, Sunday crowds throughout the US Zone are flocking to improvised race tracks to observe the first running of zone-wide German Soapbox Derby races.

This year's races, a cooperative venture of German youth organizations, US Armed Forces' GYA and Military Government, will culminate in a final competition in Munich July 24. The objectives of this program are to promote craftsmanship and sportsmanship through competition in building and racing soapbox cars, and to arouse community spirit and interest in a worthwhile activity for youth.

Hundreds of prizes will go to the winners of the preliminary races. Crash helmets, racing goggles, sweaters and a week's vacation in the Bavarian Alps will be awarded the 36 contestants who reach the zone finals. The grand prize will be a two-week trip to the United States.

The US Zone champion, accompanied by his father, mother or escort, will visit Washington and New York and will participate as observer at the running of the All-American Soapbox Derby in Akron, Ohio Aug. 14.

THE TRACK on which the US Zone finals will be run will be constructed at the foot of the statue of the Bavarian Queen in the park in the heart of Munich and will duplicate the track used at the US finals in Akron.

The Soapbox Derbies were started in Germany on a shoestring in 1947.

Article
by **Joseph C. Lingle**
GYA Section, EUCOM Hq.
and **William Martin**

Field Relations Division
OMG Wuerttemberg-Baden

In the spring of that year, Major Marcus L. Hoover, at that time the MG officer of Ulm, sponsored and conducted what is believed to have been the first derby in Germany. During the following summer and fall and in 1948 races were held in other cities of the US Zone, including Munich, Stuttgart, Nuremberg, Augsburg and Garmisch under the guidance of both MG officers and GYA.

The racers entered in these early derbies presented a comic spectacle, ranging from tank-like bodies slung on bicycle wheels to wooden boxes mounted on roller skates. Race tracks were merely blocked-off streets with no starting ramps, no grandstands, and little fanfare. The racers were usually brought to a stop at the end of the course by bales of hay.

Notwithstanding the many improvisations and the lack of organization, the races were enthusiastically received wherever they were held. The German youth, as well as the adult population, responded with an enthusiasm that was little short of astounding. In Heilbronn, a town of 80,000, approximately 20,000 persons turned out as spectators for the 1948 race.

Encouraged by these early successes, both Military Government and GYA, in an attempt to standardize



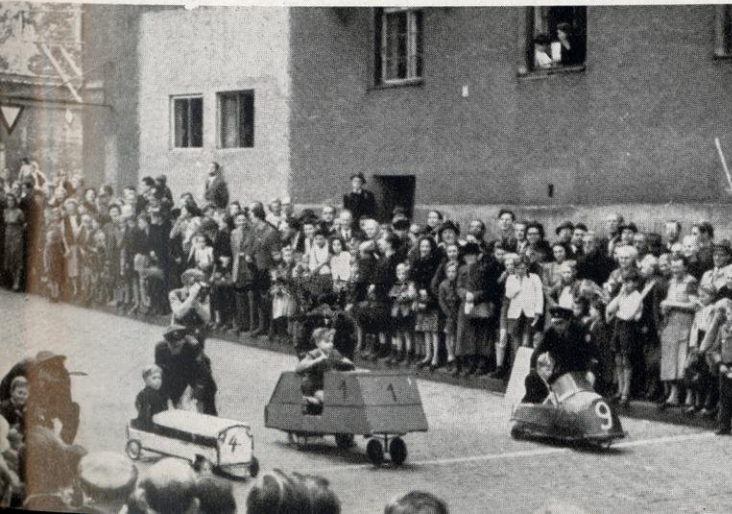
the races and put competition on a more wide-spread basis, independently solicited General Motors Corporation in the United States to obtain rules and regulations and entry blanks. GYA and Military Government decided to join forces at this point, and a conference was arranged to coordinate their efforts.

AT THIS CONFERENCE, held last January, it was agreed that the Soapbox Derby was an activity which deserved the attention and patronage of both Military Government and GYA, that it would be desirable to organize these events on as broad a basis as possible and that GYA and Military Government would assist the Germans in the running of these races. At this first meeting, plans were made to conduct the derbies on a zone-wide basis and to have a final competition in July.

The official 1949 rule books, with modifications to make them conform to present-day conditions in Germany, and the entry blanks received from General Motors Corporation, were

(Continued on next page)

(left) Start of qualifying heat. (right) Preliminary qualifiers line up for inspection.



edited, translated and reproduced by the Adam Opel Corporation, a German subsidiary of General Motors Corporation. The two companies also offered as the grand prize a trip to the United States.

The most difficult aspect in laying the groundwork for this year's program was in restraining the various GYA and Military Government officers and the German children, who had had a taste of the derbies, from jumping the gun and conducting races outside the planned competition. In those cities where races already had been tried, GYA and Military Government were besieged by budding Barney Oldfields clamoring for more races.

To properly channel this exuberance, a steering committee was formed to organize the races on a zone-wide basis. This committee, which will also plan and conduct the zone finals, is composed of representatives of EUCOM GYA, Stuttgart GYA, OMG Bavaria, OMG Wuerttemberg-Baden, OMG Hesse, USAFE, 1st Infantry Division, US Constabulary and Munich GYA.

Competition has been organized at four levels—local, sub-post, post, and inter-post. Berlin and Bremen also are conducting preliminary races and will send entrants to the finals. The first three winners from each of the 12 military post finals will be eligible to compete in the zone finals.

At the local level the race is supervised by the local MG Officer, who works with a committee of German youth leaders and German officials. This committee distributes rule books and entry blanks, registers entrants, solicits prizes, publicizes the race, and attends to the many details involved in conducting a good derby.

Races at the sub-post and post level are to be run by GYA Officers, who also are to work with a committee of Germans with responsibilities similar to those of the local committees.

The entry blanks and rule books have been distributed to all MG officers in the US Zone and to GYA officers in Berlin and Bremen. These have been made available to the German youth through schools, youth committees, police departments and government offices. It is estimated that 30,000 boys from 10 to 15 years of age from all parts of the US Zone and Berlin will enter this year's races.

Aside from the healthy activity which this program provides for such



Last minute instructions from father-coach. Photos by Kurt Huhle, Munich

a large number of young people, it means more than amateur sport when translated into terms of the future. A properly and impartially supervised activity of this nature, bursting as it is with young enthusiasm and clean sportsmanship, can direct the ener-

gies of thousands of youngsters away from the traditional politically-dominated type of youth activity into an unfettered national pastime for youth. The soap box derby, in this light, is just another brick in the building of democracy in Germany. + END

Institute Planned for Study of America

An "American Institute", representing an effort to set up a permanent center for German and foreign students to study American affairs, will open at the University of Munich in the fall, according to an announcement by OMG Bavaria.

The institute will provide instruction and facilities for research in the fields of American literature, history, government and economics for students from German and other European universities. Equipped with a modern reference library, it will also serve as an information center on America's academic, legal and industrial life.

The new institute was organized through the combined efforts of Dr. H. Frederick Peters, visiting consultant from Reed College of Portland, Ore., to the OMGB Education Branch; the Bavarian Ministry of Education and Culture and the president and Senate of Munich University.

"A more thorough understanding of American affairs is an urgent need in present day Europe," Dr.

Peters said. "Since European and American affairs are becoming increasingly interdependent, the institute is bound to play an important role in training those men and women who will direct the fortunes of the Atlantic community."

The institute will be headed by an American director and staffed with American experts, appointed for periods of from one to three years. Provision is made to include German and other European professors in the institute's program, if and when available. Some DM 200,000 (\$60,000) has been set aside in the university budget for reconstructing a building for the former Max Josef Foundation and rooms in the House of German Law on University Square to house the new institute.

The Institute will be financed by an annual appropriation from the Bavarian government, by tuition fees and by donations from American and German sponsors, representing educational institutions in those countries.

Foreign Visitors

— — To Use Deutsche Marks

THE THREE western zones of Germany will be thrown open to foreign businessmen, tourists and other visitors June 21. Thereafter, travelers will live on the German economy and pay all their expenses in Deutsche marks only.

Up to the present, only the US Zone has been open generally to foreign visitors who have been required to stay at JEIA-licensed German hotels and eat in JEIA-licensed German restaurants, paying their expenses in devisen coupons purchased with dollar instruments. The two other zones were open only to restricted categories of visitors who had access to the facilities of the occupation forces in the respective zones.

In the US Zone, the new procedure will not apply to military and civilian occupation personnel and certain specified agencies and individuals whose activities are deemed for the benefit of or in support of the occupation, as provided in EUCOM Circular No. 2, of May 13.

Upon entering Germany, after June 20, foreigners will receive a currency control book, printed in English, French and German, explaining the currency regulations. The visitor will be required to declare all currencies, currency instruments and travelers checks in his possession and notations will be made in the currency control book accordingly.

NEARLY 500 German foreign trade banks are available where travelers will be able to exchange authorized instruments for D-marks. For the time being, instruments payable in Swiss francs, US dollars, Netherlands guilder, Belgian francs and sterling letters of credit endorsed cashable in Germany, will be acceptable in exchange for D-marks. As necessary banking arrangements are made with other countries, instruments in their respective currencies will become acceptable.

All monetary exchanges will be recorded by the bank in the currency control book at the time of exchange and, upon the visitor's exit from Germany, customs authorities will check his currency control book to ensure that currency control regulations have been observed.

Foreign visitors will also receive, upon entering the country a special three-day food ration card which will be valid in any German hotel, restaurant or food shop. Additional seven-day ration cards will be available from any German food office, on presentation of the applicant's passport and currency control book. The ration for foreigners will provide a 3,035 calorie daily diet.

Travelers already in the zone on June 21 may obtain currency control books from the German customs office and food ration cards from any food office.

The visitor's POL ration will be a maximum of 200 liters (about 50 gallons) per week per automobile, and POL coupons will not be sold for German-owned vehicles. Ten liters (two and half gallons) of gasoline will cost \$1.20.

Internal travel in Germany will be by normal rail and road services. Travel on military trains for foreigners will not be authorized and payment in D-marks for travel on international trains has not yet been approved. International telegram and telephone services for payment in D-marks will be available at German post offices

Nr. 00000
SPECIMEN
DEISEN-KONTROLLBUCH
CURRENCY CONTROL BOOK
CARNET DE CONTROLE DES DEVICES
für die for pour les
amerikanische, britische und französische Besatzungszone Deutschlands US - UK - French Zones of Germany zones américaine, anglaise et française d'occupation en Allemagne
(einschließlich amerikanischer, britischer und französischer Sektor von Berlin) (including US/UK/Fr. Sectors of Berlin) (y compris les secteurs américain, anglais et français de Berlin)

JEIA LICENSES for hotels and restaurants will be cancelled as of June 20 and all payments after that time will be in D-marks. Unused devisen coupons will be redeemed at German banks for D-marks, but not foreign currencies. Occupation personnel may exchange unused devisen coupons at DER (German travel agency) offices.

Gasoline and oil (POL) coupons now sold through travel agencies will be sold by foreign trade banks against acceptable currency instruments upon presentation of passport and vehicle registration, and POL transactions will be recorded in the currency control

upon presentation of passport and currency control book.

Foreigners contemplating visits to Germany should book reservations through travel bureaus or directly with hotels, as Military Government or army agencies will not be able to assist in obtaining accommodations or transportation. Though the new regulations take effect as of June 21, US Army logistic support to those concerned, such as the right to handle Military Payment Certificates, the use of army billets, messes, theaters, snack bar, PX's etc., will be withdrawn on July 1, as announced by EUCOM Headquarters. (Continued on next page)

MILITARY entry permits will be issued by military permits officers in foreign countries for a maximum of 80 days subject to extensions through the entry and exits branch offices in German state capitals. Permits normally will be valid for one journey except for business visitors who may apply for repeated journeys.

Pointing out that the number of military permits issued for Germany in the first four months of 1949 was double the number issued in the same period last year, JEIA officials estimated that at the present rate, about 500,000 foreigners will visit western Germany this year. Between 1929 and 1938, the number of foreign visitors to the area now comprising the three western zones averaged 1,500,000 yearly.

New Taxi System

CONTRACTS between the American Express Company and 27 German taxicab corporations establishing a new taxicab system for the use of occupation and other foreign personnel in the US Zone and US Sector of Berlin were approved by the Joint Export-Import Agency and the German Department for Economics.

Under the new system, which started June 1, rates are higher on a single passenger basis than those previously

in effect. There are economies for passengers in groups, however, as rates are scaled according to the number of passengers and sharing of fares is permitted.

The contracts are between the American Express Company and the taxicab corporations only. The American Express Company is responsible for printing and sale of tickets and auditing of accounts, while the taxis are operated by the German corporations which are reimbursed in Deutsche marks at the rate of 30 cents equals one mark.

Tickets are sold for Military Payment Certificates or U.S. dollar instruments, in books of 950 units for \$3.00. The new rates are as follows:

50 units (\$.15) for initial flag pull and first kilometer (five-eighths of one mile) or part thereof.

30 units (\$.09) for each additional kilometer for one passenger.

50 units (\$.15) for each additional kilometer for two passengers.

60 units (\$.18) for each additional kilometer for three passengers and more.

5 units (\$.01½) for each minute of waiting time.

Trips over 25 km—Flat rate of 50 units (\$.15) for each km for the round trip.

Old taxi coupons will continue to be valid.

Under the old system of JEIA-licensed taxicabs, users paid six cents, or 20 pfennigs per kilometer. However, legal stop price for taxicabs is 60 pfennigs per kilometer and the

taxicab operators were subsidized, to the extent of the difference, from JEIA funds.

From March, 1948, when the JEIA-licensed cabs began operation in the US Zone, until the end of the year, they brought in \$2,828,000 in foreign exchange. In the first four months of 1949, their earnings totaled \$2,102,000. —END

Study of Universities

Dr. Eugene N. Anderson, of the University of Nebraska's History Department, has arrived in Hesse on a two-month tour of western German universities. Dr. Anderson is studying humanities in German universities and the possibility of improving the exchange program of students and educators between the United States and Germany.

Dr. Anderson visited Germany in 1946 as a member of the joint Army-State Department committee headed by Dr. George Zook, American Council of Education president, which drew up early educational recommendations for Germany.

Child Research Project

A child development center and institute, modeled along the lines of research conducted at the University of Maryland in the United States, will be opened in Stuttgart next summer. Five Germans, to staff the new institute, will be trained for their work by Dr. Dan Prescott who has conducted the research at the University of Maryland.

The Stuttgart project, which OMGWB education and cultural relations officials describe as the first of its kind in Europe, was initiated by the Rockefeller Foundation which is to supply the funds for the purchase of library materials for the institute. Its offices are to be located in the Linden Museum building.

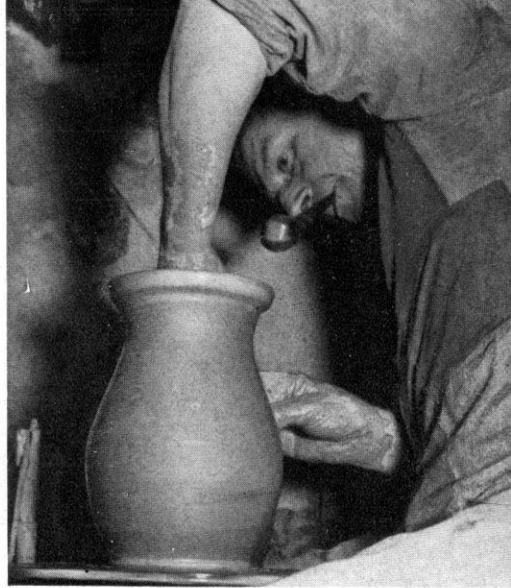
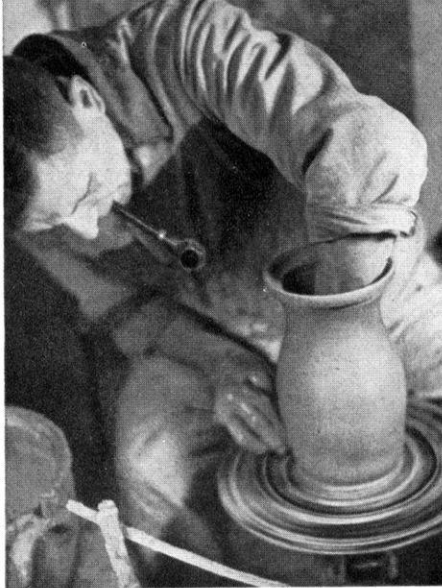
Trawlers Returned to Dutch

Three trawlers operating with the German fishing fleet but built in Dutch shipyards during the war have been formally returned to the Netherlands government, the Bipartite Food, Agriculture and Forestry Group announced.



Gov. Thomas E. Dewey of New York State inspects an honor guard at Rhine-Main Airport near Frankfurt with Brig. Gen. Philip Gallagher, commanding general of Frankfurt Military Post.

(US Army photo)



Three steps used since medieval times in shaping a vase on a potter's wheel (Walther Plant, Bad Koenig, Odenwald).

Glass and Ceramics

by **Marjorie A. Yahraes**

*Staff Writer
Information Bulletin*

ALTHOUGH the giant machines of most modern industry dwarf their creators, in the world of glass and ceramics production still depends on the hands and brains of men. This human factor is particularly dominant in the glass and ceramics industries of Germany, where highly-skilled techniques worked out through the centuries shape products admired the world over.

Not all of Germany's glass and ceramics products, of course, are produced by hand. Window glass, porcelain insulators or bathtubs are naturally a part of mechanized production. But the basis of the country's reputation in these two fields rests upon the knowledge she has added to the original simple handicrafts of glass blowing and clay shaping.

Personal creation of glass and ceramics objects has bestowed on them the special artistic qualities of their makers. It was not enough merely to produce a goblet that would hold water; it must also be pleasing in shape and perhaps decorated with interesting designs. As skills were learned, fathers gradually imparted a lifetime's knowledge to their sons; boys and girls worked with master technicians, watching and learning through apprenticeship. In some German glass industries, five generations have followed each other. In Bavarian porcelain plants it is not uncommon to find workers who have spent a half century contributing to Germany's reputation as master of ceramics.

THIS RENOWN, interrupted by wars and a late 19th-century decline in artistic vigor, has continued for more than 200 years. Industries that started as handicrafts keep pace with modern demand for quantity production. The making of glassware, for example, is one of Germany's oldest techniques. Still, in 1938, Germany was one of the big three world producers along with the United States and the Soviet Union.

Like the porcelain industry, most German glassware plants sprang up near the Czech border. They parallel the frontier south of Selb in Bavaria. Early Bohemian glassmakers were available here to offer their skills. Also charcoal was needed for fuel and could be found in nearby forests. Up to 150 years ago charcoal was the principal fuel; only coal is used today. Although brown coal can be obtained to some extent from Czechoslovakia for the making of Bavarian artistic glassware, production of such items as sheet glass or bottles requires large amounts of coal. Newer plants, consequently, have built up in other regions of Germany. Approximately half of Germany's industrial flat glass factories are in the British Zone while only a slightly smaller number of processing and finishing plants cluster near coal deposits in the Soviet Zone. In the

glassware industry of west Germany there were 382 plants with 10 or more employees in January 1949.

Glass is often divided into flat (sheet, cast, mirror, colored flat and special flat) and hollow (bottles, preserving, packing, household and decorative, and chemical and technical) products. However, optical glass-making, a highly specialized craft, may be considered part of the production of technical instruments.

GLASSMAKING holds a fascination for its creators: although it is an early discovery, many facets of the craft are still unknown. Glass workers even today are learning new effects to be obtained from certain coloring agents and the results one gets from varying the quantity or variety of raw materials used.

Commercial glass is made up of 60 to 80 percent silica which is sand in its most common form. Soda, the most important glassmaking oxide next to silica, is usually added as soda ash. Germany's end-of-the-war and early postwar production of glass was hampered by a severe shortage of this raw material. Besides coloring agents, other raw materials needed to produce various types of glass items include potash used as pearl ash, lime, lead oxide, barium oxide, zinc oxide, boron oxide and sometimes alumina.

Conversion of molten glass into finished products requires great skill. There are today five fundamental processes: blowing, pressing, drawing.
(Continued on next page)

rolling and casting. In the early days of glass-making, "offhand" production, which included blowing, was done without even the simplest mold equipment. It generally is used, sometimes in modified form, by German plants which make artistic ware. The tools needed for shaping these handmade objects are quite simple and almost unchanged from those of mediaeval times. Lack of machinery for postwar glassmaking has not been a serious problem, except in a few instances, such as bulbs for electric lamps.

The skills of glassmakers come only from practice. No one could learn to make a goblet by reading a book. First, the raw materials are melted in pots and allowed to cool several hundred degrees. The right amount of hot glass must next be gathered onto the end of a blow-pipe. The worker then blows and while blowing, the pipe is rolled back and forth and a bulb-shaped piece of hot glass is formed with a wooden paddle. More hot glass is added from the pot and the stem is shaped. Another "gather" is added to form the base of the goblet

and finally, the excess glass at the lip is sheared away like taffy candy.

ANOTHER hand method known as lamp working—the heating of readymade glass tubing over gas burners—is used for creating all kinds of glass novelties. Scientific and surgical apparatus also are made in this manner.

Molds for glass usually are of cast iron and in making such objects as tumblers or baking dishes the hot glass is dropped into the mold and then shaped by pressing a plunger down into the molten mass. Lacking iron, some of Germany's molds are made of wood.

For artistic ware, cut glass decorations are sketched on the finished item with a brush. Then a slowly revolving sandstone wheel cuts the design either in a hollow cut, bevel cut or a flat panel cut. The rough white surface which remains is returned to its former luster by hydrofluoric acid or polishing on felt wheels.

These final tasks of polishing, processing and finishing are the work of approximately two-thirds of west Germany's glass factories. Sometimes cutting, refining and decorating is done in the same plant which makes the item. In other cases little shops exist for decades in the shadow of large glassmaking factories.

AFEW west German plants resumed postwar production as early as the fall of 1945. Altogether, they had suffered less than four percent war damage. Military Government, anxious to relieve the critical shortage of flat glass needed for building purposes in the US Zone, put two plants into operation in September

and October 1945. Decorative-type glass factories began producing in the summer of 1946. The wide variety of shapes and decorations of articles made it impossible to start regular export of these items before June 1947.

In 1936, the Bizone produced 222,096 metric tons of flat glass and 218,136 metric tons of hollow glass; in 1948, production reached 210,907 metric tons of flat glass and 191,333 metric tons of hollow glass. Soaring postwar prices, however, make 1948's lower productions more valuable than that of 1936: the gross value of west German glass in 1936 was approximately \$55,200,000 while in 1948 it was worth \$77,220,000.

MOST of Germany's exports glass markets are in the United States and Canada where crystal glass, flat glass specialties and glass tinsel are in demand. Switzerland welcomes all kinds of glass products, but—like other foreign markets—she wants low prices and high quality.

This is one of the most serious problems confronting the German glass industry: how to cut production costs yet keep high standards to compete in world markets. Because a huge demand for glass products had existed in west Germany, many manufacturers have not yet faced this problem.

In 1943, the approximate percentage of distribution of the glass industry in the areas now comprising western Germany, the Soviet Zone and Polish-Administered Germany was as follows:

	Flat Glass	Hollow Class	Processed and Finished Class
Western Zones	71	48	30
Soviet Zone	16	48	45
Polish-Adm.	11	7	25

This meant west German factories could not keep up with the wants of the British, French and US Zones. Approximately 80 percent of the better types of stemware and household glass items are sold within Germany. The need for flat glass in building far exceeds production. Why, manufacturers say, should we try to capture foreign markets when we have such a demand for our products at home?

SEVERAL members of the German Association of Glassware Manufacturers, however, foresee a time when export markets will be necessary. Demands are being supplied within the country; US Army orders are being eliminated. The immediate need for glass products in goods-starved countries of western Europe is easing. Ten new glass factories in west Germany which duplicate prod-

Exhibition of fine Bavarian glass at Haus der Kunst, Munich.



ucts of the East Zone must start looking to the future. It has been proposed that the factories use profits made on home sales to cover losses on export, but most companies still prefer to cultivate the German market.

Of special importance in the production of hollow ware products—particularly crystal ware and decorated products which are almost entirely for export—is a better knowledge of current styles and trends in other countries. It is estimated that the glass industry is approximately three years behind the china industry in knowing what export buyers want. Although decorative glass products of Germany may be wrought with infinite skill and delicacy, manufacturers are learning at foreign trade fairs that their objects have been created without a thorough understanding of style changes during the past 15 to 20 years. Through trade fairs and travel in other countries to study new designs, German manufacturers may learn new ideas on how to compete actively in world markets.

Allied to the glassware industry are the Gablonz products produced by 10,000—15,000 Sudeten Germans who trekked from Czechoslovakia since the war with little or no equipment to settle in the two areas of Bayreuth and Kaufbeuren. The Gablonz workers were extended \$58,000 credit by JEIA for the importation of raw materials, which are now being used. Gablonz workers when they lived in Czechoslovakia were largely home workers producing in small groups. It has been very difficult for them to organize and follow an over-all plan of production. In addition, their buttons, beads and costume jewelry are comparatively high-priced luxury items difficult to sell at this time. From 1946 to 1948 their exports totaled \$56,000.

THE GERMAN ceramics industry is not plagued by the particular difficulties of the glassware manufacturers. It has made a swift postwar recovery hampered only by shortages of raw materials and trained workers. Famous for centuries, ceramics products of Germany show technicians have not allowed their skills to deteriorate through the decades. Also, they seem able to discard out-of-date styles and methods in favor of new improvements.

Ceramics production for convenience is sometimes divided into five categories: earthenware and stone ware, tiles, technical and chemical

ware, abrasives, and household and decorative porcelain. In January 1949 there were 429 plants in west Germany with 49,000 workers making these products.

Although the story of Germany's china industry comes first to mind, other products have also held a valued place in German ceramics production.

Earthenware and stone ware, for example, also have an early history in Germany. Artistic stone ware first appeared about 1540 at Cologne. At that time it was recognizable by the brown stain of its salt glaze. German items gradually spread to England from the Rhine region. Today, western Germany's production in this field—including such objects as flower pots, crockery and food containers—is largely for home consumption. There were 10,365 metric tons of earthenware and stone ware produced in 1948.

EARTHENWARE plants also turn out floor and wall tile, the two largest plants being in Bremen. The making of stove tiles is an important industry for home consumption dating back to the invention of the popular "Nuremberg Stove" in the 16th century. This large coal-burning stove, covered with ornate tiles, is still a favorite method of single-room space heating in Germany.

Technical and chemical ware and high and low tension electrical materials are also finding large markets at home. The most important technical-producing factories in western Germany are owned by the Rosenthal Company, also famous as producers of china. The technical porcelain industry leaped ahead during



Table setting of "Helena" pattern china and glass

the war when porcelain—pipes and even steam radiators—took the place of former metal products. Postwar metal shortages have increased the demand. Technical and chemical ceramics plants produced 3,278 metric tons during 1948. Factories making sanitary ceramics could not keep up with civilian requirements during the same year when they produced 12,638 metric tons. Perhaps the most important items in the technical field are electrical porcelain insulators. A large part of the 14,219 metric tons of high and low tension material made in 1948 is sold in home markets. In fact, only 10 to 15 percent of all technical porcelain can be exported because of west German needs.

In the abrasives industry the manufacture of tiles and grinding wheels in the Frankfurt area accounts for the major output. Agricultural whetstones and sized abrasives also form an important part of the products. The Rhineland supplies artificial corundum, and Bavaria carborundum as raw materials.

(Continued on next page)



Worker sponges glaze on bowl before firing.



Ceramics from 45 plants on display at Haus der Kunst, Munich.



German ceramics plants display

Dinnerware set from well-known Selb plant of Hutschenreuther.



After firing, china is removed from firestone.



wares at St. Eric's Fair, Stockholm.



Basis for all these products was the discovery of porcelain which long ago gave Germany the lead in ceramics on the European continent. It especially gave her the foundation for her world-famous china industry.

WHILE the Europeans were still dabbling with clay and earthenware the Chinese during the 15th and 16th centuries perfected porcelain—a glazed, hard-fired, translucent product which was examined with wonder when it reached Europe. Alchemists and pottery-makers tried in vain to learn the process of making the new white material. Artificial porcelain was made in Florence in 1575—85 by workers under the patronage of Francesco de Medici. But not until 1709 was true porcelain made. In this year Johann Friedrich Boettger discovered a hard-paste porcelain. Boettger thought he could change base metals into gold—a common belief at that time—and Augustus the Strong, King of Saxony, kept him a virtual prisoner while he conducted his experiments. Boettger's first porcelain was smoky in tone and was decorated with acanthus leaves, masks and rich decorations.

The next year the plant moved to Albrechtsburg at Meissen (Saxony, now in Soviet Zone) to become the oldest porcelain manufacturing plant on the continent. However, it was not until 1715 that the making of white porcelain was fully mastered.

Although Augustus tried to keep the discovery secret it was impossible.

In 1718 a runaway Meissen worker betrayed the secrets and a factory was established in Vienna. Gradually plants were built all over Germany—at Berlin in 1752, at Hoechst around 1746, in Fuerstenberg in Brunswick in 1753, in Neudeck at the city limits of Munich in 1747. The Neudeck factory, state-sponsored, was transferred in 1761 to Nymphenburg, a suburb of Munich. The Meissen plant and the Nymphenburg plant are the only original factories of this era in existence today. The Meissen plant produces largely for export to the Soviet Union at present, while the Nymphenburg factory, famous for its decorative porcelain and fine chinaware, is reestablishing contact with former markets in Europe and the United States.

FACTORIES also grew up in western Bavaria—the Selb region—where Bohemian workers and raw materials were at hand. Brown coal was present in nearby mines and a special china clay called kaolin.

For probably a hundred years the porcelain industry flourished. Plants created a variety of forms, many highly intricate and ornate. Individual factories came to be known for a special style; for example, the



Sans Souci china pattern of the Rosenthal Company or the basket pattern of Nymphenburg. One of the greatest artists in the field of decorative porcelain was Franz Antony Bustelli who, for eight years, created highly artistic figurines and china designs for the Nymphenburg plant. His whole set of characters taken from Dante's Divine Comedy show so much life and character that reproductions from his models, over 150 years old, are still popular today.

THE latter half of the 19th century saw a decline in the freshness and originality of German porcelain products. Court tradition was crumbling yet the ceramics industry still kept the accepted styles. Factory artists seemed to lack the ability to think up new ideas. A revival in artistic creation appeared in the 20th century centering largely in two men—Thomas Schmuz-Baudisz and Max Laeuger. Both learned from potters in the Black Forest and were attracted to the simpler peasant designs. Laeuger worked in Karlsruhe (then in Baden), making jugs and vases of deep, even color with applied motifs from nature in a different color. He also designed a large number of tile decorations. Schmuz-Baudisz sought to free the Berlin factory where he worked of its dependency upon court taste. His decorations are more stylized than those of Laeuger. He also introduced a method of painting before glazing at the Berlin plant.

Some impartial experts maintain that the Nymphenburg plant has shown more continuous artistic progress than any other porcelain factory in Germany. In 1887, when



After figurine parts are removed from molds separate pieces must be carefully joined in preparation for firing.

Kaolin, quartz and feldspar are basic raw materials from which fine porcelain objects are made.

Albert Baeuml became plant director, young artists with new ideas were brought into the foreground. Painstaking experiments were made to reproduce and improve the china of the 18th century. Most important of the "new" artists brought to Nymphenburg was Josef Wackerly who pioneered in producing life-like peasant groups rather than the rococo forms of an earlier day.

World War II left the china industry almost unscathed. As a whole, not more than six percent damage was suffered by porcelain plants during the war. The Nymphenburg plant was about one-half destroyed, but most factories located in the Selb region near the Czech border were near no important war-producing industries.

BECAUSE of their value as an exporting group and their lack of damage, the china industries were encouraged to reenter world markets as soon as possible. Chosen as a "pilot industry," china manufactories in the US Zone were able to reactivate with raw materials bought by Military Government with \$7,500,000 lent by US Commercial Corporation.

In those early days shortages were common. There are approximately 35 different materials needed in the making of china ware including turpentine from France, flints from Denmark, fine sponges from Greece, china clay from Czechoslovakia, manganese ore from Holland, fine gold from the United States, metallic cadmium from Australia, and antimony oxide from China and Bolivia. With raw materials needed from all corners of the world it was almost impossible for one plant to have all the products necessary. Factories, therefore, bartered among themselves to keep production moving.

As a result, china manufacture was one of the first post war industries to produce in volume. For a year, from Feb. 1948 until Feb. 1949, JEIA established a bonus system which further promoted its growth. Manufacturers were allowed to spend 10 percent of all foreign exchange earned—five percent for raw materials or factory improvements, and five percent to accrue to workers for essential foods and clothing.

ALTHOUGH the industry's output still is only approximately half that of 1936—45,300 metric tons in

1936; 22,551 metric tons in 1948—products are equal in quality. This is a good record considering raw material shortage and the need for highly-skilled workers who have the intricate knowledge of porcelain-making.

Making a high-quality piece of china is a carefully-planned process. Production at the Nymphenburg factory is perhaps typical. In the factory mill, 50 percent kaolin, 25 percent quartz and 25 percent feldspar are pulverized together. The water is pressed out of the creamy mass so that it may be formed into square cakes. These cakes are then aged for 14 to 16 months in a store-room at an even temperature of 50 to 53.6 degrees Fahrenheit.

After aging, the cakes are thrown into a kneading machine which in two hours makes the "dough" pliable for the turners' room. As in the earliest days, the potters' wheels of Nymphenburg are waterpowered. After shaping by hand the plate or vase is placed over a gypsum alabaster mold for about a day and then removed for final trimming or smoothing. The more complicated figurines are made in parts with a special mold for each leg, arm or head. The same raw material is used for figurines except that it is of a more liquid consistency and can be poured into the mold. The figurine is removed from the mold and after the parts are smoothed and joined the object is ready for firing, where it will shrink about 14 percent.

PORCELAIN is baked two times in the kilns—the first time at 1,652 degrees Fahrenheit to harden it. Then it is dipped in glaze—almost the same material except that more feldspar has been added—and fired again, this time at 2,372 degrees Fahrenheit.

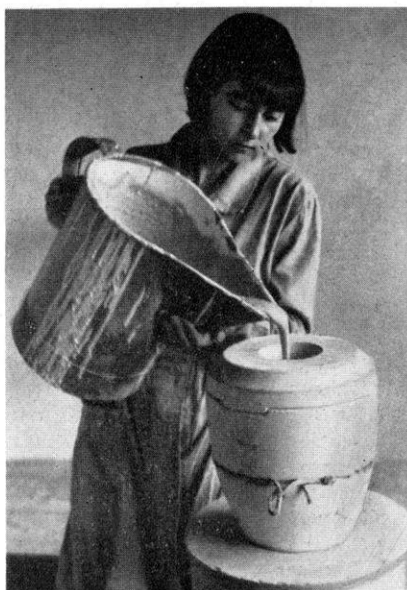
Placing objects in the kilns and keeping the fires going is in itself a time-consuming process. Each piece of porcelain must have a firestone mold around it for protection. Some factories add fillers to the kilns, such as forms for rubber gloves and other technical items, so that space and fuel will not be wasted.

For fuel, many factories use two-thirds brown coal and the remainder hard coal from the Ruhr. It requires five to seven tons of coal to produce one ton of finished ware. The Nymphenburg plant uses peat from fields near Munich. The fires must be kept going for about 48 hours and must be replenished every 10 minutes during that time. For four or five days afterward the kilns are allowed to cool.

If the object is to be decorated, special metal oxide colors are used and the porcelain is fired a third time at 1,652 degrees Fahrenheit for 12 hours. Then, when the gold designs are polished the porcelain at last is ready for sorting and shipping.

China is examined carefully for flaws which would damage the reputation of the factory. Hand painting on china may sometimes cover small

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Liquid raw material is poured into mold; allowed to stand for about two hours until shape of vase is formed.

discolorations in the porcelain, but a reputable factory does not hide real flaws with paint. Plates are stacked to discover warping of the edges, and when held to the light a good porcelain piece shows an even translucency comparable to its thickness.

Finding skilled workers has been a problem in the post war years, for there are small "tricks" to making good porcelain which only time and observation can teach. In the turners' room and among the artists in the painting shops of most china plants are apprentices who will work beside masters in the trade for three years. Even after they have worked for years workers must perform their work with infinite patience and skill. Nothing is accomplished in haste. A Nymphenburg artist, for example, who was to create a porcelain monkey studied the animal's movements and expressions for three-quarters of a year before an acceptable figure was created.

Because they must use workers who are not thoroughly trained, some factories report that about 60 percent of the china now made is of superior quality, 30 percent is inferior and 10 percent must be broken up and recast.

Besides a shortage of trained workers, securing brown coal and kaolin from Czechoslovakia has been a problem. Plants have been geared to formulas requiring Czech kaolin. Kilns were constructed years ago for the use of Czech brown coal. But today, it is becoming increasingly difficult to get enough of either of these raw materials.

WITH FUTURE imports uncertain, factories are beginning to make experiments with kaolin from other parts of the world including Belgium and Holland. The Rosenthal plants are experimenting with a special clay from Florida which promises to be of good quality for porcelain products. Experiments take

from one to two years, however, before the factory can make certain that a new kaolin is usable. Ruhr coal also is being used to take the place of constantly dwindling amounts of Czech brown coal imported.

Lack of markets, however, is not a serious problem. Although only 10-20 percent of the china produced is of modern design, foreign buyers seem eager to get famous traditional patterns. The most popular dinner ware sets are those which are "medium-priced" and cost \$38 to \$75 at the German factory. This figure must be multiplied by four to reach the retail price asked in the United States.

Baroque and rococo designs are especially popular among US customers. Rosenthal reports that a baroque, flowered design, Sans Souci, is now its US favorite.

"Gemmo" china, manufactured by Heinrich and Company, Selb, is a new export type. It features the completely new idea of decorating chinaware by cutting as on crystal glassware. Experiments in cutting china have failed for some 300 years because of the brittleness of the porcelain.

SALE of German porcelain in the United States and Canada is meeting some competition from Japan which can produce fine designs and patterns at one-third the German price. German china factories, therefore, are finding competition ever more keen. However, the household and decorative porcelain industry is expected to maintain its world standing because of its high quality products and its flexibility in meeting the demands of world markets.

+END



Making insulators here shown, as well as a wide variety of other technical products is an important part of ceramics

Prices and Black Market

The *Schwaebische Landeszeitung* (Augsburg, Bavaria) rejoiced in the fall of the black market:

"This time it really appears to be on the run. Prices are falling throughout West Germany, which would appear to indicate that this development is not merely due to temporary local conditions. The black market is on the defensive all along the line... The average citizen must need have recourse to it in only exceptional instances now.

"The black market now only has a chance in cases where shortages still exist, as with fats, for instance; or in cases where the state is too greedy with taxes — coffee, tea, cocoa... Due to the steady revival of West German economy and the Marshall Plan deliveries, supply is becoming more and more abundant — to the dismay or black marketers. For others, including countless children, so long at their mercy, this means the long hoped-for ray of hope."

Illustrations for this article were furnished through the assistance of the Bavarian Foreign Trade Division, JEIA, in Munich and the Frankfurt branch of the Public Information Office, OMGUS, and from the photographic files of the Information Bulletin.

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 20 to 22 — Rosenthal (7), Byers (1)

Occupational Activities

Cost of Living

Clothing, household goods, heat and light cost Germans of the Bizonal Area less during April but their declines could not offset the increases made in other commodity groups. BICO's Commerce and Industry Group announced the cost-of-living index for April was 143.1, one-tenth of a point higher than in March, but still one point under the post-currency reform peak reached in December. The index, based on 1938 level as 100, represents the cost of living of the typical worker's family of five which had been bombed out of their home during the war.

The greatest increase was for tobacco, spirits and coffee in the stimulants group, which was up 2.6 points. The cost of food rose only seven-tenths of one point. Other rises were in the groups for cleaning and toilet items, education and entertainment, and transportation.

The cost of clothing continued its downward trend, declining 4.7 points in April. Household goods dropped 5.2 points while heat and light declined one-tenth of one point. Rent, which is controlled in the Bizone, remained the same.

Basic Materials Index—A slight drop was noted in the basic materials price index, averaging 186.6 for April as compared with March's index of 188.5. The industrial materials decline was due largely to price drops in lead, zinc, cow hides, calf skins, bricks and lumber. In the agricultural items group, price declines were recorded in potatoes—due to the large supply on the market—, eggs, cattle and calves.

American Music

Four groups of American musicians will tour the US Zone of Germany this summer under the OMGUS visiting-artist program¹, whose continuance was made possible by private contributions of \$25,000 in the United States. The principal contributor was the Oberlander Trust Fund, established in New York City to promote better understanding between Germany and the United States.

¹ See "Visiting American Artists" in Information Bulletin, Issue No. 142, Aug. 24, 1948.

The visiting artists, selected for German appearances by a panel of prominent musicians and critics in New York City, are:

Milton Katims, conductor of the NBC Symphony Orchestra, who will appear in viola recitals in several cities of the US Zone.

Mack Harrell, baritone of the Metropolitan Opera Company of New York, who will give personal recitals and appear as guest singer with leading German opera companies.

The Yale Glee Club composed of 60 students of Yale University which will appear in Munich, Heidelberg and Frankfurt under the direction of Conductor Marshall Bartholemew.

The Walden String Quartet, composed of music faculty members of the University of Illinois, which will start a six-week tour of the zone in mid-June.

Explaining that the purpose of the visiting-artist program is to present American culture to German audiences, Mr. John Evarts, OMGUS music chief, said only American-born artists who have received most of their professional training in the United States are sponsored under the program.

MG Jobless Survey

Fifty-five percent of all unemployed in the Bizonal area have been jobless for less than three months, according to a Military Government study of the average duration of unemployment as of the end of March.

In many branches of the manufacturing industry, however, 60 to 70 percent of the those out of work in these branches became unemployed within the three months of January to March, while 48 and 43 percent of the unemployed agricultural workers and white collar workers, respectively, became unemployed within the last three months.

Other results of the study showed:

Of the unemployed in the three predominantly agricultural states of Schleswig-Holstein, Lower Saxony and Bavaria, 53 percent had been unemployed for less than three months.

Of the unemployed in the two predominantly industrial states of North-Rhine-Westphalia and Wuert-

temberg-Baden, 74 percent had been unemployed for less than three months.

In the industrial states 25 percent of the unemployed had been without jobs for less than 14 days, while in the agricultural states, only nine percent had been out of work for 14 days.

Baseball and Democracy

Fourteen-year-old Erich Wagner had learned about the American game of baseball by being batboy and ball chaser for some GI teams around Mannheim. Most of the soldiers had departed so Erich tried to get his playmates to organize a team. But they didn't have any equipment.

To the scoffs of his friends, Erich decided to appeal to the director of OMG Wuerttemberg-Baden for some baseball equipment because he was interested in "that democratic American game." He also suggested that it might be a good way to "learn fair play."

A few days later Erich was visited by Mr. Leon A. Shelnut, chief of OMGWB Group Activities Branch. He brought a set of baseball gloves, six bats and six balls, and also personal greetings from the OMG director.

As Erich and his friends tried out the new equipment, Erich's mother expressed her feeling: "This gives me a real idea of what democracy is. Imagine my boy getting an answer from the chief of Military Government."

Decartelization

Alcohol Control Probe—The production, allocation, sales and imports of alcohol in Germany is under investigation by the US Decartelization Element of BICO to determine whether an alleged monopoly exists.

Under a German law, dating from 1914, complete supervision of the alcohol monopoly has rested in the hands of officials who are theoretically appointed by the state finance ministers. This group is responsible to no governmental body except for a periodic statistical report of activities for tax purposes.

(Continued on next page)

Present investigation by the Decartelization Group indicates that this alleged monopoly is operating contrary to the provisions of the US Decartelization Law No. 56, concerning the illegality of holding excessive concentration of power.

Orthopedic Equipment—Representatives of the manufacturers of orthopedic equipment at a recent conference in Munich reached agreements to include the following points:

No examination will be expected for this profession where a manufacturer has indicated that he has been employed in this profession for more than five years.

All contracts between governmental agencies and private concerns providing for exclusive purchases of artificial limbs for war veterans will be considered null and void as of April 25, and no such future contracts will be made.

Price control, if any, will be supervised by a governmental agency only and not by any guild or private manufacturer.

Examination for this profession will be administered by a governmental board and not by guilds or manufacturers.

War veterans, entitled to orthopedic equipment to be paid for by the government, shall determine from whom the purchase shall be made; no influence is to be used by governmental agencies to prefer one manufacturer to another.

Censorship Nipped

The attempt of Mayor Rupert Reuter of Bargau in Schwaebisch Gmuend County of Wuerttemberg-Baden to censor the news stories of the town's correspondent for the Aalen newspaper was sharply criticized by Maj. Gen. Charles P. Gross, OMGWB director, following an official investigation of the mayor's request to see the reporter's articles prior to publication.

In a letter to Minister-President Reinhold Maier, General Gross pointed out that the mayor's "letter-order" violated the law recently enacted by the Wuerttemberg-Baden legislature to provide a press "free from governmental interference" and to declare "censoring of the press is prohibited". The director requested immediate action to rescind the mayor's letter to the newspaper.

"It would appear that this official is either imbued with the distorted

attitude that was so common among officials during the Third Reich and is not a fit person to hold public office, or he lacks fundamental knowledge of the principles underlining the democratic way of life," said General Gross, adding that "an official reprimand" might meet the needs of the situation and "stimulate a positive interest in democratic principles in the future".

War of Air Waves

Soviet attempts to black out the "Voice of America" an British Broadcasting Company programs beamed to eastern Europe are backfiring—the Russian-inspired counter broadcasts are also being knocked out. An ISD radio official said that during the last 10 days of May, Berlin reception of Soviet German-language broadcasts had been crippled by the quacking and whistling noises characteristic of Soviet jamming.

This was due, the ISD official said, to the spreading of the Soviet jamming signals over a wide frequency field so that they overlapped Soviet broadcasts to the West. The Russian programs were completely drowned out for several days and, at other times, punctuated freely with the familiar quacks and shrieks.

Children's Reading

More children's books from the United States are available for publi-

cation in Germany to meet the need for reading matter suitable for children. Fourteen titles were among American books for which translating rights were recently obtained by Information Service Division for German publishers.

Postwar scarcities of special book paper, inks and plates required in the production of children's illustrated books had held production to a minimum, according to an announcement by ISD's Publications Branch. A slight improvement in this situation has prompted Military Government to encourage the expansion of book publishing for young readers.

Among the children's books recently made available to German publishers are: "Tumbleweed Boy" by Eleanor Hull; "Albert Einstein — A Biography for Young People" by Katherine Owens Peare; "The Boy's King Arthur" by Sidney Lanier; "Hawthorne's Wonder Tales" by Nathaniel Hawthorne; "Haw Tree and Deep Woods" by R. B. Paine; "The Prince and the Pauper" and "A Connecticut Yankee in King Arthur's Court" by Mark Twain; "Understood Betsy" by Dorothy Canfield Fisher; "Farmer Boy" and "Little Town in the Prairie" by Laura Wilder; "Men of Iron" and "Otto of the Silver Hand" by Howard Pyle, and "Sleek: The Story of an Otter" by David M. Stearns.



Memorial Day services were marked at Hamm, Luxembourg, by the placing of a wreath by Maj. Gen. George J. Richards, inspector general of EUCOM, to honor the American war dead buried there. (US Army photo)

American Press Comments

Commissioner McCloy

It was, everybody acknowledged, the most important job in the American foreign service. For the man who became first High Commissioner to Germany would operate in the touchiest zone of Soviet-American relationships. He would have to cope with the Russians, with the Germans, and with a divided but highly vocal American public opinion. And he would invite comparison with Gen. Lucius D. Clay, who as military governor had administered the United States zone in Germany.

"McCloy is the man," said official Washington with unusual unanimity. Tough, able and energetic, John J. McCloy had already been tested in the administrative tug of war of Washington politics. As Assistant Secretary of War, he had been Henry L. Stimson's reighthand man. The wartime War Secretary had considered him a "great find" and a man "so knowing" that it sometimes seemed as if no one in Washington "ever acted without first 'having a word' with McCloy."

Nor was he a novice on German reconstruction. It was McCloy who in September 1944 had drafted the Stimson plan, which replaced the genocidal plan devised by Secretary of the Treasury Henry Morgenthau Jr. for the pastoralization of the country.

"The question is not whether we want the Germans to suffer for their sins," McCloy wrote, "Many of us would like to see them suffer the tortures they have inflicted on others. The only question is whether over the years a group of 70,000,000 . . . people can be kept within bounds on such a low level of subsistence as the Treasury proposal . . . Poverty in one part of the world usually induces poverty in other parts."

Though there was agreement on McCloy's exceptional qualifications, from President Truman down, there was still the matter of getting him to accept the newly created post. He had left the illpaying government service in 1945 for financial reasons. After two years back at his private law practice in New York City, he had returned to take over as president of the International Bank for Reconstruc-

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tion and Development at a tax-free salary of \$30,000 a year. And he had quickly earned for the \$2,000,000,000 institution the confidence of American banking houses by declaring flatly, "There will be no political loans."

Triple Load: Would he be willing to give up this long-term job for one as vulnerable as the High Commissioner-ship? Would he be willing to take a taxed \$25,000 salary? When the State Department approached McCloy, he made it clear that he would take the job only under two conditions:

His authority in Germany would have to be clearly defined and be wide enough to allow him to make policy decisions. He didn't intend to be an office boy.

A capable successor to the International Bank presidency would have to be found before he would relinquish it.

Last Wednesday, when the President announced McCloy's appointment, both conditions had been met. As High Commissioner, McCloy would be "supreme United States authority in Germany." And the bank would be turned over to Eugene Black, senior vice president of the Chase National Bank.

McCloy's supreme authority would apply in a three-cornered capacity: (1) He would assume the military governor's functions; (2) he would be chief of mission of the American Diplomatic corps; and (3) he would be over-all head of the Economic Cooperation Administration in Germany.

Only a man trained in the complexities of administration could handle this triple work load. Discipline, more than brilliance, was the basic requirement—and of that McCloy had plenty. As a negotiator, he knew the value of the cool approach and the short, incisive statement. His broad-shouldered, athletic build, masculine good looks, and piercing dark eyes radiated a power which his determinedly balding pate could not negate. "Run with the swift"—a phrase which crops up frequently in his conversation—

summed up his philosophy of endeavor.

With the Swift: McCloy himself had always run with the swift. Graduating from Amherst with high honors in 1916, he entered Harvard Law School.

The first world war interrupted McCloy's legal schooling. But after service as an artillery officer in France, he returned to Harvard to get his degree in 1921. In the '20s young lawyers did not make a beeline for Washington and a government job. The mecca was Wall Streets big law firms. McCloy found his spot with the firm of Cravath, de Gersdorf F. Swaine & Wood. In 1930, immediately after his marriage to Ellen Zinsser, McCloy was made head of Cravath's Paris office.

Assigned to work on the famous "Black Tom" explosion case, he became an expert in German espionage and sabotage. And it was this knowledge which led Stimson to call McCloy to the War Department in 1940 as an adviser on counter-espionage.

Within six months McCloy had not only risen to an Assistant Secretaryship but had become Stimson's "eyes and ears". He had also become an unofficial adviser to Gen. George C. Marshall on military questions which had a political angle. During his five years with the department he was entrusted with questions of military government and with relations with the State Department.

Secretary of Cooperations: As Stimson's assistant, McCloy put politics aside. His one aim was a speedy victory. He could support the Darlan agreement on the one hand and later argue relentlessly for the recognition of Gen. Charles de Gaulle's resistance movement as the legitimate French government.

His knowledge of politico-military affairs led to his appointment as chairman of the Combined Chiefs of Staff Civil Affairs Committee and required his attendance at several Big Three conferences.

But his main role was in the improvement of cooperation between the War, Navy, and State Depart-

(Continued on next page)

ments—an area where ancient rivalries perpetually cropped up. Largely at his suggestion, a State, War, and Navy Coordinating Committee was set up in 1944; this group promulgated our initial German policy, drafted peace terms for Japan, and set policy for American occupation forces.

For Washington, McCloy was a rare bird. He drank little and smoked less. He came to work early and left late. He worked hard and expected his colleagues and subordinates to do the same. And he insisted on seeing for himself the effects of his policies, making extensive tours of all theaters of operation.

Technically, McCloy would take office July 1. But his job would begin long before that date. Once in Germany, the problems of shifting American military government from the National Defense to the State Department would fall into his hands. Preparations for setting up a West German provisional government would be largely his responsibility. In addition, he would represent the United States on the Allied High Commission. Swift though McCloy might be, he would be running on a fast track.

* * *

German Unity

The position taken by the three Western Powers at the current Council of Foreign Ministers session — that German unity must be based on extension rather than abridgment of the political and economic gains in Western Germany — was strongly endorsed by US press and radio comment. The comment expressed surprise at the failure of the Soviet Union to suggest more than a return to the Four-Power control machinery in Germany which proved so unworkable in the past and which events have outmoded.

The *New York Times* said in part: "Reversing their own previous propaganda, and forgetting that this is 1949, the Soviets wish to turn the clock back to 1945, when they thought their position was so strong that by a policy of rule or ruin they could impose their own terms not only on the vanquished enemy but also on a weak and divided West. They now wish to cancel all the progress that has been made since those days, including the creation of a Federal Republic of Germany and the eco-

nomical recovery of Western Germany, which is an inseparable part of the economic recovery of all Western Europe.

"For this purpose they wish to return to a chaotic Germany ruled by an Allied Control Council which they themselves declared abolished and in which they would again claim the power to veto every Allied action in Germany. They wish to restore an equally chaotic Berlin, ruled by an Allied Kommandatura which they tried to use as an instrument for driving the Western Powers out of Berlin... The only 'progress' they propose is the creation of an 'all-German' State Council, to be selected by existing 'economic organs' in Germany, of which they have many in their own zone, to administer the German economy for the advancement of their own ends...

"To these proposals the Western delegates have returned an unequivocal reply that reverses the roles which each side was expected to play at the conference. The Western Powers have demanded the political unification of Germany as the first condition for economic unification, and they have insisted that any political unification must be based on the establishment in Soviet-controlled Germany of the same kind of freedom and democratic self-government already established in the West.

"Barring Russian consent to this, they proposed to continue their support of the Federal Republic of Germany and German economic recovery as the key to European recovery. In doing so they act in conformity with the best principles of the Atlantic Charter and of the Potsdam agreement on which the Soviets propose to take their stand."

The *New York Herald Tribune*: "Whether by mischance or miscalculation, the Russians have made their formal appearance on the Paris stage in almost as weak an attitude as could be imagined. The great slogan of German peace and unity has just been stultified, with resounding effect, by the big 'no' veto in the East German elections..."

"And against this background Vishinsky's opening offer on Germany is a return to Potsdam, to the dictatorship of the Kommandatura and the Allied Control Council, to a German 'unity' which must involve the aboli-

tion in the first instance of the little progress which the Germans have made toward independence and federation.

"It was an offer easily replied to: it was an offer, moreover, which simply invited the Western Allies into the role of the real and effective supporters of German union, independence and rehabilitation. It leaves the Russians in a position of demanding a return to an impossible and demonstrably unworkable past. It leaves the Western Allies as the champions of the future and the wielders of the real peace offensive..."

"This first passage powerfully suggests that unified policy, clear aims and firm resolution in presenting them are the best tools the West has yet found for attacking the European question."

* * *

Respect for Other Nations

A *Milwaukee Journal* editorial, recalling America's respect for the rights of other nations, declared that the American government and people are determined to be good neighbors to promote understanding. The editorial quoted a Danish official who told a visiting American newspaperman in Denmark:

"Your people are not imperialists and never have been... We know your history... A nation that respects the unfortified border of its weaker neighbor to the north is not imperialistic. A nation that, for a hundred years, has respected the territorial rights of its rich, but militarily weak, neighbor to the south is not imperialistic. A country that voluntarily helps Cuba, at its doorstep, achieve independence is not imperialistic. A nation that pours millions into aid for the Philippine Islands and then turns them over to the Filipinos is not a land grabber.

"The irrefutable evidence is there — the increasing determination of the American government and American people to be good neighbors, to respect the rights and territories of other nations, to promote understanding through forbearance and calm discussion. It cuts the ground right out from under the Wallaces and the Vishinskys and all the others who hurl the charge of imperialism at American."

German Editorial Opinion

Bonn as Capital

Most US Zone papers opposed the selection of Bonn as capital for the Federal Republic of Germany, principally on the ground that it was too provincial. Some defended it for that very reason, as offering an atmosphere conducive to clear thinking.

The *Sueddeutsche Zeitung* (Munich, May 12) favored Bonn for the reason that others oppose it:

"Before the war Frankfurt was probably the most modern and international German city. Through the disappearance of its upper middle-class, rich Jewish strata it has lost this position. Today it is hardly more than a big barracks for housing public officials.

"Bonn, on the other hand, is a city where social conditions have not been upset and is away from the hurly-burly... The paramount task of the government will be to give back political form to our scattered and uprooted people... The atmosphere of Bonn will be much more conducive to quiet and cool reasoning than is that of Frankfurt...

"The capital of the United States is not New York, but Washington. At the time when Washington was selected as capital it was much more insignificant than is Bonn today."

The *Main Echo* (Aschaffenburg, Bavaria, May 12) criticized the selection of Bonn as capital: "The city was severely bombed. It will require much labor and spiritual reconstruction to make it worthy of being a European capital... Even if only as a temporary measure, a seat of government shouldn't have the atmosphere of a home for old ladies."

The *Sueddeutsche Allgemeine Zeitung* (Karlsruhe, Wuerttemberg-Baden, May 12) found good reasons for preferring Bonn:

"To choose Frankfurt as capital would have been equivalent to renouncing Berlin (as the future capital). It would have meant the permanent separation of West Germany from East Germany... The choice of Bonn is therefore, in reality a choice of Berlin and hence for a unified Germany."

Democracy

The *Schwaebische Landeszeitung* (Augsburg, Bavaria, May 16) solemnly assured the world that Germans are ripened democrats and pointed to the ructions in the Bavarian state legislature as proof:

"Those persons abroad who say that Germans are not suited to democracy ought to attend the sessions of the Bavarian legislature and be convinced of the contrary... The temperamental verbal attacks, the boiling political temperature, prove that self-possession, democratic sense of responsibility and South German liveliness were not destroyed during the 12 years of dictated public opinion... We are happy that we have a legislature where despite earnest discussion there is a healthy spirit of humor and give and take.

The *Sueddeutsche Zeitung* (Munich, May 14) discussed National Socialism's chances in present-day Germany:

"An opinion survey by the Institute for Demoscopy Group (located Allensbach, Wuerttemberg - Hohenzollern) established the fact that National Socialism is still held high by many Germans, principally because it ended the 'chaos' of the Weimar Republic... The Institute concludes that the German love of orderliness paved the way for National Socialism."

"This is shocking to hear, but we believe it to be true. The remedy is obvious. It consists of harnessing the apparently indestructible German love of orderliness to the service of democracy and order in Europe.

As for National Socialism, the less it's talked about today the better."

Der Tagesspiegel (Berlin, May 15) said that the future of democracy in Germany is menaced by the German's mental "inner blockade":

"This consists of a certain fear of freedom, in the hesitancy of citizens to exercise their rights... Make no mistake, the fault lies with us, the average citizen, when our officials presume to be arrogant and unjust. We are, as a people, much too inclined to leave responsibility to those 'on top!'"

This section is devoted to translations prepared by the Scrutiny Board for the Information Services Division, OMGUS, of editorials and reports in the German press. The publishing of these translations is intended to portray what the Germans are writing and thinking, and not necessarily to give any concurrence to their views and opinions.



HYMNE DER BUNDESREPUBLIK
„West-Staat, We-hest-Staat über a-hal-les...!“

Cartoon from *Frankenpost* of Hof, Bavaria, April 28, captioned: Hymn of Federal Republic, "West State, West State over All...!" Characters identified as: Dr. Kurt Schumacher, chairman of the Social Democratic Party in western Germany; Dr. Konrad Adenauer, president of the Constitutional Assembly at Bonn and head of the Christian Democratic Union of North Rhine-Westphalia; Dr. Thomas Dehler, president of the Supreme Court at Bamberg, Bavaria, member of the Constitutional Assembly and Bavarian Legislature, and chairman of the Free Democratic Party in Bavaria; Carlo Schmid, minister of justice of Wuerttemberg-Hohenzollern and member of the Constitutional Assembly; Dr. Hans Ehard, minister president of Bavaria; Dr. Anton Pfeiffer, state secretary and state chancellor of Bavaria and member of the Constitutional Assembly.

The Basic Law

of Council. Under this condition, bills can be made law with Council and without Assembly approval. Duration of emergency limited to six months, and only one such period is permitted in the term of one chancellor (81-1, 2, 3). Basic Law may not be amended or repealed by device of legislative emergency (81-4).

Execution of laws—With limitations, states shall execute federal laws as their own concern (83). Federal government may supervise this execution and if necessary take steps for enforcement (37-1; 84).

Federal agencies—Direct federal administration provided for federal finance, federal railroads, federal postal services and for public law corporations administering social insurance in more than one state

(87-1, 2). Other federal agencies, with limitations, may be created (87-3).

"Cabinet"—Federal ministers to be appointed and dismissed by president on request of chancellor (64).

Oath of office—President, chancellor, federal ministers must pledge allegiance to Basic Law and laws of federation (56; 64-2).

Federal bank—Shall be established (88).

(Continued on page 33)

Military Governors' Observations and Reservations to Basic Law

Approval of the Basic Law was given May 12 by the military governors of the three western zones in a letter to Dr. Konrad Adenauer, president of the Parliamentary Council. Copies of the letter were also sent to the ministers president with authorization for ratification by the state legislatures.

The letter, containing certain observations and reservations, was signed by General Sir Brian Robertson of the British Zone, General Pierre Koenig of the French Zone and General Lucius D. Clay of the US Zone. Text of the letter follows.

The Basic Law passed on 8 May, by the Parliamentary Council has received our careful and interested attention. In our opinion it happily combines German democratic tradition with the concepts of representative government and a rule of law which the world has come to recognize as requisite to the life of a free people.

In approving this constitution for submission to the German people for ratification in accordance with the provisions of Article 144 (1) we believe that you will understand that there are several reservations which we must make.

In the first place, the powers vested in the Federation by the Basic Law, as well as the powers exercised by Laender (States) and local governments are subject to the provisions of the Occupation Statute which we have already transmitted to you and which is promulgated as of this date.

In the second place, it should be understood that the police powers contained in Article 91 (2) may not be exercised until specifically approved by the Occupation Authorities. Likewise the remaining police functions of the federation shall be governed by our letter to you of 14 April 1949 on this subject.¹

A third reservation concerns the participation of Greater Berlin in the federation. We interpret the effect of Articles 23 and 144 (2) of the Basic Law as constituting acceptance of our previous request that while Berlin may not be accorded voting membership in the Bundestag (assembly) or Bundesrat (council) nor be governed by the federation. She may, nevertheless, designate a small number of representatives to attend the meetings of those legislative bodies.

A fourth reservation relates to Articles 29 and 118 and the general question of the reorganization of Laender boundaries. Excepting in the case of Wuerttemberg, Baden and Hohenzollern our position on this question has not changed since we discussed the matter with you on March 2². Unless the High Commissioners should unanimously agree to change this position the powers set forth in these articles shall not be exercised and the boundaries of all of the Laender excepting Wuerttemberg, Baden and Hohenzollern shall remain as now fixed until the time of the peace treaty.

Fifthly, we consider that Article 84, paragraph 5, and Article 87, paragraph 3, give to the federation very wide powers in the administrative field. The High Commissioners will have to give careful consideration to the exercise of such powers in order to insure that they do not lead to excessive concentration of authority.

At our meeting with you on April 25, we proposed to you a formula to interpret in English the intention of

Article 72 (2), 3. This formula which you accepted as conveying your meaning read as follows:

"... because the maintenance of legal or economic unity demands it in order to promote the economic interests of the Federation or to insure reasonable equality of economy opportunity to all persons." We wish you to know that the High Commissioners will interpret this article in accordance with this text.

In order to eliminate the possibility of future legal controversy, we would like to make it clear that when we approved constitutions for the Laender we provided that nothing contained in those constitutions could be interpreted as restricting the provisions of the federal constitution. Conflict between Laender constitutions and the provisional federal constitution must, therefore, be resolved in favor of the latter.

We should also like it to be clearly understood that upon the convening of the legislative bodies provided for in the Basic Law, and upon election of the president and the election and appointment of the chancellor and the federal ministers, respectively, in the manner provided for in the Basic Law, the government of the Federal Republic of Germany will then be established and the Occupation Statute shall thereupon enter into force.

On the completion of their final task as laid down in Article 145, 1, the Parliamentary Council will be dissolved.

We wish to take this occasion to compliment the members of the Parliamentary Council on their successful completion of a difficult task performed under trying circumstances, on the manifest care and thoroughness with which they have done their work and on their devotion to the democratic ideals toward the achievement of which we are all striving. **END**

¹ Federal police agencies will be allowed for the following purposes: control of frontier crossings, collection and dissemination of police information including information on subversive activities, coordination of investigation of federal law violations and implementation of international police responsibility.

² See "Bonn Council Advised on Basic Law Draft" in Information Bulletin, Issue No. 157, March 22, 1949.

Basic Law

German words appearing in the text are translated as follows:

Bundesrat	federal council
Bundestag	federal assembly
Chancellor	premier
Gemeinde (pl. Gemeinden)	community
Gemeindeverbände	community government
Kreise (sing. Kreis)	counties
Land (pl. Laender)	state
Landtag	state legislature
Præsidium	presidency

Conscious of its responsibility before God and mankind, filled with the resolve to preserve its national and political unity and to serve world peace as an equal partner in a united Europe, the German people in the Laender Baden, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Wuertemberg-Baden and Wuertemberg-Hohenzollern has, by virtue of its constituent power, enacted this Basic Law of the Federal Republic of Germany to give a new order to political life for a transitional period.

It acted also on behalf of those Germans to whom participation was denied.

The entire German people is called upon to whom, by free self-determination, the unity and freedom of Germany.

I BASIC RIGHTS

Article 1

- (1) The dignity of man shall be inviolable. To respect and protect it shall be the duty of all state authority.
- (2) The German people therefore acknowledges inviolable and inalienable human rights as the basis of every human community, of peace and of justice in the world.
- (3) The following basic rights shall be binding as directly valid law on legislation, administration and judiciary.

Article 2

- (1) Everyone shall have the right to the free development of his personality, insofar as he does not infringe the rights of others or offend against the constitutional order or the moral code.
- (2) Everyone shall have the right to life and physical inviolability. The freedom of the individual shall be inviolable. These rights may be interfered with only on the basis of a law.

Article 3

- (1) All men shall be equal before the law.
- (2) Men and women shall have equal rights.
- (3) No one may be prejudiced or privileged because of his sex, descent, race, language, homeland and origin, faith or his religious and political opinions.

Article 4

- (1) Freedom of faith and conscience and freedom of religious and ideological (*weltanschauliche*) profession shall be inviolable.
- (2) Undisturbed practice of religion shall be guaranteed.
- (3) No one may be compelled against his conscience to perform war service as a combatant. Details shall be regulated by a federal law.

Article 5

- (1) Everyone shall have the right freely to express and to disseminate his opinion through speech, writing and illustration and, without hindrance, to instruct himself from generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures shall be guaranteed. There shall be no censorship.
- (2) These rights shall be limited by the provisions of the general laws, the legal regulations for the protection of juveniles and by the right of personal honour.
- (3) Art and science, research and teaching shall be free. Freedom of teaching shall not absolve from loyalty to the constitution.

Article 6

- (1) Marriage and family shall be under the special protection of the state.
- (2) The care and upbringing of children shall be the natural right of parents and the supreme duty incumbent upon them. The state shall watch over their activity.
- (3) Children may be separated from the family against the will of those entitled to bring them up or on a legal basis, if those so entitled fail to do their duty or if, on other grounds, a danger of the children being neglected arises.
- (4) Every mother shall have a claim to the protection and care of the community.
- (5) Illegitimate children shall, through legislation, be given the same conditions for their physical and spiritual development and their position in society as legitimate children.

Article 7

- (1) The entire educational system shall be under the supervision of the state.
- (2) Those entitled to bring up the child shall have the right to decide whether it shall receive religious instruction.
- (3) Religious instruction shall form part of the curriculum in the state schools, with the exception of non-confessional schools. Religious instruction shall, without prejudice to its right of supervision, be given according to the principles of the religious societies. No teacher may be obliged against his will to give religious instruction.
- (4) The right to establish private schools shall be guaranteed. Private schools substitute for state schools shall require the sanction of the state and shall be subject to Land legislation. The sanction must be given if the private schools, in their educational aims and facilities, as well as in the scholarly training of their teaching personnel, are not inferior to the state schools and if a separation of the pupils according to the means of the parents is not encouraged. The sanction must be withheld if the economic and legal status of the teaching personnel is not sufficiently assured.
- (5) A private elementary school shall be permitted only if the educational administration recognizes a specific pedagogic interest or, at the request of those entitled to bring up children, if it is to be established as a general community school (*Gemeinschaftsschule*), as a confessional or ideological school or if a state elementary school of this type does not exist in the Gemeinde.
- (6) Preparatory schools shall remain abolished.

Article 8

- (1) All Germans shall have the right, without prior notification or permission, to assemble peacefully and unarmed.
- (2) For open air meetings this right may be restricted by legislation or on the basis of a law.

Article 9

- (1) All Germans shall have the right to form associations and societies.
- (2) Associations, the objects or activities of which conflict with the criminal laws or which are directed against the constitutional order or the concept of international understanding, shall be prohibited.
- (3) The right to form associations to safeguard and improve working and economic conditions shall be guaranteed to everyone and to all professions. Agreements which seek to restrict or hinder this right shall be null and void; measures directed to this end shall be illegal.

Article 10

Secrecy of the mail as well as secrecy of the post and telecommunications shall be inviolable. Restrictions may be ordered only on the basis of a law.

Article 11

- (1) All Germans shall enjoy freedom of movement throughout the federal territory.
- (2) This right may be restricted only by legislation and only for the cases in which an adequate basis of existence is absent and, as a result, particular burdens would arise for the general public or in which it is necessary for the protection of juveniles from neglect, for combating the danger of epidemics or in order to prevent criminal acts.

Article 12

- (1) All Germans shall have the right freely to choose their occupation, place of work and place of training. The practice of an occupation may be regulated by legislation.
- (2) No one may be compelled to perform a particular kind of work except within the framework of an established general compulsory public service equally applicable to everybody.
- (3) Forced labour shall be admissible only in the event of imprisonment ordered by a court.

Article 13

- (1) The dwelling shall be inviolable.
- (2) Searches may be ordered only by a judge or in the event of imminent danger by other authorities provided by law and may be carried out only in the form prescribed therein.
- (3) Interventions and restrictions may otherwise be undertaken only to avert a common danger or mortal danger to individuals and, on the basis of a law, also to prevent imminent danger to public safety and order, especially for the relief of the housing shortage, combating the danger of epidemics or protecting juveniles exposed to dangers.

Article 14

- (1) Property and the right of inheritance shall be guaranteed. The contents and limitations shall be determined by legislation.
- (2) Property shall involve obligations. Its use shall simultaneously serve the general welfare.
- (3) Expropriation shall be admissible only for the wellbeing of the general public. It may be effected only by legislation or on the basis of a law which shall regulate the nature and extent of compensation. The compensation shall be determined after just consideration of the interests of the general public and the participants. Regarding the extent of compensation, appeal may be made to the ordinary courts in case of dispute.

Article 15

Land and landed property, natural resources and means of production may, for the purpose of socialization, be transferred to public ownership or other forms of publicly controlled economy by way of a law which shall regulate the nature and extent of compensation. For the compensation, Article 14, paragraph (3), sentences 3 and 4, shall apply analogously.

Article 16

- (1) No one may be deprived of his German citizenship. The loss of citizenship may occur only on the basis of a law and, against the will of the person concerned, only if the person concerned is not rendered stateless thereby.
- (2) No German may be extradited to a foreign country. The politically persecuted shall enjoy the right of asylum.

Article 17

Everyone shall have the right, individually or jointly with others, to address written requests or complaints to the competent authorities and to the popular representative bodies.

Article 18

Whoever abuses the freedom of expression of opinion, in particular the freedom of the press (Article 5, paragraph (1)), the freedom of teaching (Article 5, paragraph (3)), the freedom of assembly (Article 8), the freedom of association (Article 9), the secrecy of mail, post and telecommunications (Article 10), property (Article 14), or the right of asylum (Article 16, paragraph (2)), in order to attack the free, democratic basic order, shall forfeit these basic rights. The forfeiture and its extent shall be pronounced by the Federal Constitutional Court.

Article 19

- (1) Insofar as according to this Basic Law a basic right may be restricted by legislation or on the basis of a law, the law must apply in general and not solely to the individual case. Furthermore, the law must name the basic right, indicating the Article.
- (2) In no case may a basic right be affected in its basic content.
- (3) The basic rights shall also apply to juridical persons within the country insofar as, according to their nature, they may be applied to such persons.
- (4) Should any person's rights be infringed by public authority, he may appeal to the courts. Insofar as another authority is not competent, the appeal shall go to the ordinary courts.

II

THE FEDERATION AND THE LAENDER

Article 20

- (1) The Federal Republic of Germany is a democratic and social federal state.
- (2) All state authority emanates from the people. It shall be exercised by the people in elections and plebiscites and by means of separate legislative, executive and judicial organs.
- (3) Legislation shall be limited by the constitution, the executive and the administration of justice by legislation and the law.

Article 21

- (1) The parties shall participate in forming the political will of the people. They can be freely formed. Their internal organization must conform to democratic principles. They must publicly account for the sources of their funds.
- (2) Parties which, according to their aims and the behaviour of their members, seek to impair or abolish the free and democratic basic order or to jeopardize the existence of the Federal Republic of Germany, shall be unconstitutional. The Federal Constitutional Court shall decide on the question of unconstitutionality.
- (3) Details shall be regulated by federal legislation.

Article 22

The federal flag shall be black-red-gold

Article 23

For the time being, this Basic Law shall apply in the territory of the Laender Baden, Bavaria, Bremen, Greater Berlin, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Wuertemberg-Baden and Wuertemberg-Hohenzollern. It shall be put into force for other parts of Germany on their accession.

Article 24

- (1) The Federation may, by legislation, transfer sovereign powers to international institutions.
- (2) In order to preserve peace, the Federation may join a system of mutual collective security, in doing so it will consent to those limitations of its sovereign powers which will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.
- (3) For the settlement of international disputes, the Federation will join a general, comprehensive, obligatory system of international arbitration.

Article 25

The general rules of international law shall form part of federal law. They shall take precedence over the laws and create rights and duties directly for the inhabitants of the federal territory.

Article 26

- (1) Activities tending to disturb or undertaken with the intention of disturbing the peaceful relations between nations, and especially preparing for aggressive war, shall be unconstitutional. They shall be subject to punishment.
- (2) Weapons designed for warfare may be manufactured, transported or marketed only with the permission of the Federal Government. Details shall be regulated by a federal law.

Article 27

All German merchantmen shall form a unified merchant marine

Article 28

- (1) The constitutional order in the Laender must conform to the principles of the republican, democratic and social state based on the rule of law (*Rechtsstaat*) within the meaning of this Basic Law. In the Laender, Kreise and Gemeinden the people must have a representative assembly resulting from universal, direct, free, equal and secret elections. In Gemeinden, the Parish Meeting may take the place of an elected body.
- (2) The Gemeinden must be guaranteed the right to regulate under their own responsibility all the affairs of the local community in accordance with the laws. The Gemeindeverbände also shall have the right of self-government within the limits of their legal sphere of functions and in accordance with the laws guaranteeing the constitutional order of the Laender shall correspond to the basic rights and the provisions of paragraphs (1) and (2).

Article 29

- (1) The federal territory shall be reorganized, by a federal law with due regard to regional unity, historical and cultural connections, economic expediency and social structure. The reorganization shall create Laender which by their size and potentiality are able to fulfil efficiently the functions incumbent upon them.
- (2) In areas which, in the reorganization of Laender after 8 May 1945, joined another Land without plebiscite, a certain change in the decision made concerning this subject may be demanded by popular initiative within one year after the coming into force of the Basic Law. The popular initiative shall require the consent of one-tenth of the population qualified to vote in Landtag elections. Should the popular initiative take place, the Federal Government must, in the draft law regarding the reorganization, include a provision determining to which Land the area concerned shall belong.
- (3) After adoption of the law, in each area which it is intended should join another Land, that part of the law which concerns this area must be submitted to a referendum. If a popular initiative takes place in accordance with paragraph (2), a referendum must always be carried out in the area concerned.
- (4) Insofar as thereby the law is rejected at least in one area, it must be reintroduced in the Bundesrat. After re-enactment, it shall require accordingly acceptance by referendum in the entire federal territory.
- (5) In a referendum, the majority of the votes cast shall decide.
- (6) The procedure shall be regulated by a federal law. The reorganization shall be regulated before the expiry of three years after promulgation of the Basic Law and, should it be necessary in consequence of the accession of another part of Germany, within two years after such accession.
- (7) The procedure regarding any other change in the existing territory of the Laender shall be regulated by a federal law, which shall require the approval of the Bundesrat and of the majority of the members of the Bundesrat.

Article 30

The exercise of the powers of the state and the performance of state functions shall be the concern of the Laender, insofar as this Basic Law does not otherwise prescribe or permit.

Article 31

Federal law shall supersede Land law.

Article 32

- (1) The maintenance of relations with foreign states shall be the affair of the Federation.
- (2) Before the conclusion of a treaty affecting the special conditions

(2) The division of competence between the Federation and the Laender shall be determined in accordance with the provisions of this Basic Law concerning exclusive and concurrent legislation.

Article 71

In the field of exclusive legislation of the Federation, the Laender shall have powers of legislation only if and so far as they are expressly so empowered in a federal law.

Article 72

(1) In the field of concurrent legislation, the Laender shall have powers of legislation so long and so far as the Federation makes no use of its legislative right.

- (2) The Federation shall have legislative right in this field insofar as a necessity for regulation by federal law exists because:
 - 1 a matter cannot be effectively regulated by the legislation of individual Laender or
 - 2 the regulation of a matter by a Land law could prejudice the interests of other Laender or of the Laender as a whole, or
 - 3 the preservation of legal or economic unity demands it, in particular the preservation of uniformity of living conditions extending beyond the territory of an individual Land

Article 73

The Federation shall have exclusive legislation on:

- 1 foreign affairs;
- 2 citizenship of the Federation;
- 3 freedom of movement, passports, immigration and emigration and emigration and extradition;
- 4 currency, money and coinage, weights and measures and regulation of time and calendar;
- 5 the unity of customs and commercial territory, commercial and navigation agreements and freedom of traffic in goods and the traffic in goods and payments with foreign countries, including customs and frontier protection;
- 6 federal railways and air traffic;
- 7 post and telecommunications;
- 8 the legal status of persons in the employment of the Federation and of public law corporations under direct supervision of the Federal Government;
- 9 trade marks, copyright and publishing rights;
- 10 co-operation of the Federation and the Laender in the criminal police and in matters concerning the protection of the constitution, the establishment of a Federal Office of Criminal Police as well as the combatting of international crime;
- 11 statistics for federal purposes

Article 74

Concurrent legislation shall extend to the following fields:

- 1 civil law, criminal law and the execution of sentences, constitution of courts, court procedure, the bar, notaries and legal advice (*Rechtsberatung*);
- 2 census and registry matters;
- 3 associations and assemblies;
- 4 the right of sojourn and settlement of aliens;
- 5 the protection of German works of art against removal abroad;
- 6 matters relating to refugees and expelles;
- 7 public welfare;
- 8 citizenship of the Laender;
- 9 war damages and compensation (*Wiedergutmachung*);
- 10 provisions for war-disabled persons and surviving dependants, the welfare of former prisoners of war and the care of war graves;
- 11 law relating to the economy (mining, industry, power supply, crafts, trades, commerce, banking and stock exchanges, private insurances);
- 12 labour law, including the legal organization of enterprises, protection of workers and provision of employment, as well as social insurance including unemployment insurance;
- 13 the furtherance of scientific research;
- 14 the law regarding economic life, insofar as it is concerned with the matters enumerated in Articles 73 and 74;
- 15 transfer of land and landed property, natural resources and means of production to public ownership or to other forms of publicly controlled economy;
- 16 prevention of the abuse of economic power;
- 17 promotion of agricultural and forestry production, safeguarding of food supply, import and export of agricultural and forestry products, deep-sea and coastal fisheries and coastal preservation;
- 18 transactions in landed property, law concerning land and agricultural lease, housing, settlements and homesteads;
- 19 measures against epidemic and infectious diseases affecting humans and animals, the licience for medical and other healing professions and the healing trade and traffic in drugs, medicines, narcotics and poisons;
- 20 protection relating to traffic in food and stimulants as well as in necessities of life, in foodstuffs, in agricultural and forestry seeds and seedlings, and protection of trees and plants against diseases and pests;
- 21 ocean and coastal shipping and aids to navigation, inland shipping, meteorological service, ocean channels and inland waterways used for general traffic;
- 22 road traffic, motor transport and the construction and maintenance of highways used for long-distance transport;
- 23 railways other than federal railways, except mountain railways

Article 75

The Federation shall have the right on the basis of Article 72 to issue general provisions concerning:

- 1 the legal status of persons employed in the public service of the Laender, Gemeinden and other public law corporations;
- 2 the general legal status of the press and motion pictures;
- 3 hunting, protection of nature and care of the countryside;
- 4 land distribution, regional planning and water conservation;
- 5 matters relating to registration and identity cards

Article 76

(1) Bills shall be introduced in the Bundestag by the Federal Government, by members of the Bundestag or by the Laender.
(2) Federal Government bills shall first be submitted to the Bundesrat. The Bundesrat shall have the right to give its opinion on these bills within three weeks.
(3) Bundesrat bills shall be submitted to the Bundestag by the Federal Government, which must add a statement of its own views

Article 77

(1) Federal laws shall be passed by the Bundestag. After their promulgation, they shall, without delay, be submitted to the Bundesrat by the President of the Bundestag.
(2) The Bundesrat may, within two weeks of the receipt of the adopted bill, demand that a committee composed of members of the Bundestag and Bundesrat be convened to consider the bill jointly. The composition and the procedure of this committee shall be regulated by Standing Orders (Rules of Procedure) which shall be agreed by the Bundestag and shall require the approval of the Bundesrat. The members of the Bundesrat deputed to this committee shall not be bound by instructions, and the Federal Government is required for a law, both the Bundesrat and the Federal Government must agree. Should the committee propose an alteration of the adopted bill, the Bundestag must take a new decision

(3) Insofar as the approval of the Bundesrat is not required for a law the Bundesrat may, if the procedure in accordance with paragraph (2) is completed, within one week veto a law passed by the Bundestag. The time limit for a veto shall begin in the case of paragraph (2), last sentence, with the receipt of the bill as re-adopted by the Bundestag, in all other cases with the conclusion of the procedure preceding the committee proposed for in paragraph (2).

(4) Should the veto be adopted by the majority of the votes of the Bundesrat, it may be rejected by a decision of the majority of the members of the Bundestag. Should the Bundesrat have adopted the veto by a majority of at least two-thirds, the rejection by the Bundestag shall require a majority of two-thirds, or at least the majority of the members of the Bundestag

Article 78

A law passed by the Bundestag shall be enacted if the Bundesrat approves, does not bring in a motion in accordance with Article 77, paragraph (3), does not impose a veto within the time limit of Article 77, paragraph (3), withdraws its veto or if the veto is overridden by the Bundestag

Article 79

(1) The Basic Law may be amended only by a law which expressly alters or adds to the text of the Basic Law.
(2) Such a law shall require the approval of two-thirds of the members of the Bundestag and two-thirds of the votes of the Bundesrat

(3) An amendment to this Basic Law by which the organization of the Federation into Laender, the basic co-operation of the Laender in legislation or the basic principles laid down in Articles 1 and 20 are affected, shall be inadmissible.

Article 80

(1) By means of a law the Federal Government, a Federal Minister or the Land Governments may be authorized to issue orders (*Rechtsverordnungen*). The content, purpose and scope of such authorization shall be determined in the law. The legal basis must be cited in the order. If a law provides that an authorization may be further transferred, then the transfer of the authorization shall require an order (*Rechtsverordnung*).
(2) The approval of the Bundesrat shall be required, unless otherwise regulated by federal legislation, for orders (*Rechtsverordnungen*) of the Federal Government or a Federal Minister concerning principles and fees for the use of the facilities of the Federal railways and post and telecommunications, concerning the construction and operation of railways, as well as those issued on the basis of federal laws which require the approval of the Bundesrat or which are executed by the Laender on behalf of the Federation or as their own concern

Article 81

(1) Should, in the case of Article 68, the Bundestag not be dissolved, the Federal President may, on the request of the Federal Government with the approval of the Bundesrat, declare a state of legislative emergency for a bill, if the Bundestag rejects it despite the fact that the Federal Government has declared it to be urgent. The same shall apply if a bill has been rejected despite the fact that the Federal Chancellor had combined with it the motion described in Article 68.
(2) If the Bundestag, after the state of legislative emergency has been declared, again rejects the bill, it does it in a version stated by the Federal Government to be unacceptable, the bill shall be deemed adopted insofar as the Bundesrat approves it. The same shall apply if the bill has not been passed by the Bundestag within four weeks after its re-submission.
(3) During the term of office of a Federal Chancellor, any other bill rejected by the Bundestag may be passed within a period of six months after the initial declaration of a state of legislative emergency in accordance with paragraphs (1) and (2). After expiry of the period, a further declaration of a state of legislative emergency shall be inadmissible during the term of office of the same Federal Chancellor.

(4) The Basic Law may neither be amended nor wholly or partially repealed or suspended by a law enacted in accordance with paragraph (2).

Article 82

(1) Laws enacted according to the provisions of this Basic Law shall be promulgated by the Federal President with countersignature and published in the Federal Legal Gazette. Orders (*Rechtsverordnungen*) shall be signed by the issuing authority and, unless otherwise regulated by law, published in the Federal Legal Gazette.
(2) Each law and each order (*Rechtsverordnung*) shall specify the date of its coming into force. In the absence of such a provision, they shall come into force on the fourteenth day after the end of the day on which the Federal Legal Gazette has been issued

Article 83

The Laender shall execute the federal laws as their own concern insofar as this Basic Law does not otherwise determine or permit

Article 84

(1) If the Laender execute the federal laws as their own concern they shall regulate the establishment of the authorities and the administrative procedure insofar as federal laws approved by the Bundesrat do not otherwise determine.
(2) The Federal Government may, with the approval of the Bundesrat, issue general administrative provisions.
(3) The Federal Government may, with the approval of the Bundesrat, require the Laender to execute the federal laws in accordance with valid law. For this purpose the Federal Government may send commissioners to the highest Land authorities and, with their approval and, in the case of this approval being refused with the approval of the Bundesrat, also to the subordinate authorities.
(4) Should deficiencies established by the Federal Government in the execution of federal laws in the Laender not be overcome then, on application by the Federal Government or the Land concerned, the Bundesrat shall decide whether the Land has infringed the law. Against the decision of the Bundesrat, appeal may be made to the Federal Constitutional Court.
(5) For the execution of federal laws the Federal Government may, by federal legislation which shall require the approval of the Bundesrat, be granted in special cases the power to give individual instructions. They shall, except where the Federal Government considers the case urgent, be directed to the highest Land authorities.

Article 85

(1) Where the execution of federal laws is delegated to the Laender by the Federation, the establishment of the authorities shall remain a concern of the Laender insofar as Federal legislation approved by the Bundesrat does not determine otherwise.
(2) The Federal Government may issue, with the approval of the Bundesrat, general administrative provisions. It may regulate the uniform training of officials and employees. The heads of the authorities at middle level shall be appointed with its agreement.
(3) The Land authorities shall be subject to the instructions of the highest competent federal authorities. Except where the Federal Govern-

ment considers it urgent, the instructions shall be directed to the highest Land authorities. Execution of the instructions shall be ensured by the highest Land authority.

(4) Federal supervision shall extend to the legality and suitability of the manner of execution. The Federal Government may for this purpose demand submission of reports and documents and send commissioners to all authorities

Article 86

If the Federation executes the laws by direct federal administration or by public law corporations or institutions directly supervised by the Federation, the Federal Government shall, insofar as the law does not prescribe details, issue general administrative provisions. It shall regulate, insofar as it is not otherwise determined by the law, the establishment of the authorities

Article 87

(1) The foreign service, the federal finance administration, the federal railways, the federal postal services and, in accordance with Article 89, the administration of the federal waterways and shipping, shall be conducted by a direct federal administration with its own lower level administrative offices. Federal frontier protection authorities and central offices for police information and communications, for the compilation of data for purposes concerning the protection of the constitution and for the criminal police may be established by federal legislation.
(2) Public law corporations directly supervised by the Federation shall be those carriers of social insurance whose sphere of competence extends beyond the territory of a Land.

(3) In addition, independent central federal authorities and new public law corporations and institutions directly supervised by the Federation may be established by federal legislation for matters on which the Federation has the power to legislate. Should the Federation acquire new functions, it may delegate the administration of federal waterways, federal authorities at middle and lower levels may, in case of urgent need, be established with the approval of the Bundesrat and of the majority of the Bundestag

Article 88

The Federation shall establish a bank of currency and issue as federal bank

Article 89

(1) The Federation shall be the owner of the former Reich waterways.
(2) The Federation shall administer the federal waterways through its own authorities. It shall exercise those state functions relating to inland shipping extending beyond the territory of a Land and the functions of ocean-going shipping which are conferred on it by legislation. The Federation may delegate the administration of federal waterways, insofar as they lie within the territory of a Land, to this Land, upon request, to act on its behalf (*Auftragsverwaltung*). Should a waterway touch the territories of several Laender, the Federation may delegate (the administration) to the Land agreed upon by the Laender concerned.

Article 90

(1) The Federation shall be the owner of the former Reich Autobahnen and Reich highways.
(2) The Laender, or such self-governing corporations under public law as are competent in accordance with Land law, shall administer the federal Autobahnen and other federal highways used for long-distance traffic on behalf of the Federation.
(3) At the request of a Land, the Federation may take over into direct federal administration federal Autobahnen and other federal highways used for long-distance traffic, insofar as they lie within the territory of this Land.

Article 91

(1) In order to avert an imminent danger to the existence or the free democratic basic order of the Federation or a Land, a Land may call in the police forces of other Laender.
(2) If the Land in which the danger is imminent is not itself prepared or in a position to combat the danger, the Federal Government may place the police in that Land or the police forces of other Laender under its instructions. The order (*Anordnung*) shall be rescinded when the danger has been overcome, otherwise at any time on demand from the Bundesrat.

IX

THE ADMINISTRATION OF JUSTICE

Article 92

Judicial authority shall be invested in the judges; it shall be exercised by the Federal Constitutional Court, by the Supreme Federal Court by the federal courts provided for in this Basic Law and by the courts of the Laender.

Article 93

(1) The Federal Constitutional Court shall decide:

- 1 on the interpretation of this Basic Law in the event of disputes concerning the extent of the rights and duties of the highest federal organ or of other participants accorded independent rights by this Basic Law or in the Standing Orders (Rules of Procedure) of the highest federal organ;
- 2 in cases of differences of opinion or double on the formal and material compatibility of federal law or Land law with this Basic Law, on the compatibility of Land law with some other federal law, on the application of the Federal Government, of a Land Government or of one-third of the members of the Bundestag;
- 3 in cases of differences of opinion on the rights and duties of the Federation and the Laender, particularly in the execution of federal law by the Laender, and in the exercise of federal supervision;
- 4 on other public law disputes between the Federation and the Laender, between different Laender or within a Land, insofar as appeal to another court is not provided for;
- 5 in all other cases provided for in this Basic Law.

(2) Furthermore, the Federal Constitutional Court shall act in cases otherwise assigned to it by federal legislation.

Article 94

(1) The Federal Constitutional Court shall consist of federal judges and other members. The members of the Federal Constitutional Court shall be elected half by the Bundestag and half by the Bundesrat. They may not belong to the Bundestag, the Bundesrat, the federal Government or corresponding bodies of a Land.
(2) A federal law shall regulate its legal constitution and procedure and determine in which cases its decisions shall have the force of law

Article 95

(1) To preserve the unity of federal law, a Supreme Federal Court shall be established.
(2) The Supreme Federal Court shall decide in cases where the decision is of fundamental importance for the uniformity of the administration of justice of the higher federal courts.
(3) The appointment of the judges of the Supreme Federal Court shall be decided jointly by the Federal Minister of Justice and a committee for the election of judges consisting of the Land Ministers of Justice and an equal number of members elected by the Bundestag.
(4) Otherwise the constitution of the Supreme Federal Court and its procedure shall be regulated by federal legislation.

- (1) Higher federal courts shall be established for the spheres of ordinary administrative, finance, labour and social jurisdiction.
- (2) Article 95, paragraph (3), shall apply to the judges of the higher federal courts with the proviso that the place of the Federal Minister of Justice and the Land Ministers of Justice be taken by the Ministers competent for the particular matter. Their conditions of service must be regulated by a special federal law.
- (3) The Federation may establish federal disciplinary courts for disciplinary proceedings against federal officials and federal judges.

Article 97

- (1) Judges shall be independent and subject only to the law.
- (2) Judges who are principally, regularly and definitely employed as such may, against their will, be removed from office or their term of office, or permanently or temporarily suspended from office or transferred to another office or be placed on the retired list only through the decision of a court and only on the grounds and in the forms prescribed by legislation. Legislation may set an age limit at which judges who have been appointed for life shall retire. In the case of alterations in the structure of the courts or their districts, judges may be transferred to another court or suspended from office. They must, however, retain their full salary.

Article 98

- (1) The legal status of the federal judges must be regulated by a special federal law.
- (2) If a federal judge, in his official or unofficial capacity, infringes the principles of the Basic Law or the constitutional order of a Land, the Federal Constitutional Court may on the application of the Bundestag and with a two-thirds majority, order that the judge be transferred to another office or placed on the retired list. In the case of willful infringement of the law, he may also be dismissed.
- (3) The legal status of the judges in the Laender must be regulated by special Land legislation. The Federation may issue general provisions.
- (4) The Laender may determine that the Land Minister of Justice shall, together with a committee for the election of judges, decide on the appointment of judges in the Laender.
- (5) The Laender may make an appropriate regulation for Land judges in accordance with paragraph (2). Valid Land constitutional law shall remain unaffected. The Federal Constitutional Court shall decide in the case of impeachment of a judge.

Article 99

- By Land legislation the decision on constitutional disputes within a Land may be assigned to the Federal Constitutional Court, and the decision of final instance on matters involving the application of Land law to the higher federal courts.

Article 100

- (1) If a court considers unconstitutional a law the validity of which is pertinent to the decision, it must be stayed and, if a violation of a Land Constitution is involved, the decision of the Land court competent for constitutional disputes shall be obtained and, if a violation of this Basic Law is involved, the decision of the Federal Constitutional Court shall be obtained. This shall also apply if the violation of this Basic Law by Land law or the incompatibility of a Land law with a federal law is involved.
- (2) If in litigation it is doubtful whether a rule of international law forms part of federal law and whether it creates direct rights and duties for the individual (Article 25), the court shall obtain the decision of the Federal Constitutional Court.
- (3) If the court of a Land, in interpreting the Basic Law, intends to deviate from a decision of the Federal Constitutional Court or the constitutional court of another Land, the said constitutional court must obtain the decision of the Federal Constitutional Court. If, in interpreting other federal law, it intends to deviate from the decision of the Supreme Federal Court or a higher federal court, it must obtain the decision of the Supreme Federal Court.

Article 101

- (1) Extraordinary courts shall be inadmissible. No one may be prevented from appearing before his lawful judge.
- (2) Courts for special matters may be established only by law.

Article 102

- The death sentence shall be abolished.

Article 103

- (1) Everyone brought before a court shall have a claim to proper legal hearing.
- (2) An act may be punished only if it was punishable by law before the act was committed.
- (3) No one may be punished more than once on account of the same act in pursuance of the general criminal laws.

Article 104

- (1) The freedom of the individual may be restricted only on the basis of a formal law and only with due regard to the forms prescribed therein. Detained persons may be subjected neither to physical nor mental ill-treatment.
- (2) Only the judge shall decide on the admissibility and continued duration of a deprivation of liberty. If such deprivation is not based on the order of a judge, a court decision must be obtained without delay. The police may, on its own authority, hold no one in custody beyond the end of the day following the arrest. Details shall be regulated by legislation.
- (3) Any person temporarily detained on suspicion of having committed a crime, liable to arrest on the day following the arrest, may be brought before a judge who shall inform him of the reasons for the arrest, interrogate him and give him an opportunity to raise objections. Without delay, the judge must either issue a warrant of arrest, setting out the reasons therefor, or order his release.
- (4) A relative of the person detained or a person enjoying his confidence must be notified forthwith of any judicial decision in respect of the ordering or the continued duration of a deprivation of liberty.

X

FINANCE

Article 105

- (1) The Federation shall have exclusive legislation on customs and financial monopolies.
- (2) The Federation shall have concurrent legislation on:
- excise taxes and taxes on transactions, with the exception of taxes with localized application, in particular the taxes on real estate acquisition, incremental value and on fire protection,
 - the taxes on income, property, inheritance and donations,
 - "Realsteuern" (taxes on real estate and on businesses) with the exception of the fixing of tax rates.
- If it makes a claim on the taxes in their entirety or in part to cover federal expenditures or if the conditions of Article 72, paragraph (2), apply.
- (3) Federal legislation on taxes the yield of which accrues in entirety or in part to the Laender or the Gemeinden (Gemeindeverbände) shall require the approval of the Bundesrat.

Article 106

- (1) Customs, the yield of monopolies, the excise taxes with the exception of the beer tax, the transportation tax, the turnover tax and property dues serving non-recurrent purposes shall accrue to the Federation.
- (2) The beer tax, the taxes on transactions with the exception of the transportation tax and turnover tax, the income and corporation taxes, the property tax, the inheritance tax, the "Realsteuern" and the taxes with localized application shall accrue to the Laender and, in accordance with Land legislation, to the Gemeinden (Gemeindeverbände).
- (3) The Federation may, by means of a federal law which shall require the approval of the Bundesrat, make a claim to a part of the income and corporation taxes to cover its expenditures not covered by the revenues, in particular to cover grants which are to be made to Laender to meet expenditures in the fields of education, public health and welfare.
- (4) In order to ensure the working efficiency also of the Laender with their revenues and to equalize the differing burden of expenditure of the Laender, the Federation may make grants and take the funds necessary for this purpose from specific taxes of those accruing to the Laender. A federal law, which shall require the approval of the Bundesrat, shall determine which taxes shall accrue to the Laender and in what amounts and on what basis the grants shall be distributed among the Laender entitled to equalization: the grants must be handed directly to the Laender.

Article 107

- The final distribution of the taxes subject to concurrent legislation between the Federation and the Laender shall be effected not later than 31 December 1952 and by means of a federal law which shall require the approval of the Bundesrat. This shall not apply to the "Realsteuern" and the taxes with localized application. In this, both the Federation and Laender shall be given a legal claim to certain taxes or shares in taxes corresponding to their functions.

Article 108

- (1) Customs financial monopolies, the excise taxes subject to concurrent legislation, the transportation tax, the turnover tax and the non-recurrent property dues shall be administered by federal finance authorities. The structure of these authorities and the procedure to be applied by them shall be regulated by federal legislation. The heads of the authorities at middle level shall be appointed by agreement with the Land Government. The Federation may delegate the administration of the non-recurrent property dues to the Land finance authorities to act on behalf of the Federation (Auftragsverwaltung).
- (2) Insofar as the Federation makes a claim to a part of the income and corporation taxes it shall have the right to administer them. It may however, delegate the administration to the Land finance authorities to act on behalf of the Federation.
- (3) The remaining taxes shall be administered by Land finance authorities. The Federation may, by means of federal legislation which shall require the approval of the Bundesrat, regulate the structure of these authorities, the procedure to be applied by them and the uniform training of the officials. The heads of the authorities at middle level must be appointed by agreement with the Federal Government. The administration of the taxes applying to the Gemeinden (Gemeindeverbände) may be transferred by the Laender in entirety or in part to the Gemeinden (Gemeindeverbände).
- (4) Insofar as the taxes accrue to the Federation, the Land finance authorities shall act on behalf of the Federation. The Laender shall be liable with their revenues for a regular administration of these taxes: the Federal Minister of Finance may supervise the regular administration through federal plenipotentiaries who shall have the right to give instructions to the authorities at middle and lower level.
- (5) Finance jurisdiction shall be uniformly regulated by federal legislation.
- (6) The general administrative provisions shall be issued by the Federal Government and, insofar as the administration is incumbent upon the Land finance authorities, with the approval of the Bundesrat.

Article 109

- The Federation and the Laender shall be self-supporting and independent of each other in their budget economy.

Article 110

- (1) All revenues and expenditures of the Federation must be estimated for each fiscal year and included in the budget.
- (2) The budget shall be established by law before the commencement of the fiscal year. Revenue and expenditure must be balanced. Expenditures shall as a rule be approved for one year; they may in special cases be approved for a longer period. Otherwise the federal budget law may contain no provisions which extend beyond the fiscal year or which do not concern the revenues and expenditures of the Federation or its administration.
- (3) The assets and liabilities shall be indicated in an appendix to the budget.
- (4) In the case of federal commercial enterprises, only the final result, and not the detailed revenues and expenditures, need be included in the budget.

Article 111

- (1) If by the end of a fiscal year the budget for the following year has not been established by law, the Federal Government shall, until such a law comes into force, be empowered to effect such payments as are necessary:
- to maintain legally established institutions and to carry out legally determined measures,
 - to meet legally established obligations of the Federation,
 - to continue building projects, procurements and other services or to grant further subsidies for these purposes insofar as funds have already been approved by the budget of a previous year.
- (2) Insofar as revenues from taxes, imports and other sources based on special legislative or work-law provisions do not cover the expenditures under paragraph (1), the Federal Government may realize by way of credits the funds necessary to conduct current operations up to one-fourth of the final sum contained in the previous budget.

Article 112

- Expenditure exceeding the budget and any extraordinary expenditures shall require the approval of the Federal Minister of Finance. They may only be given in case of an unforeseen and irrefutable necessity.

Article 113

- Decisions of the Bundestag and Bundesrat which increase the budget expenditure proposed by the Federal Government or include, or imply for the future, new expenditure, shall require the approval of the Federal Government.

Article 114

- The Federal Minister of Finance must present to the Bundestag and the Bundesrat an annual statement of all revenues and expenditures as well as of assets and liabilities. The audit thereof shall be carried out by an Audit Office (Rechnungshof) the members of which shall possess judicial independence. In order to secure a discharge for the Federal Government, the general statement of account and a survey of the assets and liabilities shall be submitted to the Bundestag and the Bundesrat in the course of the next fiscal year, together with the observations of the Audit Office. The auditing of accounts shall be regulated by a federal law.

Article 115

- By way of credits, funds may be obtained only in the case of extraordinary need and as a rule only for expenditure for productive purposes and only on the basis of a federal law. The granting of credits and provision of securities as a charge on the Federation, the effect of which extends beyond the fiscal year, may be undertaken only on the basis of a federal law. The amount of the credits or the extent of the obligations for which the Federation assumes liability must be determined in the law.

XI TRANSITIONAL AND CONCLUDING PROVISIONS

Article 116

- (1) Unless otherwise regulated by law, a German within the meaning of this Basic Law is a person who possesses German nationality or who has been accepted in the territory of the German Reich as at 31 December 1937 as a refugee or expellee of German stock or as the spouse or descendant of such a person.
- (2) Former German nationals who between 30 January 1933 and 8 May 1945 were deprived of their nationality for political, racial or religious reasons, and their descendants, shall be regarded as citizens of the Federation. They shall not be considered to have lost their citizenship as they took up residence in Germany after 8 May 1945 and have not expressed a wish to the contrary.

Article 117

- (1) Law which conflicts with Article 3, paragraph (2), shall remain in force until it is adjusted to this provision of the Basic Law, but not beyond 31 March 1953.
- (2) Laws which restrict the right of freedom of movement in consideration of the present housing shortage shall remain in force until repealed by federal legislation.

Article 118

- The reorganization of the territory comprising the Laender Baden, Württemberg-Baden and Württemberg-Hohenzollern may be accomplished, by agreement between the Laender concerned, in a manner deviating from the provisions of Article 29. Should an agreement not be reached, the reorganization shall be regulated by federal legislation which must provide for a referendum.

Article 119

- In matters relating to refugees and expellees, in particular their distribution to the Laender, the Federal Government may, with the approval of the Bundesrat, issue orders (Verordnungen) having the force of law pending a regulation by federal legislation. In special cases the Federal Government may be empowered to issue individual instructions. The instructions shall, except in case of imminent danger, be directed to the highest Land authorities.

Article 120

- (1) The Federation shall bear the expenses for occupation costs and, in accordance with more detailed provisions by a federal law, the other interests and external war-induced burdens, and the grants towards the burdens of social insurance, including unemployment insurance and public assistance for the unemployed.
- (2) The revenues shall pass to the Federation at the same time at which the Federation assumes the expenditure.

Article 121

- The majority of the members of the Bundestag and of the Federal Convention within the meaning of this Basic Law shall be the majority of their statutory number of members.

Article 122

- (1) As from the assembly of the Bundestag, laws shall be passed exclusively by the legislative authorities recognized in this Basic Law.
- (2) With effect from this date, legislative bodies and bodies acting in an advisory capacity in respect of legislation, the competence of which ends in accordance with paragraph (1), shall be dissolved.

Article 123

- (1) Law existing before the assembly of the Bundestag shall remain in force, insofar as it does not conflict with the Basic Law.
- (2) The state treaties concluded by the German Reich concerning matters for which, according to this Basic Law, Land Legislation is competent, shall remain in force if they are valid and continue to be valid according to general basic principles of law while reserving all the rights and obligations of those concerned, until new state treaties shall have been concluded by the authorities made competent to do so by this Basic Law or until they are otherwise terminated on the grounds of the provisions they contain.

Article 124

- Law concerning matters within the exclusive legislative competence of the Federation shall become federal law within the area of its application.

Article 125

- Law concerning matters of concurrent federal legislation shall become federal law within the area of its application,
- insofar as it is uniformly valid within one or more zones of occupation,
 - insofar as it concerns law by which former Reich law has been amended since 8 May 1945.

Article 126

- Divergences of opinion on the continued validity of law as federal law shall be decided by the Federal Constitutional Court.

Article 127

- Within one year after promulgation of this Basic Law the Federal Government may, with the approval of the Government of the Laender concerned, extend law of the Bizonal Economic Administration, insofar as it continues in force as federal law according to Articles 125 or 126, to the Laender Baden, Greater Berlin, Rhineland-Palatinate and Württemberg-Hohenzollern.

Article 128

- Insofar as in accordance with still valid law, powers to give instructions within the meaning of Article 84, paragraph (5), still exist, these shall remain in force pending some other legislative regulation.

Article 129

- (1) Insofar as legal provisions which continue in force as federal law contain an authorization to issue orders (Rechtsverordnungen) or general administrative provisions and to perform administrative acts, the authorization shall pass to the authorities now competent for the subject matter. In doubtful cases the Federal Government shall decide by agreement with the Bundesrat; the decision must be published.
- (2) Insofar as legal provisions which continue in force as Land law contain such an authorization, it shall be exercised by the authorities competent according to Land law.
- (3) Insofar as legal provisions within the meaning of paragraphs (1) and (2) authorize the alteration or amplification or the issue of legal provisions instead of laws, these authorities shall shape:
- The provisions of paragraphs (1) and (2) shall apply appropriately insofar as legal provisions refer to regulations no longer valid or to institutions no longer in existence.

(1) Administrative organs and other institutions serving the public administration in the administration of justice, which are not based on Land law or treaties between Laender, as well as the amalgamated management of the South West German railways and the Administrative Council for the post and telecommunications service of the French Zone of Occupation, shall be under the Federal Government. The latter shall, with the approval of the Bundesrat, regulate the transfer, dissolution, or liquidation (of such bodies).

(2) The highest disciplinary authority for the personnel of these administrations and establishments shall be the competent Federal Minister.

(3) Public law corporations and institutions not directly supervised by a Land and not based on treaties between Laender, shall be under the supervision of the competent highest Federal authority.

Article 131

The legal status of persons, including the refugees and expellees who were employed in the public service on 8 May 1945 and who have left service for reasons other than those based on civil service or tariff regulations, and who hitherto have not been employed or not in a position corresponding to their former one, shall be regulated by federal legislation. The same shall apply to persons, including the refugees and expellees who were entitled to a pension or other assistance on 8 May 1945, and who no longer receive such or something equivalent for reasons other than those based on civil service or tariff regulations. Without prejudice to other regulations by Land law, legal claims may not be raised until the federal law comes into force.

Article 132

(1) Officials (*Beamte*) and judges who, at the time this Basic Law comes into force, have been appointed for life may, within six months after the first meeting of the Bundesrat, be placed on the retired list or waiting list or be transferred to another office with less remuneration if they are personally or professionally unsuitable for their office. This provision shall apply appropriately also to employees (*Angestellte*) not subject to notice of dismissal. In the case of employees (*Angestellte*) whose conditions of service require notice of dismissal, notice exceeding that required by tariff regulations may be cancelled within the same period.

(2) The provisions shall not apply to members of the public service unaffected by the denazification and demilitarization laws or who are recognized victims of national socialism, insofar as there are no important objections against such persons.

(3) Those affected by the above shall have recourse to the courts in accordance with Article 19, paragraph (4).

(4) Details shall be determined by an order (*Verordnung*) of the Federal Government, which shall require the approval of the Bundesrat.

Article 133

The Federation shall succeed to the rights and obligations of the Bizonal Economic Administration.

Article 134

(1) Reich property shall in principle become federal property.

(2) If shall, without compensation, be transferred to the authorities now competent to carry out the functions, insofar as it was originally destined mainly for administrative functions which according to this Basic Law are not administrative functions of the Federation, and to the Laender insofar as, according to its present, not solely temporary, use, it serves for administrative functions which according to this Basic Law are now to be fulfilled by the Laender. The Federation may also transfer other property to the Laender.

(3) Property which was placed at the disposal of the Reich by the Laender and Gemeinden (*Gemeindeverbände*) shall, without compensation, become once more the property of the Laender and Gemeinden (*Gemeindeverbände*), insofar as the Federation does not require it for its own administrative functions.

(4) Details shall be regulated by a federal law which shall require the approval of the Bundesrat.

Article 135

(1) If, between 8 May 1945 and the coming into force of this Basic Law, a territory has changed from one Land to another, in this territory the property of the Land to which the territory belonged shall be transferred to the Land to which the territory now belongs.

(2) Insofar as it was originally destined mainly for administrative functions, or is at present, and not solely temporarily, mainly used for administrative functions, the property of Laender and other public law corporations and institutions no longer existing shall be transferred to the Land or public law corporation or institution now performing these functions.

(3) Real estate of Laender no longer existing, including appurtenances, shall, insofar as it does not already belong to the property within the meaning of paragraph (1), be transferred to the Land in the territory of which it is situated.

(4) Insofar as an overriding interest of the Federation or the particular interests of a territory require it, a regulation deviating from paragraphs (1) to (3) may be adopted by federal legislation.

(5) Otherwise the legal succession by the settlement (of property), insofar as it has not been effected by 1 January 1952 by agreement between the Laender or public law corporations or institutions concerned, shall be regulated by federal legislation which shall require the approval of the Bundesrat.

(6) Participations of the former Land Prussia in civil law enterprises shall pass to the Federation. Details shall be regulated by a federal law which may make provisions deviating from this.

(7) Insofar as property which, according to paragraphs (1) to (3), would accrue to a Land or a public law corporation or institution, has been disposed of by the authority thereby authorized by means of a Land law, on the basis of a Land law or in some other way at the coming into force of the Basic Law, the transfer of property shall be considered as having been effected before the disposal.

Article 136

(1) The Bundesrat shall meet for the first time on the day of the first assembly of the Bundesrat.

(2) Until the election of the first Federal President, his functions shall be exercised by the President of the Bundesrat. He shall not have the right to dissolve the Bundesrat.

Article 137

(1) The eligibility for election of officials (*Beamte*), employees (*Angestellte*) of the public service and judges of the Federation, of the Laender and of the Gemeinden may be restricted by legislation.

(2) For the election of the first Bundesrat, of the first Federal Convention and of the first Federal President of the Federal Republic of Germany the Electoral Law to be adopted by the Parliamentary Council shall apply.

(3) The functions of the Federal Constitutional Court pursuant to Article 91, paragraph (2), shall be exercised, pending its establishment, by the German High Court for the Combined Economic Area which shall decide in accordance with its Standing Orders (Rules of Procedure).

Article 138

Changes in the existing organization of notaries in the Laender Baden, Bavaria, Wuerttemberg-Baden and Wuerttemberg-Hohenzollern shall require the approval of the Governments of these Laender.

Article 139

The legal provisions enacted for the liberation of the German people from national socialism and militarism shall not be affected by the provisions of this Basic Law.

Article 140

The provisions of Articles 136, 137, 138, 139 and 141 of the Basic Law Constitution of 11 August 1919 shall be an integral part of this Basic Law.

Article 141

Article 7, paragraph (3), first sentence, shall not apply in a Land in which on 1 January 1949 another legal Land regulation existed.

Article 142

Without prejudice to Article 31, provisions of the Land Constitutions shall also remain in force, insofar as they conform to Articles 1 to 18.

Article 143

(1) Whoever by force or the threat of force changes the constitutional order of the Federation or of a Land, deprives the Federal President of the powers accorded to him by this Basic Law or who by force or the threat of danger compels him to exercise his powers in a specific manner or not at all, or prevents the exercise of his powers, or deprives the Federation or a Land of a territory belonging to them shall be condemned to penal servitude for life or not less than 10 years.

(2) Whoever publicly incites to an action within the meaning of paragraph (1), or plots or otherwise arranges such an action in consivance with another person, shall be condemned to penal servitude up to 10 years.

(3) In less serious cases, a sentence of not less than two year's penal servitude in the cases provided for in paragraph (1), and of not less than one year's imprisonment in the cases provided for in paragraph (2), may be imposed.

(4) Whoever of his own free will gives up his activity or, in case of participation of several persons, prevents a conspiracy, may not be punished in accordance with the provisions of paragraphs (1) to (3).

(5) Insofar as the action is directed exclusively against the constitutional order of a Land, the highest court of the Land shall, in the absence of any other regulation in Land law, be competent to pass judgment. Otherwise the superior court (*Oberlandesgericht*), in the district of which the first Federal Government chooses its seat, shall be competent.

(6) The aforementioned provisions shall be valid pending another regulation by federal law.

Article 144

(1) This Basic Law shall require acceptance by the popular representative bodies in two-thirds of the German Laender in which it shall initially be valid.

(2) Insofar as restrictions are imposed on the application of the Basic Law to one of the Laender enumerated in Article 23, paragraph (1), or to a part of one of these Laender, that Land or a part of that Land shall have the right, in accordance with Article 28, to send representatives to the Bundesrat and, in accordance with Article 50, to the Bundesrat.

Article 145

(1) The Parliamentary Council with the participation of the representatives of Greater Berlin shall in a public meeting confirm the adoption of this Basic Law, endorse and promulgate it.

(2) This Basic Law shall come into force at the end of the day of its promulgation.

(3) It shall be published in the Federal Legal Gazette.

Article 146

This Basic Law shall become invalid on the day when a constitution adopted in a free decision by the German people comes into force.

(Continued from page 28)

The Basic Law

Finance—Federation has exclusive legislation on customs and financial monopolies (105-1) and concurrent legislation on excise taxes and taxes on transactions (except for taxes "with localized application") and on income, property, inheritance and donations taxes (105-2). Federation may share with states part of the income and corporation taxes (106-3). Federation may make grants to states to aid those with low revenues and to equalize burdens but money must be handed directly to the states (106-4). Federation and states to be self-supporting and independent of each other "in their budget economy" (109). Federal finance authorities in general will administer their part of taxes, the states the remaining taxes (108).

Occupation costs—Federation shall bear the expense (120-1).

War burdens and social security—Government's share of these expenses to be borne by federation (120-1).

Police and security—To avert "imminent danger" to the democratic order one state may call on police of

other states. Federal government also may direct state police until danger has been overcome but must cease this direction if council demands (91-1, 2).

Bizonal Economic Administration—"The federation shall succeed to the rights and obligations of the Bizonal Economic Administration" (133).

Duration of Basic Law—"This Basic Law shall become invalid on the day when a constitution adopted in a free decision by the German people comes into force" (146).

Ban on Dual Offices

MG Law No. 20 requiring German judges and certain government officials to give up their public-service posts on accepting election to the first assembly (Bundesrat) of the Federal Republic of Germany was published by OMGUS.

Its publication followed agreement by the military governors of the British, French and US Zones to enact such legislation simultaneously.

The provision that members of the directly-elected house of the German parliament should not at the same time hold certain other public posts grows out of the concept of guaran-

teeing the mutual integrity of the new government.

In the London Agreements of May 1948 the governments of the three occupying powers stipulated that in the new West German regime whose formation they were authorizing "the executive must have only those powers which are definitely prescribed by the constitution."

In this connection, the Parliamentary Council at Bonn was requested in a tripartite aide-memoire of Nov. 22 to include a provision in the Basic Law which would insure "that a public servant, if elected to the federal legislature, shall resign his office with the agency where he is employed before he accepts election."

On June 1 the military governors advised the West German ministers president that "we subsequently agreed not to make this principle of a non-political civil service a condition of approval of the Basic Law. However, we continue to believe that this is an issue of fundamental importance which must be decided by the German people without regard to personal advantages which may accrue to individual legislators or individual civil servants involved."

Excerpts from Official Instructions, Announcements

Short Story Contest

An Army short story contest is announced for all Army personnel. This contest, which is sponsored by the Chief of Special Services, EUCOM, is designed to stimulate creative writing among Army personnel. Commanders will publicize this contest to assure that all officers and enlisted personnel are informed and given an opportunity to participate.

Command and installation librarians will assist in the publicity program for this contest by preparing displays, exhibits, posters, etc., to be placed in all library facilities.

In order to stimulate the widest possible interest and to avoid the necessity of judging an excessively large number of entries, preliminary contests will be held at installation level;

(a) All Army, Air Force, and American civilian personnel will be eligible, including members of Reserve components on active duty for a period of not more than 90 days.

(b) Judges will be chosen by the installation commanding officer, assisted by the post or staff librarian. The judges will be one US Army officer, one enlisted person and one US civilian.

(c) Post and command finals will be held Aug. 15—Sept. 15.

(d) 1st, 2nd, and 3rd prizes will be provided by local commands.

(e) Winners on post and command level will be submitted in time to reach the Office of Chief Special Services, EUCOM (Attn: Recreational Branch, Library Section), on or before Sept. 15, 1949.

(f) Posts and commands will be permitted to send to the EUCOM finals one entry per 2,000 troop strength.

(g) All entries will be accompanied by a completed DA AGO Form R-5598 (Entry Blank-Short Story Contest) attached securely to the manuscript being submitted.

EUCOM Finals. (a) All Army, Air Force and American civilian personnel will be eligible, including members of Reserve components on active duty for a period of not more than 90 days.

(b) Judges will be selected by the Chief of Special Services, EUCOM, consisting of one officer, one enlisted person and one US civilian.

(c) Judging will be between Sept. 15 and Oct. 15 to permit entries for the Department of the Army competition to reach the Chief of Special Services, Department of the Army by Nov. 1.

(d) 1st, 2nd, 3rd, and 4th prizes will be presented by the Office of Chief of Special Services, EUCOM.

(e) EUCOM will be permitted a maximum entry to Department of the Army finals of one per 2,000 troop strength.

(f) Contestants may win only one prize at EUCOM level.

Department of the Army Finals. (a) Only Army personnel are eligible, including members of Reserve components on active duty for a period of more than 90 days.

(b) A screening board designated by the Chief of Special Service, Department of the Army, will select the entries to be submitted to the final judges.

(c) A committee made up of outstanding authors, reviewers and editors will judge the final entries.

(d) The first three winning stories will be published in Collier's Weekly.

(e) Ten or more of the best stories will be published in a collected volume by Rinehard & Company of New York. All royalties accruing from the sale of the book will be divided equally among the authors.

(f) Copyrights for all stories published will be secured by the publisher concerned and assigned to the respective authors.

(g) Manuscripts will be edited by the publisher concerned prior to publication of stories.

(h) Manuscripts will not be returned to contestants.

(i) All manuscripts will be submitted on 8 x 10 1/2 inch paper, typewritten on one side of the paper only and double-spaced. Manuscripts will be securely fastened and covered with a protective paper, preferably a manila folder.

(j) Only manuscripts of stories previously unpublished in any form and of which the author is sole owner and proprietor of the publishing rights will be submitted.

(k) Contestants will certify that manuscripts submitted are free and clear of libel.

(l) Contestants may submit as many entries as desired.

(m) Entries will be judged first on originality of story and freshness of approach; second, on literary style and technique. A combination of these factors, will merit the greatest attention. The decision of the judges will be final.

(n) It is not contemplated that the contest will interfere with normal execution of military duties.

(o) Contestants will agree to the publication of the story, as described in subparagraphs d and e, above, if selected by the judges.

(p) Stories submitted will not exceed 8,000 words.

(q) No responsibility can be assumed by the Army for damage or loss of entry submitted.

(r) Each entrant will fill out DA AGO Form R-5598 (Entry Blank-Army Short Story Contest) and attach it securely to the manuscript being submitted. Local reproduction on 5 1/4" x 8" paper is authorized. Each reproduced copy will contain the form number, title and date.

Rules governing the Department of the Army finals. Subparagraphs h through r will apply to all levels of competition in the European Command.—From EUCOM Letter AG 000.76 SSP-AGO, May 4.

International Frontier Control

Regulations No. 1 under Military Government Law No. 17, as amended, in conjunction with Cir 68, Hq EUCOM, 1949, implements Law No. 17:

(a) prohibits the movement of certain property across the international frontier of the United States Area of Control;

(b) requires the making of customs declarations;

(c) authorizes persons crossing the international frontier to deposit certain property with the German customs officials;

(d) provides for the dispositions of property seized from persons who violate Law No. 17, Regulation No. 1, or EUCOM Cir 68.

(e) provides special treatment for persons having diplomatic status and for diplomatic couriers; and

(f) requires persons subject to Regulation No. 1 to comply with the customs inspection and border control regulations of other Occupying Powers when crossing the international frontier of the Area of Control of such Powers. — From OMGUS Letter AG 010.6 (LD), April 27.

German Information Activities

In accordance with the general policy of gradually relinquishing control over German information activities, US Military Government is prepared to relinquish its licensing powers in the field of newspapers, books, periodicals and other publications as soon as adequate legislation to protect the freedom of the press has been enacted in the various states. The decision has therefore been made to issue General License No. 3 under In-

formation Control Regulation No. 3 Amended (1) to permit any person not otherwise prohibited by German or MG Law to engage in the publication of newspapers, books, periodicals, pamphlets, posts and other publications, providing such person conforms to the restrictions set forth in Section 6 of Information Control Regulation No. 3 Amended (1), namely the prohibitions against the propagation of Nazi ideas and certain types of opposition to Military Government.

This general license shall become effective in each of the states of the US Zone on the date prescribed in a notice or notices to be subsequently published. Such notice or notices may provide different effective dates for each of the states following enactment by such state of satisfactory legislation guaranteeing freedom of the press in that state. — From OMGUS Letter AG 680.44 (IS), May 2.

Commutation of Sentences

The directors of MG for the four states of the US Area of Control and for the US sector of Berlin will cause the records of trial of all persons now in German custody, who were sentenced by MG courts established pursuant to MG Ordinance No. 2, as amended, and whose cases have not been considered by the OMGUS Clemency Review Board, to be sent to the appropriate MG Parole or Commutation of Sentence and Pardon Boards (in the US sector of Berlin the Clemency Board) with instructions to consider, in addition to their regular duties, whether due process has been had, whether in their opinion the evidence sustains the findings of guilt beyond a reasonable doubt, and whether the sentence is excessive.

Court records of the trials of all applicants for clemency shall accompany all cases submitted to the MG Parole, Commutation of Sentence and Pardon Boards (in the US sector of Berlin the Clemency Board) established in accordance with letter, "Establishment of Provisions for Parole, Commutation of Sentence and Pardon for Sentenced MG Court Prisoners in German Custody in the four States of the US Area of Control in Germany." (AG 014.5 (LD), OMGUS, dated July 15).

An educational program will be immediately inaugurated through MG Land Legal Offices for the benefit of US and German Parole, Commutation of Sentence and Pardon Boards. This program will continue and intensify the educational program for the benefit of persons concerned with clemency matters which is now administered by the OMGUS Clemency Executive and the Land MG parole supervisors.

The Directors of MG for the four states of the US Area of Control and for the US sector of Berlin will keep the Director, Legal Division, informed of the progress made, and will submit to him a formal report when the above actions have been accomplished. — From OMGUS Letter AG 015 (LD), May 27.

Fragebogen Offenders

MG Order No. 1, pursuant to MG Ordinance No. 1, "Clemency for Fragebogen (questionnaire) Offenders", provides for the release of persons who are serving sentences imposed by Military Government courts for offenses under Ordinance No. 1 involving falsification of Fragebogen. The use of the Fragebogen was generally discontinued as the result of OMGUS cable V-12957 of Jan. 16, 1947. It is estimated that the number of persons who will be affected by the amnesty in the US Area of Control will be under 50.

The German authorities should be provided with copies of the Order so that they may arrange for appropriate duplication and distribution. Copies of the Order should also be made available to persons responsible for the implementation thereof. Care should be taken that the information contained in the Order

Regulations, Directives, Publications, Documents

Report for the Month of March, JEIA, March 1949.

Station List of Organizations in the European Command. AG 319.26 AGU, Hq EUCOM, 30 April 1949.

Supervisors' Handbook on Disciplinary Action, Hq EUCOM, 1 May 1949.

EUCOM Publication, Depot Bulletin No. 18, Hq EUCOM, 4 May 1949. Covers April 25 to 29.

7789 Hospital Detachment, Table of Distribution No. 303-1457-D, Hq EUCOM, 10 May 1949

Bipartite Food, Agriculture and Forestry Group, Weekly Report No. 45, PIO OMGUS (Frankfurt), 13 May 1949.

Legislation for Monetary Reform, AG 010.6 (FA), OMGUS, 16 May 1949.

Allied Military Missions, AG 091.112 (SG), OMGUS, 16 May 1949.

Amendment No. 1 to MG Law No. 15, "Bizonal Public Servants", AG 010.6 (LD), OMGUS, 18 May 1949.

Minutes of the EUCOM Character Guidance Council Meeting 5 April 1949, AG 334 GPA-AGO, Hq EUCOM, 18 May 1949.

Bipartite Commerce and Industry Group, Weekly Report No. 47, PIO OMGUS (Frankfurt), 18 May 1949.

Orders Nos. 6, 7 and 8 Pursuant to Article III (5) of MG Proclamation No. 7 "Bizonal Economic Administration", AG 010.6 (LD), OMGUS, 19 May 1949.

News of Germany, Vol. 4, No. 123, ISD OMGUS, 19 May 1949.

Program of Inspections for Fiscal Year 1950, AG 333.81 IGI-AGO, Hq EUCOM, 20 May 1949.

Publications of OMGUS Agencies, AG 461 (AG), OMGUS, 21 May 1949.

News of Germany, Vol. 4, No. 124, ISD OMGUS, 21 May 1949.

Feeding in Approved IRO (PCIRO) Operated and Controlled Refugee and Displaced Persons (UNDP's) Assembly Centers, in US Areas of Control in Germany, AG 080 (EA), OMGUS, 23 May 1949.

Clemency for Fragebogen Offenders, AG 383.3 (LD), OMGUS, 23 May 1949.

Voting of Shares of Stock by Agents of Absentee Owners: General License No. 16 under MG Law No. 52, AG 010.6 (PD), OMGUS, 23 May 1949.

Semi-Monthly Military Government Report, No. 113, PIO OMGUS, 23 May 1949.

German Economic Press Review No. 185, OEA, CCG (BE), 24 May 1949.

Failure of Reserve Officers to Submit WD AGO Form 603 (Organized Reserve Corps—Change of Address and Status Report), AGAO-S 326.2, OMGUS, 24 May 1949.

News of Germany, Vol. 4, No. 125, ISD OMGUS, 24 May 1949.

Heute (in German), No. 85, ISD OMGUS, 25 May 1949.

MG Ordinance No. 36, "Amendment No. 4 to MG Ordinance No. 6, "Military Government Court for Civil Actions", AG 010.6 (LD), OMGUS, 26 May 1949.

News of Germany, Vol. 4, No. 126, ISD OMGUS, 26 May 1949.

Special Instructions Relative to Commutation of Sentences, Pardon, and Parole Boards, AG 015 (LD), OMGUS, 27 May 1949.

Processing of Expulsion Orders Recommended by MG Courts, AG 015.3 (LD), OMGUS, 27 May 1949.

Withdrawal of Army Logistic Support from Certain Categories of Non-German Persons and Agencies, AG 080 (CO), OMGUS, 28 May 1949.

News of Germany, Vol. 4, No. 127, ISD OMGUS, 28 May 1949.

Information Bulletin, No. 162, CO OMGUS, 31 May 1949.

Neue Auslese (in German), Vol. 4, No. 6, ISD OMGUS, June 1949.

Copies of Instructions listed in the Information Bulletin may be obtained by writing directly to the originating headquarters.

will not be divulged to unauthorized persons before the effective date of the Order. — From OMGUS Letter AG 383.3 (LD), May 23.

Voting of Stock Shares

General License No. 16 will enable absentee owners of stock interests in German enterprises to exercise their voting rights through duly appointed agents, in accordance with applicable provisions of German law, and will facilitate the release from MG Property Control custody, to majority interests, of properties which have heretofore been taken into custody by reason of the existence of a minority stock interest owned by absentees, and for no other reason. — From OMGUS Letter AG 010.6 (PD), May 23.

Overseas Tours

Overseas tours of enlisted men serving in EUCOM in grades five, six or seven (private first class, private and recruit), who are not specialists in certain fields, may be shortened by periods up to 24 months. The authority to decrease the terms of duty was granted in order to help reduce the current overstrength of some units assigned to the European Command. Men returned to the United States before the expiration date of their overseas tours will be reassigned to duty in the United States or in another command. — From EUCOM announcement.

Payments for Imports

German importers must make Deutsche-mark payments for the full value of centrally procured GARIOA and Marshall Plan goods before receiving physical possession of the material. Previously, the German importer could, if he so desired, arrange financing by means of promissory notes.

Where control of the goods is transferred to an Aussenhandelsstelle, Einfuhrkontor or official governmental organization for distribution to the German economy, the goods will only be released by JEIA on evidence that Deutsche-mark payment has been made to the Bank Deutscher Laender. These agencies, in turn, may only release goods to third parties against evidence provided by a German bank that appropriate DM financing has been arranged.

The new procedure, outlined in an amendment to JEIA Instruction No. 3, does not apply to decentralized imports, i. e. those procured under regulations established by the Import Advisory Committee. Under IAC procedure, the individual importer arranges

payment terms in accordance with prevailing customs of the trade. — From JEIA announcement.

Foreign Agents Accounts

Shipping agents operating in Germany may now open and maintain bank accounts for their foreign principals. Such accounts, known as agents accounts, will enable ships' agents, brokers, freight forwarders and transport agents to effect payment for pilotage, towage, port dues and other operational charges.

Shipping agents will also be permitted to pay out cash amounts in Deutsche-marks for shore money of ships crews and for ships husbandry.

These agents accounts must be established in an Aussenhandelsbank (Foreign Exchange Bank) and will be maintained in Deutsche-marks only, although agents are permitted, without special permission, to transfer amounts to their foreign principals in the appropriate foreign currency. Such transfers, however, can only be made to firms in the United States, Canada and countries with which Germany has payments agreements.

German exporters and importers may pay amounts due for freight and other charges directly into such accounts through the medium of their own Aussenhandelsbanken.

These banking facilities are available to German shipping agents and non-German agents of foreign companies operating in Germany, providing the companies are located in countries which allow reciprocal facilities to German shipping. The agents accounts are not subject to the provisions of MG Laws No. 52 (Blocking and Control of Property) and 53 (Foreign Exchange Control). — From JEIA announcement.

Border Crossing Points

International boundary crossing points that US, Allied and neutral occupation personnel must use when entering or leaving Germany, across the international border of the French area of control in Germany, were listed by EUCOM Headquarters.

Border inspection and customs officials are on duty at railroad stations when international trains are scheduled to arrive or depart. "Permanent" border stations on highways were open 24 hours a day, while those designated as "semi-permanent" are open between 6 a.m. and 10 p.m. in summer time, and 6 a.m. and 8 p.m. in winter.

The locations of the international boundary crossing points from French occupied ter-

ritory, are as follows:

Between Germany and Austria—Lindau station for rail passenger; and Lindau—Ziegelhaus for motorists (semi-permanent).

Between Germany and Switzerland—train travelers will use the Singen or Badoise de Bale stations. Motorists must cross at Constance—Kreuzingen (permanent), Bietingen (semi-permanent), Neuhaus—Bargen (permanent), Lorrach—Stetten (semi-permanent), or Weil—Otterbach (permanent).

Between Germany and France—rail travelers will cross at the Neuenbourg, Kehl or Worth stations. Motorist may enter or leave via the Huningue or Plittersdorf Ferries (customs officials will be on duty during the hours the ferry operates; or on highway on the Brisach route (permanent), Kehl South (semi-permanent), Kehl East (permanent), or the Schweigen route (permanent).

Between Germany and the Saar District—train passengers will use the Zweibrücken (Einod), Bruchmühlbach (Hombourg), Neubrucke (Turkismühle), Saarebourg (Saarholzbach) or Wincheringen (Nennig) railroad stations. Highway check points are on the Zweibrücken (Einod) route (semi-permanent), Vogelbach (Eidhelcheid) route (permanent), Neubrucke (Neufelden) route (permanent), or Paren (Nennig) route (semi-permanent).

When entering or leaving the British and French Zones across the international frontiers of Germany, EUCOM Occupation personnel are required to comply with all customs inspections and border controls as may be required by the British or French occupation authorities. They also are subject to EUCOM import and export restrictions (such as those on tobacco and foreign currencies).

Transfer to Air Corps

Officers of the EUCOM Army Medical Department and Corps of Chaplains must indicate before July 1 whether or not they wish to transfer to the medical or chaplain departments now being established for the Air Force.

The Secretary of Defense recently approved separate medical and chaplain departments for the army and the air force, and personnel necessary to meet the requirements of the air force in the new departments may be transferred on a voluntary basis from the army. The transfers will be completed by July 26.

At the present time, the transfer of enlisted men and women of the Army Medical Department will be limited to special category army personnel, who are on special duty with the Air Force. — From EUCOM announcement.

QUESTIONS and ANSWERS



Why must we export coal and lumber to such countries as France and England while such commodities are greatly needed for German reconstruction?

A reasonable living standard can be regained by the Bizonal population only if the Bizone succeeds in pushing its exports to about \$3,000,000,000 per year. This roughly would balance the country's import requirements in foods, industrial raw materials and capital equipment. Such an export figure, however, can only be attained if every conceivable exportable product is thrown on the scales.

Coal has always been a major item among Germany's exports, but some timber was normally imported to fill the country's needs without depleting its forest reserves. Present timber exports are obviously at the expense of the country's standing timber resources, but are justified by the unavailability of this product elsewhere and the need for it in countries affected by the war with Germany. However, both timber and coal exports are paid for in dollars which accrue to the Bizone and are essential to its economic rehabilitation. Moreover, the ERP provides for an early return to sound forestry management, with timber exports to be entirely eliminated within a few years.

It has been the policy of the Military Governments to assure that enough coal is retained in the Bizone to meet its requirements, and strenuous efforts are being made to curb wasteful usage of coal within the German economy. (OEA-OMGUS)

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What is the function of IARA and is the Soviet Union represented in this agency?

IARA (Inter-Allied Reparation Agency) is located at Brussels and is made up of representatives of each of 19 countries which receive reparations under the Act of Paris signed in late 1945. Reparations to be removed from the three western zones of Germany for allocation to the Western governments are reported to IARA, which sub-allocates all such

reparations among the 19 member governments in accordance with the provisions stipulated in the Act of Paris. IARA also acts as the medium through which these governments receive information concerning, and express their wishes in regard to, items available as reparations. The agency also deals with questions relating to German assets located in each of the member countries.

The Soviet Union is not a member of IARA, nor is it represented therein. (PD-OMGUS)

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What is the outstanding public health problem in Germany today?

Tuberculosis remains the major public health problem. Although the incidence of infectious cases is now on the decrease, existing hospital facilities in the US zone are inadequate to care for those suffering from this disease. Shortage of building materials for new hospitals is a further deterrent to an improvement in the situation. In Berlin alone 8,800 hospital beds are lacking. (CAD-OMGUS)

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What are "duress" properties and how are they protected?

"Duress" properties are those which have been the subject of transfer under duress, wrongful acts of confiscation or other improper means. Such transactions may be voided pursuant to Military Government Law No. 59, the Restitution Law.

These properties have been placed under control by MG to protect them pending their release to the former rightful owners or to their successors in interest. During this interim period,

In this section are printed the best and most repeated questions and answers which are forwarded to the Information Bulletin. Questions, especially those addressed by Germans to occupational personnel, may be sent to the Editor, and the competent authority on the subject will be requested to prepare the reply. The questions must be confined to the sphere of US Military Government or affiliated activities in Germany.

such properties carry on their normal operations and functions or uses under control of a custodian. Custody is maintained until the conclusion of an amicable settlement or final adjudication by the restitution authorities in accordance with MG Law No. 59. The law provides for hearings before the German restitution agencies and restitution chambers (Landgerichte), with a right of appeal to the Civil Courts of Appeal (Oberlandesgerichte) or to the Board of Review, which is composed of American judges. (PD-OMGUS)

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German motor car production cannot meet the demand of the domestic and export market. Why does not JEIA permit essential German users to purchase foreign automobiles which are for sale by German dealers?

Because the foreign exchange available to Germany is required for articles of higher priority than motor cars. These cars would have to be paid for in foreign exchange which, at the present time, can be better used to purchase food and industrial materials. German agents of foreign automobile manufacturers, therefore, at the moment sell only to Allied personnel for US dollars or other acceptable foreign exchange. (JEIA)

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A business man is already in Germany and wishes to arrange a tour with a German travel bureau. Can he do so and make payment in dollars?

Yes. There are two German travel organizations, which can do this: The Deutsche Reisebuero and the Deutsche Touring-Gesellschaft. Both of these agencies have offices in nearly every large German city and most of the popular tourist spots. (JEIA)

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Is anything being done to restore the famous mineral bath centers of Germany?

Yes. In many of the spa areas, the military authorities have derequisitioned the facilities and the premises are being put into condition for tourists as fast as we are able to get materials. (JEIA)